



PROTECTING WORKERS

# ESTABLISHING FAIR RECRUITMENT PROCESSES

11 – 15 NOVEMBER 2019  
LA ANTIGUA, GUATEMALA

*Information Note*



## CONTEXT

In today's globalized economy, workers are increasingly looking for job opportunities beyond their home country in search of decent work and better livelihoods. In addition, millions of workers migrate internally in search of employment. Public and private employment agencies, when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers.

While some cross-border recruitment is facilitated by public employment services (within the framework of bilateral agreements that incorporate arrangements for temporary worker programmes), and social and informal networks, private employment agencies and other labour recruiters play an increasing role in matching labour demand and supply across borders.

However, concerns have been raised about the growing role of unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework that prey especially on low-skilled workers and those desperately searching for work. Reported abuses involve one or more of the following: deception about the nature and conditions of work; retention of passports; illegal wage deductions; debt bondage linked to the repayment of recruitment fees; and threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country. A combination of these abuses can eventually result in human trafficking and forced labour which in turn are often linked to other serious infringements of fundamental rights in the workplace. Despite the existence of international labour standards relating to recruitment, national laws and their enforcement often fall short of protecting the rights of workers.

Workers are vulnerable to abusive recruitment practices especially when they are seeking jobs in an environment of high unemployment, when fleeing crisis situations like wars or disasters, or when there is intense competition for jobs and they are not protected by transparent laws and effective enforcement.

These problems are even more severe when governments have not laid down clear requirements in law and regulations for fair recruitment, adopted bilateral or multilateral agreements to prevent abuses in major recruitment corridors, or when they lack the capacity to enforce the law. A lack of appropriate government regulation and oversight often creates commercial uncertainties, and adds to the costs of doing business.

## FACTS AND FIGURES

- According to the latest estimates (2018) there are 258 million international migrants of which 164 are migrant workers. This represents a 9% increase over the previous period. Of this number, 58 % are male and 42 % are female. Most are migrating in search for decent employment and better livelihoods.
- 65.6 million persons are forcibly displaced by persecution, conflict-situations, poverty and environmental or climactic impacts.
- 24.9 million people are in forced labour and trafficked globally . Of the total, 25% have been abused outside their home country.
- Migrant workers who borrow money from third parties face a heightened risk of being in forced labour.

As a result, the recruitment intermediation landscape today is complex, owing to the fragmented global governance system of labour migration and the large number of actors involved: from private employment agencies to the multiple levels of subagents, to whom work is passed by the principal agencies. The revenues generated by the industry come from fees charged for temporary staffing, search and placement and corporate training services.

In response to those challenges, the International Labour Organization (ILO) launched in 2014 a global initiative the **“Fair Recruitment Initiative”** and adopted in 2016 the **General principles and operational guidelines for fair recruitment**. The latter has been expanded in 2018 to include a [comprehensive definition of recruitment fees and related costs](#). The ILO is also implementing a number of technical cooperation projects in this area among which [REFRAME](#) and [FAIR](#).

## WHAT IS THE “FAIR RECRUITMENT INITIATIVE”?

In his report to the 2014 International Labour Conference<sup>1</sup>, the Director General called for an ILO agenda for fair migration and emphasised the growing concern about abusive and fraudulent recruitment practices affecting migrant workers.

In response to those challenges, the ILO launched a global “Fair Recruitment Initiative”

### Its objectives:

- Help prevent human trafficking and forced labour;
- protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process (including pre-selection, selection, transportation, placement and safe return);
- reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination.

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<sup>1</sup> Fair migration: Setting an ILO agenda, ILO 2014.

**Its approach:**

This multi-stakeholder initiative is implemented in close collaboration with governments, representative of employers' and workers' organizations, the private sector and other key partners. It is based on a four-pronged approach, which puts social dialogue at the centre:

- Enhancing global knowledge on national and international recruitment practices
- Improving laws, policies and enforcement to promote fair recruitment
- Promoting fair business practices
- Empowering and protecting workers

**Its partners:**

ILO social partners and their affiliates play a central role in the design and implementation of this initiative, including the International Trade Union Confederation (ITUC) and its affiliates, and the International Organisation of Employers (IOE) and its affiliates, in particular the World Employment Confederation (WEC).

ILO's Fair Recruitment Initiative is also closely coordinated with the Global Migration Group (GMG) and the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) agencies, in particular IOM, World Bank, OHCHR and UNODC.

The initiative is currently supported by the UK Government (Department for International Development), the US Government (State Department and Department of Labor) and the Canadian Government (Foreign Affairs, Trade and Development Canada).

The objective of these principles and guidelines is to inform the current and future work of the ILO and of other organizations, national legislatures, and social partners on promoting and ensuring fair recruitment. They are derived from a number of sources, including international labour standards and ILO instruments among others.

Thus, the ILO will play its role in providing capacity building and technical assistance to its constituents in promoting fair recruitment and ensuring that recruitment and placement services respect workers' fundamental principles and rights, including those of migrant workers.

This course is a direct answer to the acknowledged need to reinforce the capacities of the ILO constituents and other key actors.

## OBJECTIVES

By the end of the course, participants will be able to:

- Appreciate the relevant international labour standards as well as the General principles and operational guidelines for fair recruitment;
- Understand the economic determinants of informal/formal recruitment and measurement of recruitment costs;

- Analyse alternative options to private employment agencies, including via public employment agencies, workers' cooperatives and directly through accredited employers, with tripartite and bipartite supervision;
- Share good practices of laws, policies and enforcement mechanisms, including a compilation of regulatory and enforcement models that have demonstrated a measurable impact in reducing human trafficking and irregular migration;
- Understand the needs to protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process;
- Provide some tools to help in the prevention of human trafficking and forced labour

## CONTENT

- International binding and non-binding instruments promoting Fair recruitment (including the General principles and operational guidelines)
- Policies and enforcement to promote fair recruitment
- Legislation to regulate recruitment, including licensing and monitoring mechanisms, complaints mechanism and effective access to remedies
- The different recruitment processes including recruitment through private and public agencies and bilateral labour agreements
- The impact of fair recruitment on the global supply chain
- The nexus between unfair recruitment, trafficking and forced labour
- Recruitment and costs of labour migration
- Fair Business practices
- The role of social dialogue in the recruitment processes

## TARGET GROUP

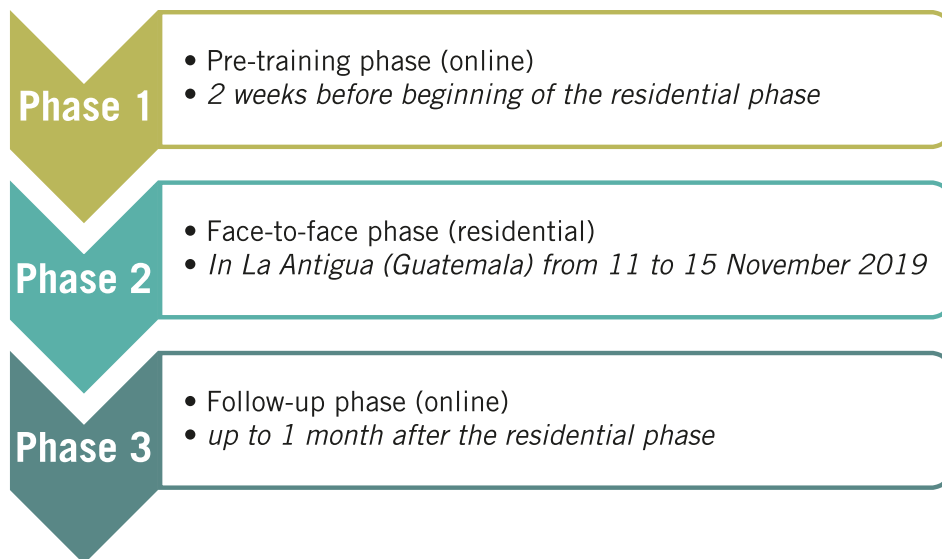
The course is designed for:

- Officials, policy-makers and practitioners of public institutions and ministries dealing with migration, trafficking and/or forced labour;
- representatives of workers' and employers' organizations;
- representatives of public and private employment agencies;
- staff of NGOs and civil society organizations;
- experts and civil servants from international agencies;
- other key actors engaged in these issues.

## METHODOLOGY

The ITC promotes a three-phase approach in its learning activities:

- **Pre-training phase** (online platform): two weeks before the Face-to-face (residential) phase, during which participants can access initial information on the course content and follow an introductory module.
- **Face-to-face phase** (residential) which combines lectures and discussions, as well as case studies, role-play exercises and group work.
- **Follow-up phase** (online platform), during which participants can access course material, as well as new resources online, and can continue the discussion and consultation with other participants and experts via the internet through the Forum discussion of the online platform.



## DURING THE COURSE

- An action-oriented, highly participative approach will be used, with particular attention devoted to sharing international experiences with a view to their adaptation and practical application.
- Training methods will combine lectures and discussions, case studies, open space debates, role-play exercises and group work using up-to-date learning methods and technologies.
- Particular attention will be paid to the presentation of “good practices” through case studies reflecting experiences already gained locally and internationally.

## LANGUAGES OF THE COURSE

English and Spanish

## DATES OF THE COURSE

11-15 November 2019

## COURSE VENUE

Centro de Formación de la Cooperación Española, La Antigua, Guatemala

## COST OF PARTICIPATION

The fee to attend the course is **2,075** Euro (1,250 for Tuition, 825 subsistence). The course fee **does not include** dinners, transportation costs to and from the venue, airfare and all other travel related costs.

The course fee is payable in advance. It covers: tuition fees; the use of training facilities and support services; training materials and books; lunch and coffee breaks, emergency medical care and insurance.

For information regarding payment, cancellation and refunds, please consult:

<https://bit.ly/2KI4uQm>

## APPLICATION

Applicants should complete the online nomination form **no later than 18 October 2019**, supported by a nomination letter from the sponsoring institution indicating how the participant will be financed.

To apply: <https://bit.ly/2yFjLob>





Centro de Formación de la Cooperación Española, La Antigua, Guatemala.

## INFO

**FOR FURTHER INFORMATION  
PLEASE CONTACT**

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