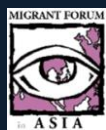


Recruitment ‘Fees’ & Migrants’ Rights Violations

Open Working Group on Labour Migration & Recruitment

Policy Brief #1

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Issue

Across regions and national contexts, a familiar feature of labour migration is the charging and collection of fees from migrant workers by recruitment agencies and their sub-agents. For the sake of clarity, we refer to fees charged to workers “recruitment fees,” but it is important to note that this term needs to be deconstructed to unmask what often amounts to a labour rights violation.

Justifications for fees vary in different contexts, although they are generally billed as fee-for-service payments for the recruiter to source job opportunities and provide assistance with migration-related documents. While the collection of such fees from employers seems a legitimate and expected practice for businesses engaging in this area of work, the overall governance of migrant labour recruitment (or lack thereof) opens spaces for the charging of significant and unauthorized fees to workers. This practice results in considerable exploitation and financial hardship for workers.

Migrant labour recruitment is dominated by private for-profit recruitment agencies that play an intermediary function, linking employers in countries of destination with potential migrant recruits in countries of origin. Recruiters are often based in the major cities of countries of origin. They work with sub-agents—sometimes returnee migrant workers who can attest to positive migration experiences—to recruit potential employees from villages in remote areas.

In some contexts, recruitment agencies in countries of origin may also have relationships with employment agencies in countries of destination that work directly with the employers, adding a further layer of actors to the recruitment process. Often, recruited migrant workers will meet their employers for the first time at their workplace.

This complicated set of relationships provides ample opportunity for profit and exploitation at each junction of the process.

- Employers aim to reduce costs by keeping labour costs low, passing recruitment expenses along to the worker;
- Recruitment agencies compete with each other and seek to present the lowest bids to employers, passing recruitment costs to the worker to keep their fees to employers low;
- Employment agencies in countries of destination often demand a commission from recruitment agencies in countries of origin, which gets passed along to the worker;
- Destination and origin country agencies profit from the fees-for-service they extract from employers and from migrant workers;
- Sub-agents often extract additional unauthorized fees from prospective migrants, as their activities are notoriously difficult to regulate.

Add to this system the low education and literacy levels among low-skilled migrant workers, the position of trust sub-agents occupy as the prospective migrant's link to the promise of lucrative employment, and the desperation of many workers to secure jobs abroad, and it is easy to see where and how recruitment fees can become excessive.

Recruitment Fee Structures

The amounts workers pay for their job placements vary across countries of origin and destination and also depend on the type of work they will undertake. The biggest determinant of the amount workers will pay to secure their job placements is anticipated wages. Migrant workers headed for countries in which the minimum wage is higher tend

to pay higher fees. Likewise, the higher the wage promised by the recruiter, the more they are likely to be willing to pay to secure a placement.

Based on estimates of members of the Open Working Group through their direct service with migrant workers and their families in countries of origin and destination, we have compiled the following matrix of approximate fees paid by workers of different countries of origin to specific regions or countries of destination. Note that many of the fee estimates provided do not cover visas, passports, or airfares—additional costs often borne by migrant workers even as many visa programs mandate that employers pay these costs. All figures are provided in US dollars for ease of comparison.

Destination	Origin	Approximate Fees
Gulf Countries (region)	India	\$1,000 - \$3,000
	Nepal	\$1,000 - \$3,000
Qatar	Nepal	\$2,000
Bahrain	Bangladesh	\$2,500 - \$5,000
	India (domestic workers)	Rarely pay fees
	Sri Lanka (domestic workers)	Rarely pay fees
	Kenya (domestic workers)	\$265 - \$795
	Uganda (domestic workers)	\$265 - \$795
	Ghana (domestic workers)	\$265 - \$795
Singapore	India	\$3,900 - \$4,700
	Bangladesh	\$5,560
	China	\$2,330 - \$6,500
	Philippines	\$2,680
	Indonesia	\$2,680
	Myanmar	\$2,760
Malaysia	Nepal	\$1,200 - \$1,800
Taiwan	Indonesia (domestic workers)	\$3,000
	Indonesia (factory workers)	\$4,300 - \$5,300
	Philippines (domestic workers)	\$1,400
	Philippines (factory workers)	\$1,300 - \$3,200
	Thailand (factory workers)	\$2,000 - \$2,700
	Vietnam (nursing home workers)	\$4,000 - \$5,000
	Vietnam (factory workers)	\$4,000 - \$7,000
South Korea ¹	Philippines	\$551.80
	Mongolia	\$674

¹ Source: Ministry of Labour Data submitted to the National Assembly for Audits of the Government Offices, 2013. The South Korean figures include the following costs: Korean Language test, health check-up, job application, passport, visa, pre-departure orientation, airfare (tax), and undefined miscellaneous costs.

	Sri Lanka	\$1,108
	Vietnam	\$788.40
	Thailand	\$685
	Indonesia	\$932
	Uzbekistan	\$904
	Pakistan	\$1,749.70
	Cambodia	\$991
	Bangladesh	\$907.70
	Kyrgyzstan	\$730
	Nepal	\$930.70
	Myanmar	\$889
	China	\$787.89
	Timor Leste	\$810
USA	Mexico ² (H-2A/B visas)	\$590
	Guatemala ³ (forestry workers)	\$2,000
	Peru ⁴ (Hurricane Katrina reconstruction)	\$3,500 - \$5,000
	Bolivia ⁵ (Hurricane Katrina reconstruction)	\$3,500 - \$5,000
	Dominican Republic ⁶ (Hurricane Katrina reconstruction)	\$3,500 - \$5,000
	Unspecified countries ⁷ (teachers)	\$3,000 - \$13,000
	Philippines ⁸ (teachers)	\$3,000 - \$8,000
	Philippines (high-wage workers)	\$3,000 - \$15,000
Canada	India (high-wage workers)	\$3,000 - \$15,000
	Unspecified countries ⁹ (live-in caregivers)	\$3,000 - \$12,000
	Guatemala ¹⁰ (agriculture)	\$1,350 - \$2,500
	Philippines ¹¹ (food processing)	\$7,000

² Centro de los Derechos del Migrante Inc., “Recruitment Revealed,” p. 16. Average based on CDM survey of 220 Mexican migrant workers.

³ Southern Poverty Law Centre, “Close to Slavery: Guestworker Programs in the United States,” p. 10. Recruitment fees reported by Guatemalan clients of the SPLC.

⁴ Southern Poverty Law Centre, “Close to Slavery: Guestworker Programs in the United States,” p. 12

⁵ Ibid.

⁶ Ibid.

⁷ American Federation of Teachers, “Importing Educators: Causes and Consequences of International Teacher Recruitment,” p. 15

⁸ American Federation of Teachers, “Importing Educators: Causes and Consequences of International Teacher Recruitment,” p. 15

⁹ Faraday, “Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers,” p. 33

¹⁰ Ibid.

¹¹ Ibid.

A report by Verité indicates that recruitment costs can make up as much as 62% of a worker's anticipated wages.¹² To secure the necessary funds, migrant workers turn to a number of sources. Many sell their assets or the assets of their families (jewelry, land, dowries, etc.), while others borrow from money-lenders at high interest rates or from friends or family. Borrowing money from usurious money-lenders is commonplace, and there are often links between the sub-agents who recruit migrants at the village level and the money-lenders who also profit from labour migration. In addition to extremely high interest rates charged by lenders, migrant workers are often subject to threats, intimidation, and physical violence in the recovery of these loans.

Where credit is not readily available or is cost prohibitive, arrangements are often made between recruitment agencies and employers such that the migrant worker's salary is subject to automatic deductions until the recruitment fees are recovered. However, they may still be charged at levels comparable to that charged by money-lenders, sometimes without realizing that this is the case. Those working with migrant workers in countries of destination report that it can take migrant workers anywhere from 5 months to 2 years to repay their loans, and they often return home having earned much less than anticipated or promised.

Some origin country governments have experimented with low-interest loan programs for migrant workers. In the case of Bangladesh, "The bank aims to provide loans to migrants to cover pre-departure costs, establish branches in countries with Bangladeshi workers to channel remittances to Bangladesh, and provide loans to returned migrants to help them to establish

¹² Marie Apostol, Fair Hiring Initiative / Presentation, "Ethical Recruitment," Regional Conference on Recruitment Reform, 17 December 2014, Amman, Jordan.

businesses in Bangladesh."¹³ The maximum pre-departure loan is set at the maximum recruitment fee, and the bank collects repayments from loan guarantors who remain in Bangladesh rather than from the migrants while they are abroad. The Philippine government suspended its loan program in 2008, as the repayment rate was too low (30%).¹⁴ Sri Lanka¹⁵ and Nepal¹⁶ are also among the Asian countries that have experimented with such programs. While these loan programs can be seen as an attempt to reduce the cost of migration for migrant workers, they also reinforce a system wherein migrant workers go into debt to secure work abroad. Indeed, many still revert to private lenders, as recruiters demand more than state-mandated maximum fees.

False Promises & Contract Substitution

Given the number of actors involved in the job placement process, there are multiple opportunities for false or confusing information to be passed along to the migrant worker. Open Working Group members have documented multiple cases of migrant workers arriving in their country of destination, only to find out that the recruiter or sub-agent in their country of origin had misled them about their work placement or had failed to pay the commission charged by the destination country employment agency, finding themselves jobless and unsupported. In other cases, workers have signed one contract but are asked to sign a revised contract on arrival, often with far less favourable employment conditions. In such cases, workers have paid considerable sums or have

¹³ Migration News, "South Asia/Middle East." Retrieved from

<https://migration.ucdavis.edu/mn/more.php?id=3720>

¹⁴ Martin, "Reducing the Cost Burden for Migrant Workers: A Market-based Approach," p.4

¹⁵ Ibid.

¹⁶ Verité, "Labor Brokerage and Trafficking of Nepali Migrant Workers," p. 38

taken on debt, only to end up in an irregular migration situation and with little recourse.

Many migrants' rights violations, including debt bondage resulting from recruitment fees, can stem from a lack of information on the part of workers with respect to the domestic and international laws governing labour migration. Some countries have implemented restrictions on recruitment fees and have set up government-to-government recruitment arrangements to bypass private recruiters altogether. However, even in the best of systems, without adequate information to guide them it is unsurprising that migrant workers can be manipulated by false promises and end up owing money to unscrupulous agents. In addition, even when workers are aware of their rights they often choose to pay to migrate anyways—the dominance of fee-charging recruitment agencies in the market makes this practice the norm.

Corruption & Lack of Regulation

Recruiters are often politically influential and, in some cases, operate in collusion with government officials. In part due to their ability to influence labour migration policy, combined with pervasive gaps in laws and enforcement mechanisms to regulate their activities, unscrupulous recruiters are able to use the system to their advantage at the expense of migrant worker rights. In many national contexts, powerful private recruitment and employment agencies seem to have better access to government officials than civil society organizations and trade unions that advocate for the rights of migrant workers.

Calls for enhanced regulation and government oversight of the entire recruitment process, including recruitment fees, are often met with the response that governments are under-resourced to pursue recruiters that engage in illegal practices. Governments tend to be ill prepared to

monitor and ensure compliance with the regulations they set and to combat corruption in the system. Further, there is often a lack of policy coherence between origin and destination countries.

Some countries have banned or put limits on the charging of recruitment fees. However, as a result of unchecked corruption in the system, prospective migrants continue to be charged. These fees are a form of extortion. Ray Jureidini's comprehensive study of migrant labour recruitment to Qatar reports evidence of "kickback bribes" by recruitment agencies in countries of origin:¹⁷

These kickback payments range from \$200-\$600 per person, or more. Agencies often cover the costs of Qatari company personnel traveling to the sending countries for trade skill testing, including hotel charges, food, "entertainment" and sometimes airfares. These extra "recruitment costs" are built into the "recruitment fees" unwittingly borne by the low-skilled migrant workers, not the skilled and professional personnel who are fewer in number and usually pay negligible fees, or nothing. Government recruitment agencies do not seem to be implicated in the kind of opportunism described above, but overall there is a serious lack of control and transparency in recruitment financing.

This kind of corruption and collusion, combined with a lack of enforcement of existing regulations, creates an environment in which the violation of migrants' rights is commonplace.

Analysis

Recruitment Fees as a Mechanism of Control

Motivated by profit and in competition with one another, recruitment agencies are

¹⁷ Jureidini, R. (2014) "Migrant Labour Recruitment to Qatar." p. xi.

incentivized to recruit as many migrant workers as they can at the lowest cost, often overlooking abuses in the process.

Recruitment agencies and sub-agents compete for territory — i.e., they vie for power in local communities and control who gets access to job opportunities abroad. Prospective migrant workers are often of the view that the more money they pay, the better their chances of securing a higher quality job placement. Open Working Group members express concern that recruiters manipulate prospective migrant workers, encouraging them to take employment opportunities abroad for the sake of the fees they can collect for recruitment.

In some contexts, migrant workers are required to pay recruitment fees before receiving their written contract. In such cases, migrant workers can feel compelled to sign unfavourable contracts reflecting different terms than they had agreed to verbally, which are ultimately the contracts approved by the government for the issuance of their work visas. Deception, contract substitution, and debt are all indicators of forced labour.

The debt bondage to which many migrant workers are subjected leaves them with few options. Lack of access to information about their rights and effective means of asserting those rights—e.g., access to safe and transparent migration channels with appropriate government oversight, access to legal assistance and redress mechanisms—impede the ability of migrant workers to speak out against unfair or illegal treatment and abuse. Under these conditions and with so little government oversight, unscrupulous recruiters and employers thrive and act with impunity.

Employer-Tied Visa Regimes

In most countries of destination, migrant workers from the Global South are subject to specific restrictions associated with their

temporary work and residency status. In some cases, visa requirements restrict migrant workers to specific employers, making it extremely difficult (in some cases impossible) for workers to change jobs or renegotiate the terms of their employment contracts.

Under such systems, there are few protections for workers to prevent employers from firing them for asserting their workplace rights, like citing workplace safety concerns or organizing with coworkers to improve working conditions or receive back wages. Without employment, migrant workers are subject to deportation. In such cases, the employer has the de facto power of an immigration enforcement agent, while the worker has very little access to justice and may work for months to return home with nothing.

Critique

Neoliberalism and the Privatization of Migrant Labour Recruitment

Migrant labour recruitment has, in many ways, ceased to be an immigration issue and has become a big business. The issue of recruitment fees emerged with the introduction of private recruiters to fill wealthy countries' insatiable demand for the circulation of cheap labour. In pioneering countries of destination in Europe and North America (post-WWII), governments struck government-to-government (G-to-G) agreements overseeing recruitment, worker contracts, and labour law compliance, and recruitment costs were borne by employers.¹⁸ The reliance on such systems institutionalized a demand for low-skilled migrant workers and created global systems of circular flows of workers who, as non-citizens in countries of destination, could not

¹⁸ Karl Flecker, Take the Initiative Consulting. Contribution to online discussion: RecruitmentReform.org/Forum

fully participate in the countries in which they live and work.

As temporary labour migration programs grew and the neoliberal paradigm took hold, governments scaled back their oversight functions, leaving the door open for the private sector to fill the gap—a system that has now become institutionalized and extremely difficult to regulate. Today, we see some attempts to return to a G-to-G recruitment model (e.g., South Korea’s Employment Permit System, recent G-to-G agreements signed by Bangladesh with Malaysia and Saudi Arabia, among others). However, such agreements are far from perfect in terms of protecting migrants’ rights, providing appropriate monitoring mechanisms, and have, in some cases, failed to eliminate the intervention of private sector profiteers. G-to-G recruitment continues the system of labour commodification that has become the normal practice in countries of origin and destination.

No Migrant Workers Should Have to Pay to Secure Decent Work

Eliminating recruitment fees for workers is necessary to alleviate the problems of debt bondage and forced labour for migrant workers. To achieve zero fees for workers, clarity with respect to what constitute “recruitment fees” is required. A working definition, proposed by Fair Hiring Inc., an ethical recruitment agency in the Philippines, is to consider any costs incurred prior to a job offer as the responsibility of the worker. Such costs could include professional training courses undertaken to qualify the worker for the job to which he or she is applying, required medical exams, and personal identity documents (e.g., passports and visas). Once hired, any costs incurred should be borne by the employer. These costs could include fees charged by the recruiter for his or her services, airfare, and accommodations. The pre- and post-hiring

dividing line may serve as a useful guideline for workers to determine the difference between legitimate and illegitimate fees.

However, this definition is not without controversy. Some visa programs in the US, Canada, and elsewhere have higher standards already, demanding that employers pay for worker visas. In some cases, migrant workers are recruited before jobs are actually available and are forced to wait until a job opportunity opens up (sometimes referred to as ‘warehousing’). This results in undocumented status and puts workers at considerable risk in their country of destination. Where employers are mandated to shoulder the costs of recruitment the ‘warehousing’ phenomenon is limited, as such arrangements necessitate that an employer actually exist before the worker can be recruited.

In addition, migrants’ rights advocates in the US express concern about employer reprisals in the form of breach of contract lawsuits to recover the fees they pay in the case that the migrant worker ends his or her employment relationship early.¹⁹ States should ban so-called “contract breach fees,” which are common in industries like healthcare and education. While these fees are not charged to workers at the front-end of the recruitment process, they similarly hold workers in captive employment and potentially forced labour through the threat of high fees and debt if a worker leaves before the end of his or her contract.

The practice of fee-charging is embedded and accepted in the recruitment process. Prospective migrants who encounter ethical recruiters promising to send them abroad without fees are often sceptical and expect that they are being duped in some way. Governments of origin and destination countries must take a firm zero-fees for workers stance, with appropriate monitoring

¹⁹ Charlie Fanning, AFL-CIO — Contribution to online discussion, RecruitmentReform.org/Forum

mechanisms and harsh sanctions for those who violate this rule. The no-fees for workers model must be normalized, such that migrant workers come to expect no-fee services from recruiters.

Recruitment Fees to be Paid by Employers

If employers seek out the services of a recruiter to source employees, it makes sense that they should pay for this service. In many cases such arrangements are already in place, as recruiters often charge both the employer and the worker for their services. Rather than charging the workers, employers should be responsible for costs associated with any services rendered by recruitment agencies.

A barrier to the establishment of a strictly ‘employer pays’ model is the political power of recruiters (as discussed above) and the structure of profit incentives. If recruiters were only allowed to charge employers for their services, they would compete with one another for access to a limited number of clients, which would drive the fees down. Charging workers gives recruiters access to a seemingly unlimited demand for their services, enabling them to charge more. Workers are often willing to make significant investments in job opportunities abroad and to take on debt to do so—the same cannot be said for employers. Thus, political support for an employer-pays model is likely to meet with considerable resistance from employers and recruiters alike.

As the following reflection from the US illustrates, employers and recruitment agencies often argue that workers *should* pay fees to ensure they are invested in their work: “Past efforts to shift costs to employers have faced fierce employer opposition. Employers state that workers will use the visa to enter the U.S. then abandon the work site. ... The belief is that if workers pay to

get the job, they will stay at that job.”²⁰ However, there is no concrete evidence to support such a claim.²¹

Migrants’ rights advocates in the Middle East and GCC countries have called attention to a potential danger in the “employer-pays” model without regulations to govern these fees. Employers in this region argue that the recruitment fees they pay are very high, particularly for the hiring of domestic workers. In paying such high fees, “...they feel that own their employee.”²² This can lead to exploitation and rights violations in the workplace, including attempts by employers to recover the fees they incur by withholding workers’ salaries.

However, there is nothing in today’s age that should make an employer think that if he or she is charged for recruitment services that he or she *owns* the recruited employee. When one pays for a service, one does not own the service provider. For instance, if someone hires an electrician, it is reasonable for the employer to expect quality work and to hold the electrician accountable for the agreed terms of the contract. At no point does the employer come to *own* the electrician, and is therefore acting in bad faith if he or she exerts control over the activities of the electrician and/or fails to live up to his or her contractual obligations in terms of payment or terms. If an ‘ownership’ frame of mind prevails, it must be directly challenged and corrected; policy responses should not pander to such an archaic attitude.

Promising Practices in Regulating Recruitment Fees

Limiting or Abolishing Recruitment Fees

²⁰ Cathleen Caron, Global Workers Justice Alliance – Contribution to online discussion, RecruitmentReform.org/Forum

²¹ Ibid.

²² Vani Saraswathi, Migrant-Rights.org — Contribution to online discussion, RecruitmentReform.org/Forum

Some governments have taken steps to either establish maximum recruitment fees, listing the services for which fees can be legally charged, or have abolished fees altogether. Repercussions for breaking these rules are usually a suspension or cancellation of the recruiter's license and some kind of redress for the affected worker, depending on the details of the legislation, BLA, or MOU. Under such regulations, recruiters are often mandated to disclose, in writing, all fees paid.

Open Working Group members welcome such initiatives; however, many also report that where governments have established regulations of this kind, recruitment agencies continue to overcharge and evade responsibility by providing receipts reflecting only legally permissible fees. As one Open Working Group member states, "The players have been smart to overcome [these regulations]." ²³ Likewise, when employers are charged fees, they often pass these expenses on to workers in the form of salary deductions. These practices are particularly prevalent in contexts in which governments permit some fees and not others, as these systems can be confusing for workers and make it more difficult for them to assert their rights.

Bilateral Agreements & Memoranda of Understanding

Some governments have forged bilateral agreements or non-binding memoranda of understanding to articulate the agreed parameters of migrant labour recruitment, including regulation of recruitment fees. Such agreements can serve as useful advocacy tools for migrant workers, civil society, and trade unions in holding governments and recruitment agencies to account for their actions or inactions.

²³ K.V. Swamy, Overseas Manpower Company AP Ltd (OMCAP) — Contribution to online discussion, RecruitmentReform.org/Forum

However, these agreements do not always adequately address the issue of recruitment fees and tend to be weak in implementation and oversight.²⁴ In addition, migrants' rights advocates in Malaysia point to the regulatory capture that takes place in the drafting of bilateral agreements on labour migration, where recruitment agencies have influenced the government to institute recruitment even when the country has no demand for migrant labour.

E-Migrate Systems

In an effort to cut out the role of the private recruiter altogether, some governments have instituted e-migrate systems whereby all steps throughout the recruitment process are logged in an electronic database and overseen by government agencies in the country of origin. Such systems are in their early stages of development and use, so it remains to be seen how helpful they will be in mitigating corruption and abuse in the recruitment process.

Government Procurement Regulations

Some governments implemented rules to eradicate exploitative labour conditions from their procurement practices. For instance, the US Government's Federal Acquisition Registration (FAR, subpart 22.17) rules stipulate that any and all goods procured by the US federal government must be procured from supply chains that are free of trafficking and forced labour. A cornerstone of this regulation is the requirement that no worker should have paid fees in the recruitment process.²⁵ Such regulations should be examined, strengthened, and replicated in other country contexts.

²⁴ For a full analysis of BLAs and MOUs in regulating migrant labour recruitment, see Migrant Forum in Asia Policy Brief #10 (forthcoming).

²⁵ FAR Subpart 22.17, "Combatting Trafficking in Persons"

Private Sector Ethical Recruitment Initiatives

A small but growing number of recruitment agencies in Asia have come to recognize the deficits in government regulation of recruitment practices, including recruitment fees, and are interested in developing the business case for ethical recruitment. Some ethical recruitment agencies have emerged and are beginning to organize country-level industry associations to undertake self-regulation initiatives. Such associations have set codes of conduct and attempt to ensure transparency in the recruitment process, including the adoption of no-fee policies.

The Open Working Group welcomes the emergence of the ethical recruitment trend. While these associations do not typically have authority over all recruitment agencies in a country, and adherence to codes of conduct is voluntary and difficult to enforce, the development of a business case for rights-respecting practices is recognized as an important initiative. Civil society and ethical recruiter collaboration has the potential to be very effective in advocating with governments to take concrete action on recruitment reform, and to making significant strides in enhancing migrant worker demand for no-fee recruitment.

Recommendations

To address the pervasive problem of recruitment fees, the Open Working Group on Labour Migration & Recruitment urges governments to consider the following recommendations:

Abolish Recruitment Fees for Workers

- Rather than setting maximum fees or establishing confusing fee structures, governments should *abolish all recruitment fees* and costs for workers and vigorously enforce this regulation, including investment in the ministries

tasked with oversight functions.

- No-fee rules should be widely publicized such that migrant workers can make informed decisions and avoid being misled by unscrupulous recruiters and their sub-agents.

Create Enabling Environments for Ethical Recruitment Initiatives

- To support zero-fees for workers regulations, governments must work with civil society, trade unions, and ethical recruiters to create policies that favour and support ethical recruitment practices, biasing the market towards non-fee charging recruiters.

Hold Elected Representatives & Government Officials Accountable

- Where collusion between government officials and recruitment agencies exists, governments must take swift and strong corrective actions; government officials must represent the best interests of migrant workers rather than the powerful business interests of recruitment firms.

Ensure Access to Legal Redress

- Governments must implement mechanisms by which migrant workers can report abuses and seek assistance for redress without fear of reprisal.
- Workers should have the right to stay in and/or return to the destination country legally while pursuing their case. They should be able to pursue legal remedies while outside of the destination country.

Ratify Key International Instruments Protecting Migrants' Rights

Countries of origin and destination should ratify and implement the following international instruments to protect the rights of migrants in the recruitment process, during their work placements, and upon return to their countries of origin:

- International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- ILO Convention 29: Forced Labour Convention (1930)
- ILO Convention 87: Freedom of Association and Protection of the Right to Organize (1948)
- ILO Convention 94: Labour Clauses (Public Contracts) Convention (1949)
- ILO Convention 97: Migration for Employment (Revised) (1949)
- ILO Convention 98: Right to Organize and Collective Bargaining Convention (1949)
- ILO Convention 100: Equal Remuneration Convention (1951)
- ILO Convention 105: Abolition of Forced Labour (1957)
- ILO Convention 111: Discrimination (Employment and Occupation) Convention (1958)
- ILO Convention 138: Minimum Age Convention (1973)
- ILO Convention 143: Migrant Workers (Supplementary Provisions) Convention (1975)
- ILO Convention 151: Labour Relations (Public Service) Convention (1978)
- ILO Convention 181: Private Employment Agencies Convention (1997)
- ILO Convention 182: Worst Forms of Child Labour (1999)
- ILO Convention 189: Decent Work for Domestic Workers (2011)
- ILO Protocol 029: Protocol to the Forced Labour Convention (2014)

References

- Apostol, M. "Ethical Recruitment." Regional Conference on Recruitment Reform, 17 December 2014. Amman, Jordan.
- Centro de los Derechos del Migrante Inc., (2013). "Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change." Retrieved from: http://www.cdmigrante.org/wp-content/uploads/2013/01/Recruitment-Revealed_Fundamental-Flaws-in-the-H-2-Temporary-Worker-Program-and-Recommendations-for-Change.pdf
- Faraday, F. (2014 April), "Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers." *Metcalfe Foundation*. Retrieved from: <http://recruitmentreform.org/wp-content/uploads/2014/06/Action-Profiting-from-the-Precarious.pdf>
- Government of the United States. Acquisitions. FAR Subpart 22.17, "Combatting Trafficking in Persons" Retrieved from: http://www.acquisition.gov/far/html/Subpart%2022_17.html
- Jureidini, R. (2014) "Migrant Labour Recruitment to Qatar." Qatar Foundation. Retrieved from: http://www.qscience.com/userimages/ContentEditor/1404811243939/Migrant_Labour_Recruitment_to_Qatar_Web_Final.pdf
- Martin, P. (2009 August), "Reducing the Cost Burden for Migrant Workers: A Market-based Approach." Retrieved from: <https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=>

0CC4QFjAB&url=https%3A%2F%2Fwww.gfmd.org%2Ffiles%2Fdocuments%2Fgfmd_athe ns09_contr_marti n_reducing_the_cost_burden_for_migrant_workers_en.pdf&ei=IgmwVfa0CI2AygSs7IH4DQ&usg=AFQjCNH dMU4QdYdSdsdUbOayxqt02Mar6Q&sig2=LmDejR6Kj5ge5rPpm1s8PA&bvm=bv.91071109,d.aWw&cad=rja

Migration News (2011 October), "South Asia / Middle East." Vol. 18(4). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3720>

Southern Poverty Law Centre, "Close to Slavery: Guestworker Programs in the United States." Retrieved from: <http://www.splcenter.org/sites/default/files/legacy/pdf/static/SPLCguestworker.pdf>

Verité (2003). "Labor Brokerage and Trafficking of Nepali Migrant Workers." Retrieved from: http://www.verite.org/sites/default/files/images/Humanity%20United-Nepal%20Trafficking%20Report-Final_1.pdf

NO WORKER SHOULD HAVE TO PAY RECRUITMENT FEES TO SECURE DECENT WORK!

Unscrupulous recruiters charge workers **high fees** to connect them with foreign employers. These fees result in **large debts** at **high interest rates**.

To pay their debts, workers accept substandard working and living conditions and are routinely subject to **rights violations**.

Debt bondage and **forced labour** must not be tolerated!

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This policy brief was compiled based on inputs from members of the Open Working Group on Labour Migration and Recruitment through a series of online discussions, conferences, and interviews.

With members from civil society organizations across the world, the Open Working Group is committed to knowledge sharing and collective advocacy to reform migrant labour recruitment practices globally. Building upon years of civil society advocacy on labour migration, human rights, and recruitment reform, the Open Working Group was initiated in May 2014 by Migrant Forum in Asia and the Global Coalition on Migration (GCM) together with other civil society organizations. The Working Group is coordinated by Migrant Forum in Asia and forms part of the Migration and Development Civil Society Network (MADE).

To learn more about the Open Working Group on Labour Migration & Recruitment and its Recruitment Reform Campaign, visit our website: RecruitmentReform.org.