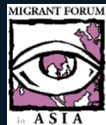


Recruitment Reform Campaign Glossary

Open Working Group on Labour Migration & Recruitment



This project is funded by the European Union.

This participatory glossary was compiled by the Open Working Group on Labour Migration & Recruitment. It provides definitions and usage notes for a number of terms used in the global campaign for [Recruitment Reform](#). It provides clarity on the nuances in terminology used to describe migrant labour recruitment processes and regulation across national contexts. It serves as a starting point for the development of political positions and advocacy efforts to address the serious human and labour rights violations that occur daily in migrant labour recruitment.

This glossary is a living document. Terms are continually being added and existing definitions refined, with updates posted at RecruitmentReform.org/campaign-glossary. We invite you to suggest additions and revisions by emailing us: mfa@mfasia.org.

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BILATERAL AGREEMENT (ON LABOUR MIGRATION)

A legally-binding treaty between a country of origin and a country of destination outlining the agreed terms, principles, and procedures governing labour migration between the two states.

USAGE NOTES: See also [Memorandum of Understanding](#), [Government-to-Government Recruitment](#)

CONTRACT SUBSTITUTION

The practice of changing the terms of employment to which the worker originally agreed upon in writing or verbally. Substituted contracts often include less favourable terms such as lower pay, substandard working / living conditions, a change of worksite or work sector, and are sometimes in violation of the migrant's visa or work permit.

USAGE NOTES: See also [Reprocessing](#)

COUNTRY OF DESTINATION // DESTINATION COUNTRY

The migrant worker's final destination point. The country where the migrant is working. Other commonly used terms: host country, receiving country, country of employment

USAGE NOTES: The term "host country" implies that migrant workers are only welcome as guests and that their stay comes at the expense of the "host society." Migrant communities and migrants' rights advocates recognize that migrant workers make considerable contributions to their countries of destination and have rights to social services like education and healthcare; therefore, they prefer the term "destination country." The use of "host country" mainly comes from a discourse emerging from countries of permanent immigration (i.e., those offering the right of citizenship to migrants) such as Australia, Canada, and the US among others.

Another commonly used term to describe the country of destination is "receiving country." The use of "receiving" implies that migrant workers can be traded (sent and received) like goods. Migrants' rights advocates must be selective in their use of the terms "sending country" and "receiving country." If an advocate wishes to call attention to the commodification of migrant labour, he or she may strategically and selectively choose to use these terms, but when speaking with migrant communities, "country of origin" and "country of destination" would likely be more appropriate.

"Country of employment" or "country of foreign employment" are also used in reference to the destination country. These terms reflect the reason for the migrant worker's migration.

COUNTRY OF ORIGIN // ORIGIN COUNTRY

The country that the migrant worker is originally from. The country where the migration process begins. Other commonly used terms: sending country, home country

USAGE NOTES: "Sending country" is also used, implying that migrant workers can be traded (sent and received) like goods. Migrants' rights advocates must be selective in their use of the terms "sending country" and "receiving country." If an advocate wishes to call attention to the commodification of migrant labour, he or she may strategically and selectively choose to use these terms, but when speaking with migrant communities, "country of origin" and "country of destination" would likely be more appropriate.

Sometimes, “home country” is used in place of “country of origin.” This use reinforces the narrative that migrant workers are only temporary guests rather than full members of the destination country community. Many migrant workers, even after years of living in a country of destination, continue to refer to their country of origin as “home.”

COUNTRY OF TRANSIT // TRANSIT COUNTRY

Country/countries the migrant worker travels through to reach his or her country of destination or upon return.

DEBT BONDAGE // BONDED LABOUR

“...the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined” (Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956)

Debt bondage refers to the use of debt to ensure a person’s continued labour or services. In the case of labour migration, exorbitant recruitment fees are often charged to prospective migrant workers for work in sectors considered to be low-skilled. Debt is often used as a means to control migrant workers while in the country of employment, as workers may be coerced to accept rights violations and unfavourable working conditions to avoid defaulting on their loans and the loss of collateral. When recruiters or sub-agents act as money-lenders fear and intimidation are often used as an added mechanism of control.

USAGE NOTES: Migrant worker rights advocates have argued that government migrant labour programs with [employer-tied visas](#) are a means of enforcing or exacerbating debt bondage, and represent a continuation of historic systems of exploitation that use debt as a means of securing long-term, exploitable labour.

Some advocates argue that “debt bondage” or “bonded labour” should be used to describe situations in which the worker is unlikely to be able to repay his/her loans within his/her working lifetime, rather than shorter-term instances of exploitation as a result of debt. These advocates suggest alternative terms such as “coercion through debt” or “vulnerability through indebtedness” to avoid using terminology that is overly emotive or seen as a tactic to win public sympathy. However, this is largely a strategic choice and the principle remains the same: workers should not be coerced to accept exploitative working conditions as a result of debt.

EMPLOYER-TIED VISA // TIED VISA

Temporary work visas that prevent a worker from changing employers for the duration of his/her contract and stay in the country of destination.

USAGE NOTES: In Israel, “binding agreement” is another term used to refer to tied visa arrangements. See also [Kafala System](#)

ETHICAL RECRUITMENT

Migrant labour recruitment practices based on ethical standards, including a commitment to zero fees for migrant workers, adopted by private recruitment agencies to promote fairness and respect for migrant worker rights. Ethical recruitment standards can also be applied to [BLAs](#) and [MOUs](#) governing [G2G Recruitment](#).

FAIR RECRUITMENT

A global, multisectoral initiative of the International Labour Organization to “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 and reintegration); 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.” (ILO Fair Recruitment Initiative)

FORCED LABOUR

“...forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO C29 – Convention on Forced Labour, Article 1).

Forced labour refers to a situation in which a person is forced to work or perform a service against his or her will due to intimidation, fear of punishment, or false promises. Forced labour commonly occurs in sectors that employ labour considered to be low-skilled, including domestic work, agriculture, manufacturing, and construction due to lack of regulation and/or the ‘legality’ of the work performed. Migrant workers are particularly vulnerable to forced labour due to factors such as the precarious nature of their work, debt bondage, fear of repatriation, threat of physical or psychological harm, and/or documentation status.

GOVERNMENT-TO-GOVERNMENT RECRUITMENT // G2G RECRUITMENT // G-TO-G RECRUITMENT

Formal agreements between countries of origin and destination to facilitate the recruitment and deployment of migrant workers without the use of private recruitment agencies. Such agreements are often solidified by the drafting and signing of bilateral agreements or memoranda of understanding / agreement. Some of these agreements include standard contracts outlining the conditions of work and the rights and responsibilities of the employer and employee.

USAGE NOTES: See also [Bilateral Agreement](#), [Memorandum of Understanding](#)

KAFALA SYSTEM // SPONSORSHIP SYSTEM

A tied-visa system in place in GCC countries that requires migrant workers to have an in-country sponsor, usually the employer, who is responsible for their visa and legal status and who is known as a “kafeel.” The kafala system requires the kafeel to assume full economic and legal responsibility for the employee during the contract period. The migrant worker can neither enter the country nor transfer employment without obtaining explicit written permission from his/her kafeel. In some countries, workers must also have the permission of their kafeel if they wish to leave the country of destination. The kafeel must report to immigration authorities if the migrant worker leaves his/her employment and must ensure the worker leaves the country after the contract ends. If a migrant worker wishes to change employers, he/she must receive written permission from his/her kafeel.

USAGE NOTES: See also [Employer-Tied Visa](#)

MEMORANDUM OF UNDERSTANDING // MEMORANDUM OF AGREEMENT // MEMORANDUM OF COOPERATION (ON LABOUR MIGRATION)

A non-binding agreement negotiated between a country of origin and a country of destination outlining the agreed terms, principles, and procedures governing labour migration between the two states.

USAGE NOTES: See also [Bilateral Agreement](#), [Government-to-Government Recruitment](#)

MIGRANT WORKER // FOREIGN WORKER // EXPATRIATE WORKER

"The term 'migrant worker' refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national." (International Convention on the Rights of All Migrant Workers & Members of their Families, Article 2)

"The term migrant for employment means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment." (ILO C97, Article 11); "The terms 'foreign worker' and 'expatriate worker' are also used in reference to migrant workers."

USAGE NOTES: The term "foreign worker" is used widely in the Asian context. In the Middle East and GCC, "expatriate worker" and "guest worker" are widely used terms. These terms are used to avoid the use of "migrant," which in these contexts refers to those migrating permanently to the country of destination, whereas "foreign worker," "expatriate worker," or "guest worker" refers to those who are staying temporarily for work. This is in contrast to the use of "migrant" in the Americas, Europe, Australia, and New Zealand, where "immigrant" refers to permanent settlement and "migrant" denotes temporariness. Note also that "expatriate" generally refers to highly-skilled migrants, while "guest worker" generally refers to low-skilled workers; this is a discriminatory distinction.

OUTSOURCING COMPANY // MANPOWER AGENCY // BROKER COMPANY

An outsourcing agency or manpower agency is similar to a recruitment agency but works solely in the country of destination to provide temporary labour for companies that need additional staff for a set period of time.

Migrant workers do not receive their wages directly from the employing company, but from the outsourcing agency, which takes a percentage of the wage before paying the worker. The outsourcing agency typically provides housing and food for the workers.

USAGE NOTES: "Broker company" is the commonly-used term in Taiwan.

OVERSTAY

Migrants who enter their country of destination with valid immigration documents granting them permission to stay in the country for a set time period, but who remain in the country beyond that date, are said to have "overstayed." The immigration document's expiration is sometimes due to delays in renewal processes, the migrant and/or employer's lack of knowledge of renewal procedures, the decision of a migrant to remain in the country of destination, and/or a visa cancellation. In some countries, workers who have overstayed have to pay an "overstay fee" or a fine to the immigration department when they attempt to leave the country.

RECRUITMENT AGENCY // PLACEMENT AGENCY // MANPOWER AGENCY

A formally registered organization in the country of origin that coordinates with other agencies or employers to facilitate the recruitment process for prospective migrant workers in origin countries seeking work in a destination country. These agencies are responsible for finding suitable workers, facilitating the pre-departure process, and organizing the necessary documentation for the worker to go abroad. In some contexts, recruitment agencies are referred to as "manpower agencies" or "placement agencies."

RECRUITMENT AGENT // SUB-AGENT // RECRUITER // DALAL

A person or group of people who connect prospective migrant workers with recruitment agencies. Sub-agents work informally at the village level, are unregistered, and often charge migrant workers for their services independently from that which is charged by recruitment agents. Sometimes sub-agents are the family members or friends of the prospective migrants they recruit.

RECRUITMENT FEES

Recruitment fees include any and all fees, charges, or costs associated with the recruiting process, whether they are charged legally or illegally, in countries or origin, transit, or destination. Workers, employers, or both employers and workers often pay recruitment fees.

Any fee, charge, or cost may be a recruitment fee regardless of whether it is deducted from wages, paid back in wage or benefit concessions, paid back as a kickback, bribe or tribute, remitted in connection with recruitment, or collected by an employer or a third party, including but not limited to agents, recruiters, staffing firms (including private employment and placement firms), subsidiaries/affiliates of the employer and any agent or employee of such entities.

Recruitment fees include, but are not limited to, payments in any form for the following:

- (a) Submitting applications, making recommendations, recruiting, reserving, committing, soliciting, identifying, considering, interviewing, referring, retaining, transferring, selecting, or placing potential job applicants, potential employees, persons who may be referred or contracted for employment, and employees;
- (b) Labour broker services, both one-time and recurring;
- (c) Pre-departure or post-arrival skills testing, training, or orientation, including, but not limited to, testing of competency or skill level in foreign languages, strength, or machinery use;
- (d) Covering the cost, in whole or in part, of advertising;
- (e) Certifying labour applications;
- (f) Processing petitions;
- (g) Visas and any fee that facilitates an employee obtaining a visa such as appointment, application fees, exit clearances or certificates;
- (h) Work permits, residence certificates, and security clearances (including renewals);
- (i) Sending, transit and receiving country government-mandated fees, levies, and insurance, including, but not limited to, border crossing fees;
- (j) Procuring photographs and identity documentation, including any nongovernmental passport fees;
- (k) Documentation services including notarization and translation;
- (l) Fees charged as a condition of access to the job opportunity, including procuring medical examinations and immunizations and obtaining background, reference and security clearance checks and examinations;
- (m) Pre-employment medical examinations or vaccinations in the sending country;
- (n) Receiving country medical examinations;
- (o) Transportation and subsistence costs while in transit, including, but not limited to, airfare or costs of other modes of international transportation, terminal fees, and travel taxes associated with travel from sending country to receiving country and the return journey at the end of the contract;
- (p) Transportation and subsistence costs from the airport or disembarkation point to the work site;

- (q) Bribes, tips or tributes;
- (r) Security deposits and bonds;
- (s) The inclusion of a collateral requirement, such as land deeds, in contracts;
- (t) Contract breach fees;
- (u) An employer's recruiters, agents or attorneys, or other notary or legal fees;
- (v) Insurance;
- (w) Contributions to worker welfare funds or government provided benefits in sending countries required to be paid by supplier.

(International Labour Recruitment Working Group)

REPROCESSING // REPRO

The recruitment of migrant workers for non-existent jobs in countries of destination, or for work significantly different from that which has been agreed in the original contract, or for work with an employer different from the employer stipulated in the original contract.

USAGE NOTES: See also [Contract Substitution](#)

SUPPLY CHAIN

A network of companies that produce, handle, and distribute a product. Migrant workers employed in manufacturing often work for companies that are part of wider supply chains. Major global brands receive public pressure when malpractices in labour recruitment result in trafficking and/or forced labour within their supply chains.

TRAFFICKING // HUMAN TRAFFICKING // LABOUR TRAFFICKING

Often, migrant workers who have been misled by recruitment agents are said to be trafficked persons. "Trafficking for the purpose of labour exploitation takes place when some means (including taking advantage of a person's particular vulnerabilities) are used as a way of controlling someone in order to cause them to believe that they have no choice but to carry out a specific work or service" (Canadian Council for Refugees).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) defines Trafficking in Persons as: "...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." [Article 3, paragraph (a)]

According to the Protocol, Trafficking consists of:

The Act (What is done): Recruitment, transportation, transfer, harbouring or receipt of persons

The Means (How it is done): Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done): For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

UNDOCUMENTED MIGRANT // UNDOCUMENTED WORKER

Persons without a verifying document, including a visa, residence permit, or other identification document that specifies that they be allowed to stay in a specific country (PICUM). Undocumented migrants are also sometimes said to be in an irregular status or are referred to as “irregular migrants.”

USAGE NOTES: The term “illegal immigrant” is often erroneously applied to migrant workers who are undocumented. Government officials, media, and the general public use this term often, normalizing its use in the public discourse; however, this pejorative characterization is inaccurate and is counterproductive from both humanitarian and human rights perspectives. The term “illegal” plays into a xenophobic discourse that positions migrants as criminals and that helps to legitimize widespread crackdowns and the detention of migrants.

UN General Assembly Resolution #3449 (1975) affirms the denunciation of the term “illegal.” The Resolution “... [r]equests the United Nations Organs and the Specialized Agencies concerned to utilize in all documents the term: “non-documented or irregular migrant workers”.

WAREHOUSING

A practice used by employment agencies whereby workers' subsistence costs are covered, but wages for work are only paid their wages when workers are deployed to worksites. This practice has been reported in the construction and manufacturing industries in GCC countries and the Middle East, in the agricultural sector in the US, and in domestic work in Canada.

USAGE NOTES: In Canada, this phenomenon is also known as “release on arrival.” Domestic workers are met at the airport in Canada by their recruiter and are told that the position for which they were hired no longer exists. The recruiter will typically arrange for accommodations and promise to find the worker another job. The domestic worker is rendered undocumented and is often compelled by debt to accept jobs the recruiter offers on an ad hoc basis. (Faraday, F. “Profiting from the Precarious,” <http://recruitmentreform.org/wp-content/uploads/2014/06/Action-Profiting-from-the-Precarious.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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Recruitment Reform!

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#RecruitmentReform



This project was funded
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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.