Global Forum on MIGRATION & DEVELOPMENT
Civil Society

Civil Society Days 2016, 8-9 December, Dhaka, Bangladesh
Report for working session: 1.1 and 1.2 Recruitment and global supply chains

Session	
Name of rapporteur(s)	Lilana Keith (PICUM-Platform for International Cooperation on Undocumented Migrants)
Session # and theme	1.1 and 1.2 Recruitment and global supply chains
1. Progress: inspiring practices, partnerships and tools	
Describe, as concretely as possible, *up to four* examples identified during the session where progress has been made in the past years in terms of policies, practices or state-civil society partnerships	

1.	Fair recruitment initiatives As well as several multi-stakeholder initiatives on fair recruitment, such as the ILO Fair Recruitment Initiative, a promising development in employer-led initiatives = World Employment Confederation (network of employment agencies) – developed quality standards/ guidelines for recruitment agency practices and has a working group to promote standards and good regulation (inc. toolkit on ratification of ILO Convention 181, report on business case for fair recruitment), works in partnership with ILO and other stakeholders. There have also been inspiring worker/ migrant-led tools developed recently e.g. Migrant Forum in Asia's recruitmentreform.org, a website that strategically collates information on campaigns, policies and initiatives, events, case studies, news articles, laws, and international conventions related to recruitment. Also e.g. Centro de los Derechos del Migrante's Contratados.org, a website where workers can search and review their employers, recruiters and recruitment agencies in the US, Canada and Mexico, and get information about their rights. On recruitment and standards in global supply chains see e.g. OECD Guidelines for multinational enterprises, ILO Committee on Decent work in global supply chains (and 2016 report).
2.	Multi-stakeholder agreements setting standards: Bangladesh Garment Industry The Accord on Fire and Building Safety in Bangladesh following Rana Plaza tragedy has faults but is an example of a binding agreement between multinational companies and trade unions, with key provisions to improve health and safety conditions and could be built on in other supply chains also involving more migrant workers. The Accord covers e.g. independent inspections, training for workers on health and safety, committees to monitor implementation involving workers and the right for workers to refuse unsafe work. It does not include the right to organize which should be included in any similar agreements. A Global Framework Agreement at the same time sets standards throughout the supply chain operations including subsidiary companies, and includes a clause on migration workers and on the right to free association and collective bargaining. It has an in-built monitoring mechanism.
3.	Online recruitment systems such as E-migrate (India) and the Korean employment permit system (EPS) – centralize all functions in a common platform for all stakeholders, require registration of all workers,

	recruitment agencies, sub-agencies and employers, and ensure contracts are agreed and available = increases transparency, regulation, monitoring and choices for employers and workers.

4.	Several examples of positive outcomes through <u>cross-border collaboration between NGOs and trade unions</u> in countries of origin and countries of residence/ work have e.g.
	   - Resulted in trade unions providing better support to migrant workers to organize themselves (e.g. Filipino/a domestic workers in Hong Kong; Nepalese workers in Malaysia);
	   - Facilitated comprehensive and systematic data collection (e.g. Migrant Forum in Asia online reporting system for migrant rights violations, Migrant Rights Violation Reporting System (MRVRS));
	   - Put greater collective pressure on the main employer by connecting workers along the supply chain (e.g. Firestone - steel workers in the USA and rubber plantation workers in Liberia).

2. Four recommendations, with related actions and indicators for change in policies and practices
Recommendations: Describe, as concretely as possible*, up to four* recommendations where changes are needed in policies and practices—either national, regional or global. Also indicate at whom this recommendation is targeted (e.g., states, civil society actors, international agencies, etc.) **Actions:** for each recommendation, what does civil society need to *do* to get these recommendations heard and implemented, either at national, regional or global level? **Indicator(s)** of change or success: <u>What specific event(s)</u>, <u>or what specific number(s)</u>, e will demonstrate progress or success on this recommendation?

Recommendation 1 and who targeted to	- Strengthen monitoring mechanisms (governments)

Action(s) for this recommendation (up to two maximum).	1. Improve and communicate systematic data collection and analysis
	   • <u>On</u> e.g. supply chains; permits applied for, refused and issued; recruitment costs (e.g. MFA's recruitment reform which surveyed workers before and after migration) and practices (e.g. contradados), including non-implementation of recruitment agency regulations; and on inspections, complaints, violations (e.g. MFA's MRVRS) and outcomes. Analyse also integrity and efficacy of inspections.
	   • <u>Through</u> e.g. services (case work, helplines and desks, freedom of information requests, cooperation between CSOs in countries of origin (CoO) with missions of countries of destination (CoD) in the CoO and with CSOs and embassies in CoD, use local language interviewers where possible. Also ask about children and their outcomes.
	
	2. Work with TU's - push for TU's and workers' organisations to be involved in labour inspections as well as social authorities, to ensure focus on social and labour standards (nb. No involvement of immigration authorities – firewall).
	
	3. Push role of embassies in monitoring workers' conditions. Explore possible role of NHRIs.

Indicator(s) of change or success on this recommendation (up to two maximum)	

Recommendation 2 and who targeted to	- Hold companies accountable throughout the supply chains, including recruitment agencies/ labour suppliers (governments)
Action(s) for this recommendation (up to two maximum).	1. Lobby for legal framework to be improved so companies are regulated and explicitly liable throughout the supply chain, including through existing initiatives (e.g. ILO C181 and Fair recruitment initiative, WEC guidelines). Push equally regarding public procurement and prevention of companies with prior bad practice being awarded public funding contracts. 2. Work with TU's to push for global framework agreements to agree standards and set out monitoring and complaints mechanisms. 3. Evaluate online recruitment systems and how they increase transparency on licensing, accountability, empowerment of workers and promote accordingly
Indicator(s) of change or success on this recommendation (up to two maximum)	

Recommendation 3 and who targeted to	- Empower workers to prevent exploitation and uphold labour standards (governments, labour authorities)
Action(s) for this recommendation (up to two maximum).	1. Work with labour authorities to promote the development and implementation of effective complaints mechanisms for all workers, regardless of the status of the worker or the work. The components to make a complaints mechanism effective for all workers include, in particular, protection of labour rights and access to justice (unpaid wages, compensation) without any negative repercussions for the worker in terms of fines, deportation, blacklisting; the worker should have the opportunity to find alternative employment, regularize their status, and have timely and efficient access to remedy. Other components include e.g. well-resourced competent body to investigate complaints and inspections, access to accommodation and legal assistance. 2. Provide services and work with TU's to increase their representation and support to all migrant workers, regardless of status, including provision of: helplines/ helpdesks, legal assistance, individual and collective case work, complaints mechanisms (including online, preferably with link to government mechanisms), training (including pre-departure), online platforms to exchange experiences, contact information for support services, outreach to specific groups (e.g. in detention, children).
Indicator(s) of change or success on this recommendation	

(up to two maximum)	
Recommendation 4 and who targeted to	- Cooperate with workers' organisations and governments to improve implementation of labour and safety standards (employers)
Action(s) for this recommendation (up to two maximum).	1. Outreach to collaborate with employers, including through the GFMD Business Mechanism and focus groups where possible. Promoting guidelines (e.g. CSR, Business and HR Principles), promising practices (including Standard Operating Procedures and Codes of Conduct that protect migrant workers' rights), and evidence on business case. 2. Use and promote initiatives that increase transparency around global supply chains, corporate responsibility for implementation of standards, and multi-stakeholder agreements and monitoring (e.g. KnowtheChain, the Accord on Fire and Building Safety in Bangladesh, and the Ethical Trading Initiative).
Indicator(s) of change or success on this recommendation (up to two maximum)	

3. Governance mechanisms and the Global Compact for safe, orderly and regular migration

Did your session suggest anything about (1) global or regional governance mechanisms that need to be improved/changed; and (2) elements that need to be included in the Global Compact for safe, orderly and regular Migration *(or where relevant also the Global Compact on Refugees)*

1. Governance mechanisms:	Ensure tripartite participation in governance – governments, employers and trade unions, and recognizing migrants' (rights) organisations as key representatives of workers.
2. Global Compact:	A hybrid document with binding and non-binding elements. The reiteration of the existing rights/ international standards must be binding, along with some key goals and targets. Other elements can be non-binding. Indicators should be very practical and the reporting process should include both governments having to report on concrete indicators and alternative/ shadow reporting from civil society on what is happening in reality. The process for developing the Compact needs to be inclusive and ensure the role of ILO.

4. Implementing related targets of the 2030 Sustainable Development Agenda

One year after the adoption of the 2030 Agenda, are there any lessons we can already draw from implementing its targets related to your session's theme specifically on the **local/national level**, and what (more) should civil society do?

1.	
2.	

5. Recommendations and actions for women / children

Do any of the recommendations or action steps of your session specifically relate to women or children and how? *[if you have addressed this in the recommendations itself just simply refer to the recommendation no.]*

1. Women:	The extension of labour standards to informal work should particularly benefit female migrant workers that are over-represented in informal labour markets.

2. Children:	Awareness-raising and empowerment of migrant workers should also include child migrants (independent and dependent). Data collection on the situation of migrant workers should include key questions related to their children, where they are, contact they have, outcomes etc.

6. Priority messages to convey to governments by the CSD Chair on 10 December

If your session could choose only **two key messages** to be conveyed by the civil society CSD Chair in his report to states on the 10th of December, which would these be? *(feel free to just refer back to any point written out above)*

1.	Workers must be empowered to defend their labour rights. This requires effective complaints mechanisms for labour exploitation for all workers in all sectors. These mechanisms must ensure protection of migrant worker and access to effective remedy i.e. they should not face negative repercussions such as loss of residence/ work permit, threat of deportation or blacklisting, and should have the opportunity to find employment, regularize and access unpaid wages and compensation in a timely manner. It is critical that inspections are carried out by social and labour authorities, in partnership with trade unions and workers' associations, and separate from immigration controls.
2.	The Business Mechanism in the GFMD should be used to increase cooperation with employers to strengthen accountability for implementation of standards for ethical and transparent recruitment and sourcing throughout the supply chain.

7. Inspiring quotes

If you like, please provide one or **two quotes** that you heard during the session that you found inspiring. The sessions follow Chatham House rules, so please either ask for approval to name the speaker/organization <u>or</u> put "anonymous".

8. Other information

Provide here any other information you think relevant