

A photograph with a warm, orange-toned filter. In the foreground, a person's hand is seen pulling a dark, plaid suitcase. In the background, two young girls are running towards the camera, smiling. The setting appears to be an outdoor area with buildings and a parked car.

# Enhanced labour migration governance through fair recruitment

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## Key elements of fair recruitment:

- No recruitment fees or related costs to be charged to workers/jobseekers
- Respect for human rights, including those expressed in international labour standards
- Transparency of process, and workers to have access to information in relation to recruitment and employment
- Compliance with national laws, regulations, employment contracts
- Grievance mechanism
- Free from indicators of trafficking in persons
- Workers' agreement to work must be voluntary: free from deception and coercion

# FAIR PRINCIPLES and GUIDELINES

|   |  |   |
|---|--|---|
| <p>1</p>  <p>RESPECT FOR HUMAN AND LABOUR RIGHTS</p>                         | <p>2</p>  <p>RESPOND TO ESTABLISHED LABOUR MARKET NEEDS AND PROMOTE DECENT WORK</p> | <p>3</p>  <p>RECRUITMENT LAWS AND POLICIES THAT APPLY TO ALL</p>                     |
| <p>4</p>  <p>EFFICIENCY, TRANSPARENCY AND PROTECTION OF WORKERS</p>          | <p>5</p>  <p>ENFORCE RECRUITMENT REGULATIONS THROUGH LABOUR INSPECTION</p>          | <p>6</p>  <p>RESPECT AND ENFORCEMENT OF NATIONAL LAWS AND COLLECTIVE AGREEMENTS</p>  |
| <p>7</p>  <p>NO RECRUITMENT FEES AND COSTS ARE CHARGED TO WORKERS</p>        | <p>8</p>  <p>CLEAR AND TRANSPARENT EMPLOYMENT CONTRACTS</p>                         | <p>9</p>  <p>WORKERS' FREEDOM FROM DECEPTION AND COERCION</p>                        |
| <p>10</p>  <p>ACCESS TO FREE, COMPREHENSIVE AND ACCURATE INFORMATION</p>    | <p>11</p>  <p>FREEDOM OF MOVEMENT AND NO RETENTION OF IDENTITY DOCUMENTS</p>       | <p>12</p>  <p>FREEDOM TO TERMINATE CONTRACT, CHANGE EMPLOYER, AND SAFELY RETURN</p> |
| <p>13</p>  <p>ACCESS TO FREE DISPUTE RESOLUTION AND EFFECTIVE REMEDIES</p> |  |   |

ES  
HILIPINES

## Rights-based & gender-responsive migration governance: **international standards, principles and guidelines relevant to fair recruitment**

Convention 29 (C29) - Forced Labour Convention, 1930;

**P29 - Protocol of 2014 to C29 (2014);**

C105 - Abolition of Forced Labour Convention, 1957;

C87 - Freedom of Association and Protection of the Right to Organise Convention, 1948;

C98 - Right to Organise and Collective Bargaining Convention, 1949;

C97 - Migration for Employment Convention (Revised), 1949;

C143 - Migrant Workers (Supplementary Provisions) Convention, 1975;

C157 - Maintenance of Social Security Rights Convention, 1982;

**C181 - Private Employment Agencies, 1997;**

MLC- Maritime Labour Convention, 2006;

**C188 - Work in Fishing Convention, 2007;**

C189 - Decent Work for Domestic Workers, 2011;

**C190 - Violence and Harassment at Work, 2019.**

UN Guiding Principles on Business and Human Rights

UN Trafficking in Persons Protocol

Voluntary principles and guidelines

**ILO General Principles and Operational Guidelines for Fair Recruitment** adopted September 2016

# The conventional business model

## Volume-based

### Recruitment fees as “necessary”:

- To ensure profitability
- Form of control over workers
- Limit risk

Number of  
deployments



Service fees  
+  
*Recruitment  
fees\**



Income

# Issues in compliance:

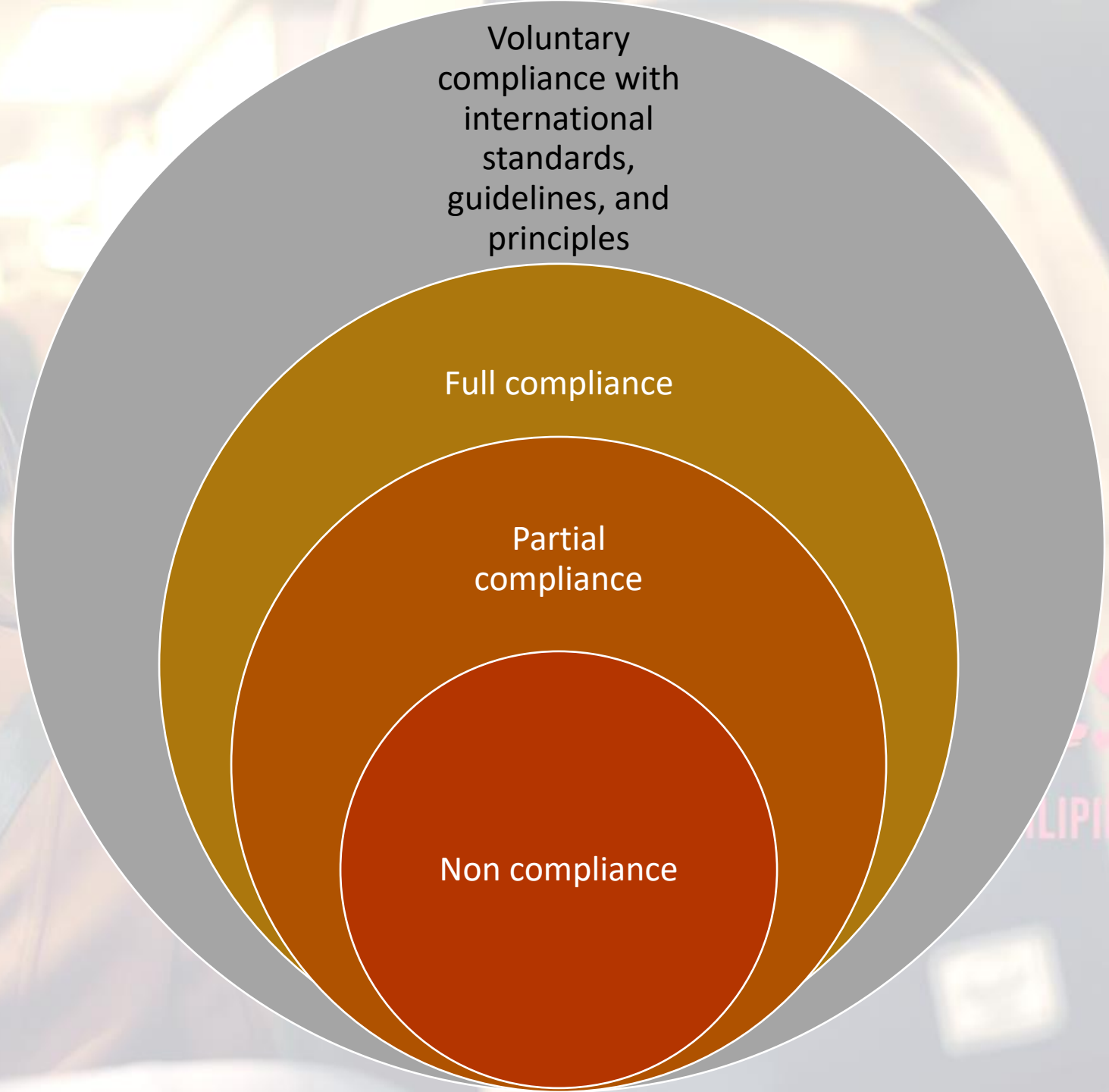
Recruitment fees & related costs

Training fees & related costs

Fundamental principles and rights at work

Prevention of trafficking in persons

Grievances mechanisms



# The fair recruitment business model

## Service fees



### Service fee structure:

- Employer pays
- Tiered – depending on skill-level of workers
  - Linked to receiving country location
- Linked to percentage of earnings of workers

### Characteristics:

- Better deployments: higher skilled; lower reputational risk
- Better skills/job matching
- Self-selecting principals/employers
- Higher wage destination countries



**Thank you very much.**