

FREQUENTLY ASKED QUESTIONS ON MIGRANT WORKERS AND RECRUITMENT

GENERAL QUESTIONS

WHAT IS ETHICAL RECRUITMENT?

Ethical recruitment, which is sometimes referred to as responsible recruitment, or fair recruitment, is a concept that is gaining increasing attention among governments, civil society and the private sector. It is closely linked to the business and human rights agenda and discussions concerning the role of the private sector in addressing the risk of forced labour (or modern slavery) in global supply chains.


In simple terms, ethical recruitment means hiring workers lawfully and in a fair and transparent manner that respects and protects their dignity and human rights. The [IRIS Standard](#), which is based on key international human rights and labour laws, industry good practices and widespread consultation, provides a more detailed definition of ethical recruitment that is based around seven key principles:

	<p>Respect for Laws, Fundamental Principles and Rights at Work</p>		<p>Respect for Freedom of Movement</p>		<p>Respect for Access to Remedy</p>
	<p>Respect for Ethical and Professional Conduct</p>		<p>Respect for Transparency of Terms and Conditions of Employment</p>		<p>Prohibition of Recruitment Fees to Jobseekers</p>
			<p>Respect for Confidentiality and Data Protection</p>		

For the hotel industry, it is relevant to note that some of the key principles of ethical recruitment are reflected in the Sustainable Hospitality Alliance's Principles on Forced Labour:

Every worker should have **freedom of movement** 

No worker should **pay for a job** 

No worker should be **indebted or coerced to work** 

Refer to Guidance Note A: What ethical recruitment means for the hotel industry for further information.

WHY IS ETHICAL RECRUITMENT IMPORTANT?

The exploitation of migrant workers often begins at the recruitment stage when workers are charged recruitment fees or misled about the job on offer. Unethical recruitment is a wide-spread phenomenon found across economic sectors and is commonly associated with the recruitment of workers in lower-skills categories where prevailing practices are based on a “worker pays” business model.

Under this arrangement, migrant workers pay the fees and costs related to recruitment and migration, often leaving them heavily indebted and highly vulnerable to exploitation. When combined with other forms of abuse such as false promises about the terms and conditions of employment, limitations on freedom of movement, coercion or lack of access to remedy, this can lead to exploitation and conditions of forced labour.

While unethical recruitment harms migrant workers, it also does not serve the interests of responsible businesses, as it creates an uneven playing field and exposes businesses to legal and reputational risks.

WHAT ARE RECRUITMENT FEES AND COSTS?

IOM and the Sustainable Hospitality Alliance follow the ILO's definition of recruitment fees and related costs, which is also reflected in ethical recruitment commitments by the Leadership Group for Responsible Recruitment, the Responsible Business Alliance Code of Conduct and the U.S. Federal Acquisition Regulation.

As defined by the ILO, recruitment fees and related costs are “any fees or costs incurred in the recruitment process, in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.”

This includes costs relating to international travel (passport, visa, return flights, etc.), medical and training costs and any administrative or overhead fees associated with job placement. Recruitment fees include costs that are paid in money or property, deductions from wages or benefits, kickbacks or bribes and in-kind payments, such as free labour.

HOTEL SPECIFIC QUESTIONS

IS ETHICAL RECRUITMENT AN ISSUE FOR THE HOTEL INDUSTRY?

Yes. Any industry that employs migrant workers and utilizes the services of labour recruiters and/or employment agencies is vulnerable to unethical recruitment practices.

While hotels and corporate offices often recruit migrant workers directly in-house, it is not uncommon for hotels to use labour recruiters – especially those in countries of origin – during large recruitment drives, such as during peak tourism seasons. In addition, many hotels and corporate offices outsource services to employment agencies or other business enterprises that employ migrant workers. This includes, but is not limited to cleaning, laundry, spa, gardening, maintenance, security and transport services.

Employment agencies provide a similar service to labour recruiters in that they facilitate the recruitment of migrant workers. However, the key difference is that they act as the employer as well. In many ways, employment agencies pose a higher risk to migrant workers, as there is often limited external scrutiny of their recruitment and employment practices. This can result in labour violations that go undetected. Furthermore, when issues arise at the employment site (hotel), there is often confusion about where accountability lies as the migrant worker has no formal employment relationship with the hotel.

Finally, hotels can be indirectly associated with unethical recruitment through the actions of their business partners. The garment and textile, laundry and dry cleaning, food and beverage and construction industries represent key risk areas.

Refer to Tool 1: Working with labour recruiters and employment agencies for more information.

WHY SHOULD THE HOTEL INDUSTRY ACT?

The UN Guiding Principles on Business and Human Rights (UNGPR) outline the responsibility of business enterprises to respect human rights and provide remedy when harm has occurred. Unethical recruitment represents a significant risk to the human and labour rights of migrant workers. By implementing ethical recruitment, the hotel industry can therefore be seen to be taking steps to uphold its human rights obligations. In addition, it is also contributing to the UN Sustainable Development Goals (SDGs) and in particular, Goal 8 on decent work and economic growth.

Moving beyond the UNGP and SDGs, there has been a steady increase in the introduction of modern slavery and due diligence legislation targeting the private sector. For hotel brands that operate across global markets, this has led to additional reporting and compliance requirements. By implementing ethical recruitment practices and applying a higher standard (especially when there are gaps or inconsistencies in countries laws), hotel brands can streamline their reporting and compliance requirements.

At the hotel or corporate office level, introducing ethical recruitment practices and treating workers with dignity have been linked with increased productivity and retention. Evidence also suggests decreased absenteeism and fewer workplace accidents.

Finally, the hotel industry, like many other industries, is under increased pressure from consumers, civil society organizations, traditional and social media, investors, clients and other business enterprises to demonstrate that it operates in a responsible and ethical manner. Implementing ethical recruitment practices can assist in meeting these expectations and reducing the risk of reputational harm to the industry.

WHAT CAN HOTELS DO TO PROMOTE ETHICAL RECRUITMENT?

There are many actions that hotel brands and individual hotels can take to promote ethical recruitment within the industry. These include but are not limited to:

- Making a policy commitment to implement ethical recruitment practices within the hotel brand and/or hotel's operations and supply chains within a specified time frame.
- Carrying out ongoing human rights due diligence on labour recruiters, employment agencies and business partners (suppliers).
- Incorporating ethical recruitment considerations into global and local procurement practices.
- Proactively engaging migrant workers, to better understand the risks they face during their recruitment, deployment (travel), employment and return home or onward migration.
- Incorporating migrant voices and perspectives into business operations and establishing meaningful relationships with trusted civil society organizations.
- Strengthening business grievance mechanisms to better respond to the needs of migrant workers. This includes, linking up with other grievance mechanisms, such as State-based or civil society mechanisms and support services to ensure migrant workers have access to effective remediation in the event that harm occurs.
- Joining forces with other hotels to address common challenges and increase the demand for ethical recruitment within the hotel industry.
- Advocating for governments to improve regulation and oversight of international recruitment and protection of migrant workers.

It is important to note that ethical recruitment requires a long-term commitment. It is a complex issue that requires a holistic and collaborative response from the private sector (labour recruiters, employment agencies, hotel employers and brands), as well as governments and civil society organizations.

WHAT SHOULD A HOTEL DO IF THEY DISCOVER UNETHICAL RECRUITMENT PRACTICES?

To some degree, it is expected that hotel brands and/or hotels will uncover instances of unethical recruitment within their operations and supply chains. This is particularly the case when hotel brands and/or hotels begin implementing stronger due diligence measures on their business partners (labour recruiters, employment agencies and suppliers) and strengthening their business grievance mechanisms to better respond to the needs of migrant workers.

There is no one-size-fits-all approach to responding to incidences of unethical recruitment. Rather, hotel brands and/or hotels will need to consider the individual circumstances of each case and tailor their response accordingly. That said, it is imperative that hotel brands and/or hotels:

1. Investigate the root cause behind the unethical recruitment and take steps to prevent the situation from reoccurring. This may include strengthening management systems and working with the labour recruiter or supplier in question, to improve their business practices.
2. Provide prompt and effective remediation to the migrant workers involved. Depending on the hotel brand and/or hotel's level of responsibility and the severity of the case, this may involve the repayment of recruitment fees and costs, improvements to workers' accommodation and/or arranging for the immediate repatriation of migrant workers to their communities in the country of origin. Alternatively, it may involve referring migrant workers to other grievance mechanisms and support systems, including State-run mechanisms.

Finally, hotel brands and/or hotels should be transparent about the challenges they experience in implementing ethical recruitment within their business operations and supply chains. The sharing of information, including good practices, can help others within the hotel industry grappling with the same challenges.

Refer to Tool 3: Incorporating ethical recruitment into procurement practices and Tool 4: Access to remedy and business grievance mechanisms for further information.

WHERE CAN HOTELS FIND MORE INFORMATION?

The following tools and resources have been developed for the hotel industry:

- [Guidance: Establishing Ethical Recruitment Practices in the Hospitality Industry](#)
- [Guidance Note A: What ethical recruitment means for the hotel industry](#)
- [Guidance Note B: Building the knowledge and capacity of hotels to implement ethical recruitment](#)
- [Guidance Note C: Working with Civil Society and including Migrant Worker Voice](#)
- [Tool 1: Working with labour recruiters and employment agencies](#)
- [Tool 2: Interviewing migrant workers about their recruitment and employment experiences](#)
- [Tool 3: Incorporating ethical recruitment into procurement practices](#)
- [Tool 4: Access to remedy and business grievance mechanisms](#)
- [ILO and IHRB Promoting Fair Recruitment and Employment: Guidance Note for Hotels in Qatar](#)

ADDITIONAL RESOURCES RELATING TO ETHICAL RECRUITMENT:

- [IOM Migrant Worker Guidelines](#)
- [ILO Private Employment Agencies Convention \(No. 181\), 1997](#)
- [ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Costs](#)
- [IOM Montreal Recommendations on Recruitment](#)
- [IOM IRIS Standard on Ethical Recruitment](#)
- [IOM Operational Guidelines for Businesses on Remediation of Migrant Workers Grievance](#)
- [Verité Fair Hiring Toolkit](#)

ADDITIONAL RESOURCES RELATING TO HUMAN RIGHTS, LABOUR STANDARDS AND RESPONSIBLE BUSINESS CONDUCT:

- [UN Guiding Principles on Business and Human Rights](#)
- [OHCHR Core International Human Rights Instruments](#)
- [ILO International Labour Standards](#)
- [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#)
- [OECD Guidelines for Multinational Enterprises](#)
- [OECD Due Diligence Guidance for Responsible Business Conduct](#)

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