

IRIS Handbook for
Governments on Ethical
Recruitment and Migrant
Worker Protection

4

ADVANCING INTER-STATE COOPERATION

Enhancing ethical recruitment
through bilateral, regional
and multilateral mechanisms

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Introduction and scope

International labour recruitment, by definition, spans multiple countries and jurisdictions. This means that no single government can end unethical recruitment practices independently. Advancing fair and ethical recruitment objectives through inter-State cooperation and collaboration is thus vital to the protection of migrant workers. This chapter of the *IRIS Handbook for Governments on Ethical Recruitment and Migrant Worker Protection* (hereafter the IRIS Handbook)¹ explores various options available to governments to do so.

The IRIS Handbook builds on *The Montreal Recommendations on Recruitment: A Road Map towards Better Regulation*: a set of 49 practical and targeted recommendations for governments on recruitment and migrant worker protection². The Montreal Recommendations were co-created by 100 regulators from over 30 countries at the Global Conference on the Regulation of International Recruitment in Montreal, Canada in June 2019. This chapter draws attention to select recommendations that implicate bilateral, regional, and multilateral mechanisms, and expands on each by providing more detailed measures for governments to consider.

In terms of scope, this chapter captures **inter-State labour migration governance mechanisms and processes** at various levels (bilaterally, regionally and multilaterally) and varying degrees of formality. Specific global guidance focuses on how governments can **integrate, mainstream and prioritize ethical recruitment** in these cooperative activities. Unless otherwise noted, guidance is applicable to countries of origin, transit and destination. It is intended for government officials in their capacities as negotiators, regulators, inspectors, labour attachés, and consular officials at different levels of administration (national, subnational) and across relevant portfolios (such as ministries responsible for labour and employment, immigration, emigration, foreign affairs and so on). For simplicity, recommendations are addressed to “States” and “governments” interchangeably, to ensure that the full spectrum of pertinent public authorities are captured (e.g. relevant subnational governments in a federation).

It is worth noting that this chapter is not an exhaustive nor comprehensive guidance product for all aspects necessary to undertake a labour migration agreement or other labour migration governance engagements. Rather, it undertakes a deliberate focus on ethical recruitment elements and dedicated consultative efforts within these instruments and activities. Real examples are highlighted to demonstrate the practical ways in which different governments are taking concrete relevant action worldwide, for awareness and to serve as inspiration from which other governments can draw. Relevant resources, such as the *UN Guidance on Bilateral Labour Migration Agreements* are referenced as applicable.

¹ This chapter should be considered closely with other relevant chapters of the IRIS Handbook. For example, [Chapter 1: Adopting a Rights-Based Regulatory Approach to International Labour Recruitment](#), provides guidance on how to regulate recruiters, including the necessary regulatory authorities that provide an adequate foundation for inter-State cooperation.

² The Montreal Recommendations also include 6 recommendations to IOM and the international community (see policy area: “Maintaining the momentum on regulation”) for a total of 55 recommendations.

The chapter is structured as follows: Section I brings attention to the **value and benefits** of inter-State cooperation in international labour recruitment governance; Section II **describes the landscape** of relevant labour migration mechanisms and processes that can be leveraged; and Section III provides more **specific guidance and examples** of how to advance and prioritize ethical recruitment in these mechanisms and processes.



1 Inter-State cooperation on ethical recruitment

The facilitation of international labour migration crucially depends on the cross-border recruitment of migrant workers, whereby recruiters operate in complex transnational networks. Governments play a critical role in ensuring that this recruitment takes place in a fair, ethical, and transparent manner. They set the regulatory and policy environment in which private recruitment agencies operate and are obliged to ensure that migrants can effectively and practically access legal remedies for violations of their rights.³ As explored in [Chapter 1 of the IRIS Handbook](#), governments should regulate the recruitment process in alignment with international human rights law and labour standards.

However, **inconsistent regulation and enforcement** across migration corridors exacerbate the vulnerability experienced by migrant workers in the recruitment process. Gaps and inconsistencies between jurisdictions can not only put migrants at risk of unsafe and exploitative conditions, but also disadvantage ethical recruiters and employers. Furthermore, a lack of communication, awareness, and

³ Though increasingly less common, governments also conduct their own direct recruitment services through public employment services in some jurisdictions.

integration between recruitment mechanisms in countries of origin, transit and destination can **reduce the reach and effectiveness** of the policy and regulatory frameworks that govern recruitment. Cooperation on ethical recruitment governance across migration corridors is thus foundational to broader efforts on labour migration governance and migrant worker protection.

In the spirit of working together to bridge these gaps and develop coherence in protections across jurisdictions, governments should explore options to advance these goals through **inter-State cooperation**.⁴ Inter-State cooperation is used here as a generic term for the different ways in which governments can work together at different levels and varying degrees of formality on labour migration and recruitment governance.⁵ It includes more formal methods like concluding [labour migration agreements](#) as well as less formal means like participating in [relevant forums](#). Several high-level benefits of inter-State cooperation are highlighted below:

- Increased knowledge and data collection of relevant international recruitment trends;
- Enhanced harmonization of legal frameworks, policies, procedures, practices and data across migration corridors;
- Strengthened regulatory and operational frameworks through improved exchange of information, joint investigations, and enforcement actions, which can result in:
 - Increased transparency and clearer parameters on transnational recruitment processes;
 - Reduced recruitment costs within a corridor and/or broader regional context;
 - Enhanced protection of the rights of migrant workers;
- Exchange of experience on shared issues and challenges;
- New opportunities to develop solutions and innovative policy responses;
- Create the foundation for broader arrangements and cooperation across other relevant sectors.

⁴ While this chapter is focused on inter-State cooperation (at the international level), similar principles of dialogue and cooperation also apply to **intra-State** cooperation (e.g. between government departments and agencies within a State and between national and subnational governments in federal States).

⁵ As noted above, “States” and “governments” are used interchangeably in this document to capture the full spectrum of pertinent public authorities. For example, relevant subnational governments in a federation that engage at their level with a foreign government on labour migration and recruitment governance are included under the umbrella term “inter-State cooperation”.



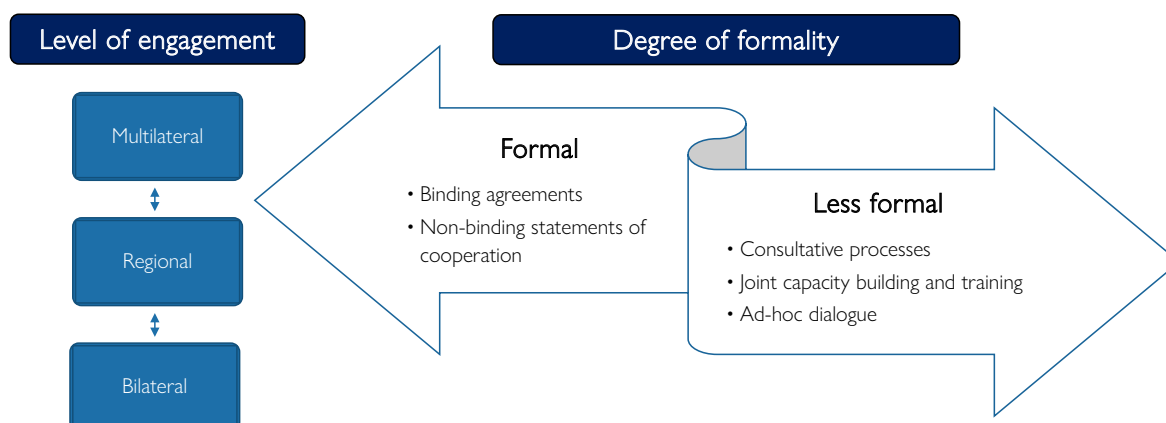
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2 Landscape of cooperation on labour migration governance: mechanisms and processes

Governments have several options when pursuing inter-State cooperation on labour migration governance,⁶ ranging in formality and at different levels of engagement (Figure 1). The ways in which governments engage each other depends on their respective and mutual circumstances: relevant migration trends, historical engagement, financial and human resources, political will, economic and social priorities, broader diplomatic relations, geographic considerations, labour market and demographic needs, and participation in relevant forums, among others. Mechanisms and processes are not mutually exclusive and can often complement and build on each another. For example, highly informal and ad hoc dialogue can lead to more structured consultations and elicit interest in more formal governance tools, like labour migration agreements.

⁶ “Labour migration governance” generally captures the combined frameworks of legal norms, laws and regulations, policies and traditions, organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States’ approaches to labour migration.

Figure 1. Inter-State cooperation by formality and level of engagement



This section briefly describes the more institutionalized mechanisms and processes in the labour migration landscape: agreements and consultative processes; [Section 3](#) explores how they can be leveraged to advance fair and ethical recruitment objectives.

Labour migration agreements

Labour migration agreements are commonly used policy instruments that provide for the **co-creation** of labour migration-related governance between States. This approach enables governments to address **shared challenges** in a way that supports their respective needs and interests. When done well, agreements can and should align migration governance with international standards and rights-respecting practices.⁷ This should be a shared goal among governments. Labour migration agreements also provide an opportunity to align with existing operational frameworks and protocols, for example within broader regional integration initiatives (for more on the latter, see text box [below](#)).⁸

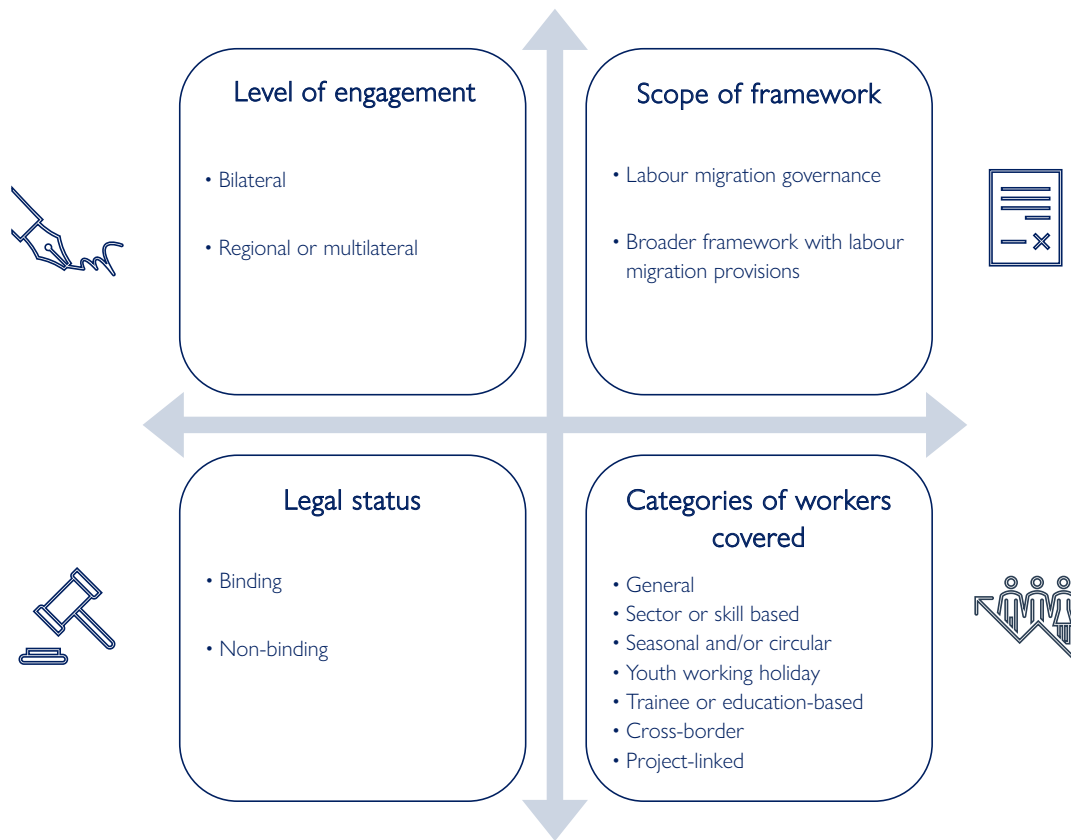
Agreements vary in terms of their **level of engagement**, **scope** (i.e. the breadth or specificity of migration issues addressed), **legal status** (i.e. legal implication in international law), and which **categories of workers** they cover (Figure 2). Globally, their format and terminology vary considerably: “agreement”, “arrangement”, “memorandum of understanding”, “statement of cooperation”, among others. For ease of reference, the generic “labour migration agreement” is used here as an umbrella term of all such agreements.⁹ The discussion below briefly describes some of the considerations that go into the different types.

⁷ ILO Recommendation No. 86 of 1949 provides a model labour migration agreement (Annex) covering the different stages of the migration process and includes a model contract for employment (Article 22).

⁸ These initiatives refer to formal processes to harmonize policies and procedures between and among States towards broader economic, social, political, and security cohesion (e.g. African Union, European Union, ASEAN, etc.). Subregional examples include regional economic communities in Africa such as IGAD, ECOWAS, COMESA, and others.

⁹ While this document uses the term “labour migration agreement” generically for all types of relevant agreements, it is worth noting that internationally, the term “bilateral labour migration agreement” is often used to imply an intention to be legally binding.

Figure 2. Matrix of relevant labour migration agreement types



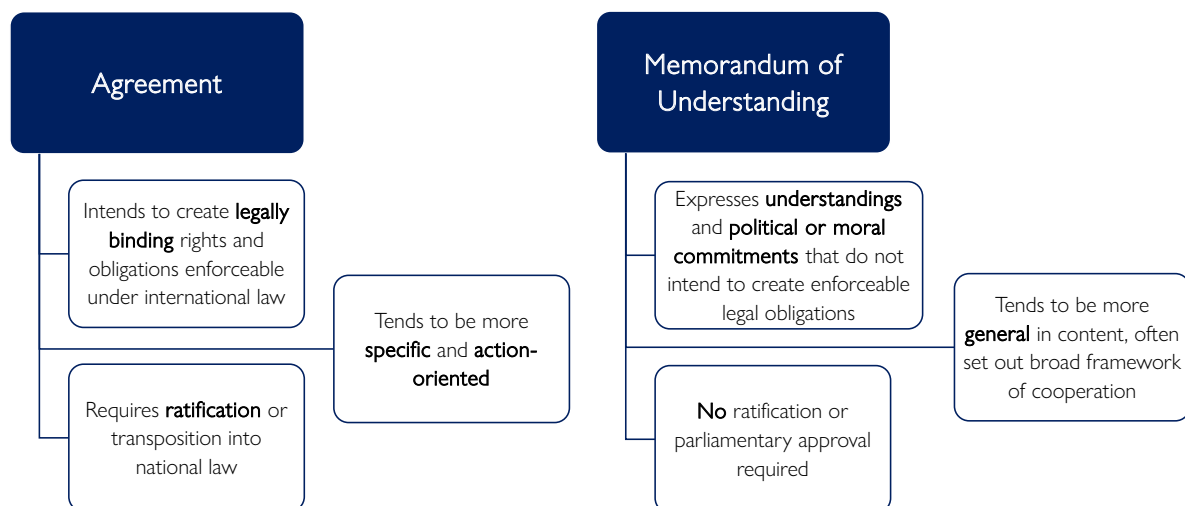
Agreements are commonly **bilateral** in nature (i.e. between two governments, typically along a migration corridor between origin and destination), though they can also be pursued on a **regional** or **multilateral** basis (i.e. between more than two governments). Bilateral agreements tend to be easier to negotiate than multilateral ones and more specific to trends and needs within a particular corridor. On the other hand, multilateral agreements tend to have relatively robust implementation and monitoring mechanisms.

The scope of an agreement may focus solely on **labour migration governance**: the management, facilitation, and administration of labour migration flows. These are often pursued bilaterally (referred to internationally as “bilateral labour migration agreements”) and it is generally the case that distinct labour migration programmes emerge from the agreement itself. Specific reference to the recruitment and selection of migrant workers is typically provided. Governments may alternatively conclude **broader framework or cooperation** agreements that are related to labour migration but not specifically limited to its governance. These can include agreements designed to address irregular migration, visa facilitation, skills recognition, social security, mutual credential recognition, free trade, and development cooperation. For example, while free trade agreements are aimed at reducing or eliminating tariffs to encourage lower-cost international trade between signatory States, they increasingly include labour

chapters or parallel cooperation agreements with relevant labour provisions.¹⁰ Free trade agreements also generally include mobility provisions that facilitate, on a reciprocal basis, temporary entry for nationals in specified categories (e.g. business visitors, intra-company transferees, investors, and workers in high-skilled professions).

The legal status of an agreement is important – that is, if it is **binding** or **non-binding** – as it bears distinct implications in international law. A common distinction in the nomenclature is made between “agreement” and “memorandum of understanding” (MOU) to imply different legal status, however what matters most is the **intention** of the signatory Parties to create such legally binding obligations or not.¹¹ Some key differences between these types are listed in Figure 3. As MOUs are easier to negotiate and amend, they are often preferred by governments.¹²

Figure 3. Key differences between binding “agreements” and non-binding “memoranda of understanding”



Finally, agreements can differ in terms of which **categories of migrant workers** they cover, ranging from general worker application to more specific populations. For the latter, agreements can be pursued based on sector (e.g. domestic work, health care); skill (e.g. list of professionals); cross-border needs; seasonal and/or circular programmes (e.g. agricultural workers); youth mobility and working holiday programmes; trainee or education programmes; or specific projects or contracts (e.g. infrastructure or construction projects), among others.¹³

¹⁰ Labour cooperation agreements or chapters are typically appended to trade agreements and impose obligations on States to work towards improving labour standards within their borders. A relevant labour migration example is contained in the Labor Chapter of the *Canada-United States-Mexico Agreement* (Article 23.8): “The Parties recognize the vulnerability of migrant workers with respect to labor protections. Accordingly, in implementing Article 23.3 (Labor Rights), each Party shall ensure that migrant workers are protected under its labor laws, whether they are nationals or non-nationals of the Party”. For more information on labour provisions in trade agreements, see the ILO Labour Provisions in Trade Agreement Hub [here](#).

¹¹ Note that “treaties”, as described under the *1969 Vienna Convention on the Law of Treaties*, are governed by international law, and are considered binding.

¹² For further discussion on these instruments, see Wickramasekara, P. 2015. *Bilateral agreements and memoranda of understanding on migration of low skilled workers: A review*, ILO.

¹³ For a comprehensive list of different agreements, see Wickramasekara, *Bilateral agreements and memoranda of understanding on migration of low skilled workers*.

UN Guidance on Bilateral Labour Migration Agreements

In February 2022, the United Nations Network on Migration launched written [guidance on bilateral labour migration agreements](#) (BLMAs) to assist governments in countries of origin and destination with how to **design, negotiate, implement, monitor, and evaluate rights-based and gender-responsive BLMAs**. The guidance was developed by the Network’s Thematic Working Group on BLMAs, co-led by the ILO and IOM, and comprised of representatives of UN agencies, employers’ and workers’ organizations, academia, and civil society organizations. It serves as a clear and comprehensive road map for governments to pursue BLMAs in a manner that promotes rights-based labour migration and gives effect to workers’ rights as set out in international law and labour standards.

As such, governments should refer to this UN flagship technical guidance when undertaking BLMAs. As a resource, several **key principles** with tailored recommendations are emphasized. These include human rights and labour rights; fair and ethical recruitment; access to information; migration status; occupational safety and health; social protection; employment contract and wage protection; governance structure; qualifications and skills; savings and remittances; and return and labour market reintegration.

The guidance also includes **operational guidelines, roles and responsibilities** of specific actors, **sector-specific issues** (e.g. seasonal workers, migrant health workers and migrant domestic workers), and **implementation modalities** pursuant to the abovementioned key principles. Operational guidelines cover the **entire BLMA cycle** (preparation and drafting, negotiation, implementation, monitoring and evaluation, and possible revision) and underscore the need to cover the labour migration cycle, including recruitment, in its entirety.




Other helpful BLMA tools and reference materials are provided in a [resource list](#) at the end of this chapter. These include practical checklists, data collection instruments, model terms of reference (e.g. for joint monitoring committees), model templates for BLMAs, and other useful tools. Governments are also encouraged to seek the technical support of ILO and IOM during the preparation of BLMAs.

Consultative processes

Governments can also engage each other through various consultative processes held at multiple levels. Globally, these processes have many different names, including “dialogue”, “process”, “consultation”, “initiative”, “conference”, “forum”, “community”, “commission”, “network”, “partnership”, and “panel”. Generically referred to as **Inter-State Consultation Mechanisms on migration** (ISCMs), their common thread is their **consultative and networking** nature.¹⁴ ISCMs are any State-led, **ongoing information-sharing** and **policy dialogues** at the global, interregional, or regional level for States with an interest in promoting cooperation in the field of migration; corresponding terms for processes at various levels are defined below.¹⁵

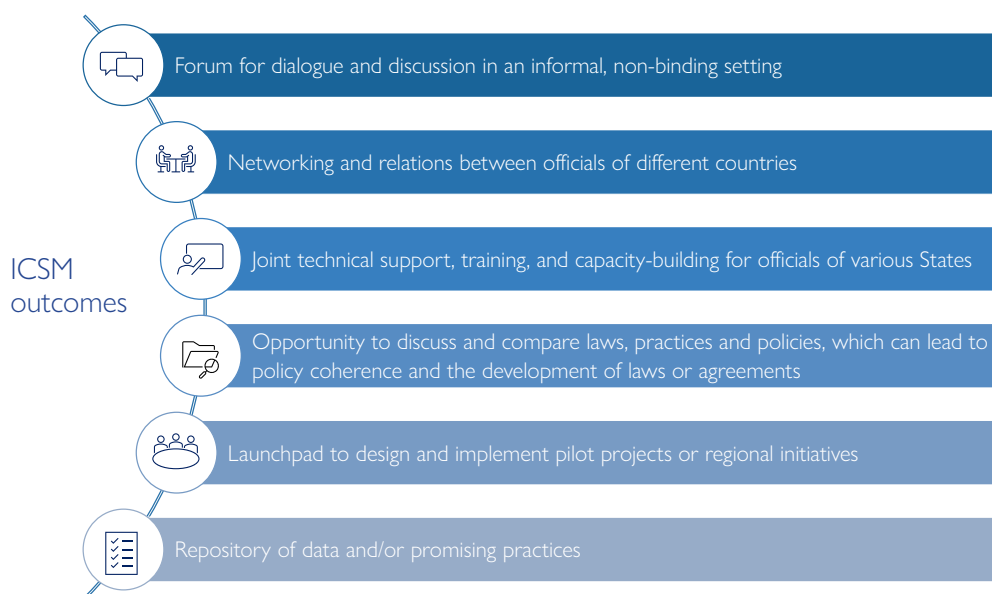
¹⁴ For more information on current and emerging ISCMs, including an annual calendar of relevant meetings, see [here](#).

¹⁵ IOM International Migration Law No. 34 – IOM Glossary on Migration.

	<p>Global processes on migration</p> <p>State-led international policy dialogues and decision-making processes on migration at the global level, often facilitated by an intergovernmental organization, and focusing either on overall migration governance at the global level (e.g. International Dialogue on Migration), on specific themes (targeted migration consultations and discussions in global bodies that have specific responsibilities over certain elements of migration through international conventions and protocols), or on the interlinkages between migration and other areas, such as development (e.g. UN High-level Dialogue on International Migration and Development, the Global Forum on Migration and Development).</p>
	<p>Interregional Forums on Migration (IRFs)</p> <p>State-led, ongoing, information-sharing and policy dialogues on migration, usually connecting two or more regions, and may either be officially associated with formal interregional institutions or be informal and non-binding.</p>
	<p>Regional Consultative Processes on Migration (RCP)</p> <p>State-led, ongoing, regional information-sharing and policy dialogues dedicated to discussing specific migration issue(s) in a cooperative manner among States from an agreed (usually geographical) region, and may either be officially associated with formal regional institutions, or be informal and non-binding.</p>

Given the informal and non-binding environments that ISCMs provide, governments are likely to find value in participation. They can find common ground on shared challenges and exchange information and experience. Participation may accordingly lead to more effective policies and practices as well as partnerships and joint initiatives. Several positive outcomes that can emerge from the work of ISCMs are listed in Figure 4.

Figure 4. Potential results from engagement in Inter-State Consultation Mechanisms on Migration¹⁶



¹⁶ Adapted from: IOM, Advancing a common understanding of migration governance across regions: Assessment Report.

Global Compact for Safe, Orderly and Regular Migration and fair and ethical recruitment

The [Global Compact for Safe, Orderly and Regular Migration](#) is a non-legally binding, cooperative framework that builds on the commitments agreed upon by Member States in the [New York Declaration for Refugees and Migrants](#). It fosters international cooperation among all relevant actors on migration, acknowledging that no one State can address migration alone due to the inherently transnational nature of the phenomenon. It was endorsed by the UN General Assembly in resolution 73/195 on 19 December 2018. The Global Compact for Migration is comprised of 23 objectives, implementation, as well as follow-up and review (for more on the quadrennial International Migration Review Forum, see [here](#)).

International cooperation is one of the Global Compact for Migration's core guiding principles, which emphasizes the need for international, regional, and bilateral cooperation and dialogue. The inclusion of ethical recruitment is notable: objective six focuses on facilitating **fair and ethical recruitment** and safeguarding conditions that ensure decent work. Among the objective's 12 related actions, action (b) emphasizes the need for cooperation in this area and to "build upon the work of existing bilateral, subregional and regional platforms that have overcome obstacles and identified best practices in labour mobility, by facilitating cross-regional dialogue to share this knowledge, and to promote the full respect for the human and labour rights of migrant workers at all skill levels, including migrant domestic workers".



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3 Mainstreaming ethical recruitment in labour migration cooperation

This section draws attention to the ways in which governments can engage the above-mentioned instruments and mechanisms with fair and ethical recruitment as a priority. Specific approaches and opportunities to advance cooperation on ethical recruitment are explored, including how they complement existing regulatory frameworks and operational policies and practices. Concrete examples of government action are also profiled.

Labour migration agreements

Alignment and consistency with relevant recruitment laws

From the outset, it is worth noting how labour migration agreements fit into broader labour recruitment regulatory frameworks.¹⁷ First and foremost, agreements are no substitute for rights-respecting domestic legislation; on their own, they do not constitute adequate legal protection

¹⁷ As a reminder, “labour migration agreement” is used generically to capture various types of relevant agreements, as discussed above.

for migrant workers. Governments should refer to [Chapter 1 of the IRIS Handbook](#) regarding the necessary regulatory measures to provide protection for migrant workers and prevent abuses in the recruitment process.

At the same time, agreements serve a unique purpose because they formalize arrangements between governments in countries of origin and destination and can thus support a tailored governance approach to labour recruitment across a specific migration corridor. As an additional layer of policy, this can address extraterritorial aspects of recruitment and better govern transnational recruitment activity as a result. For example, agreements can **bolster domestic recruitment legislation** by establishing cross-border mechanisms that strengthen the enforcement of these laws.

Secondly, agreements typically only refer to existing legislation and do not require new laws. However, if there are inconsistencies with existing law, legal amendments should be adopted before the agreement is implemented. In this sense, agreements can **prompt positive changes in national laws and policies**, particularly in the case of binding commitments that require domestic ratification. As agreements should be aligned with international standards, these changes may involve regulating private recruitment agencies for the first time or bringing certain sectors under the scope of domestic labour protections (e.g. domestic work), with positive effects for migrant worker protection.

Finally, agreements can relatedly **elicit coherence between laws across a migration corridor**. For example, where regulatory frameworks in countries of origin and destination have different standards on recruitment fee charging, an agreement can be the medium to bring consistency between them, using international guidelines as a benchmark. Relatedly, agreements can establish the foundation for cooperation between relevant agencies in more precise **operational and practical terms**. Coherence in laws that govern the same transnational recruitment networks is an important step towards creating a level playing field for ethical recruiters and better protecting migrant workers throughout their migration and employment journeys.



Recruitment modalities

In terms of **who is involved** in the recruitment and selection of migrant workers across a specific migration corridor, labour migration agreements generally follow one of four approaches:

- (1) direct government recruitment through **public employment services**;¹⁸
- (2) authorization for **private labour recruiter** involvement, including conditions on their conduct and which agencies can operate (e.g. licence holders) with joint government oversight;
- (3) **direct** recruitment where employers hire without an intermediary; or,
- (4) a **hybrid** approach with both public and private recruitment involvement.¹⁹

Agreements should clearly **specify the roles and responsibilities** of government institutions and/or private recruitment agencies involved in the recruitment process. As applicable, obligations for employers may also be provided. Where private recruiters are specified, agreements should clearly identify **authorized** recruitment agencies only (i.e. as authorized under the respective regulatory frameworks). For example, a requirement for employers to only contract licensed private recruitment agencies should be prescribed. This can be supported by regular **information exchange** between Parties on licensed recruitment entities and their compliance history, as well as recruitment-specific **review mechanisms**.

Some examples of common recruitment modalities are described below.

- **Public employment services**

- **Republic of Korea: Employment Permit System**

- Adopted in 2004, the Employment Permit System is a labour migration management system that removes private recruitment agencies from the recruitment process in both country of origin and destination. It was established with the aim of controlling irregular migration and addressing the scarcity of Korean workers in sectors such as construction, manufacturing, fisheries, agriculture, and services. The system is underpinned by MOUs between the Republic of Korea and 16 countries of origin.²⁰ Among other prescribed obligations, MOUs assign origin country government agencies with recruitment responsibility of migrant jobseekers, and the Republic of Korea with selection and approval of migrant worker rosters.²¹

- **Private recruitment agencies**

- **Uganda–Saudi Arabia: domestic worker recruitment**

- In 2017, the governments of Uganda (Ministry of Gender, Labor and Social Development) and Saudi Arabia (Ministry of Labor and Social Development) entered into an agreement aimed at establishing an effective mechanism for placement of Ugandan domestic workers, ensuring enhancement of

¹⁸ These agreements are commonly referred to as “government-to-government” agreements.

¹⁹ For example, where public employment services operate in a country of origin while private recruitment agencies are permitted in the country of destination, or vice versa.

²⁰ Countries of origin involved in the Employment Permit System include Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, the Lao People’s Democratic Republic, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Timor-Leste, Uzbekistan and Viet Nam.

²¹ It is also worth noting that migrant workers complete training before and after their arrival in the Republic of Korea. Topics covered include Korean language and culture, understanding of Employment Permit System, occupational health and safety, and relevant laws and statutes such as the Labor Standards Act and the Immigration Act, among others.

welfare and protection for the rights of employers and domestic workers, and regulating the contractual relationship between them. In terms of the recruitment modality, a mutual area of cooperation in the agreement commits both Parties to “ensure that all recruitments of domestic workers are carried out through **authorized** recruitment bodies”; with recruitment bodies defined as “offices, companies and agencies **licensed** by their respective governments to practice ethical recruitment” (emphasis added).²²

- **Mix of public and private recruitment**

- New Zealand: Recognised Seasonal Employer scheme with Pacific countries**

The Recognised Seasonal Employer scheme is a seasonal labour migration programme that allows approved employers in horticulture and viticulture industries to recruit temporary migrant workers when no local workers are available. Eligible migrant workers are primarily from participating Pacific countries, with which New Zealand has concluded individual Inter-Agency Understandings (IAU).²³ Each IAU includes a Schedule that describes applicable recruitment procedures. Therein, recruitment models differ depending on the country of origin context and their respective legislative framework: (1) direct recruitment, where recognized employers recruit workers directly; (2) government bodies in the country of origin prepare “work-ready” pools from which employers can select directly; (3) private recruitment agents; or (4) a mix of these approaches. In some participating Pacific countries where agent-based systems of private recruitment are used, relevant licensing requirements are noted with applicable government oversight and the cost of recruitment may not be passed on to the worker.

**Montreal
Recommendation**

41. Governments should explore the potential for expanding government-to-government involvement in recruitment, including through public–private partnerships.

- **Public–private partnerships**

With these modalities in mind, governments should explore the ways in which they can be directly involved in the recruitment process. Direct government involvement can be explored through **public–private partnerships**, as highlighted in the example below. It is worth emphasizing that these partnerships should be designed with appropriate government oversight and monitoring mechanisms, for example, that authorities regulate private labour recruiters and monitor and enforce ethical standards in these recruitment processes, as discussed elsewhere in the IRIS Handbook.

- Journées Québec – Public–private partnership on international labour recruitment**

Journées Québec are international labour recruitment missions organized by the Québec government (Ministère de l'Immigration, de la Francisation et de l'Intégration) in partnership with three non-

²² Article 3(5) and Article 2 of the *Agreement on domestic workers recruitment between the Ministry of Gender, Labor and Social Development in the Republic of Uganda and the Ministry of Labor and Social Development in the Kingdom of Saudi Arabia*.

²³ Unless employers can demonstrate a pre-established relationship with workers from other countries, they may only recruit workers under the Recognised Seasonal Employer scheme from the following participating Pacific Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

profit regional economic development agencies: [Montréal International](#), [Québec International](#) and [Société de développement économique de Drummondville](#). These missions are centered around key sectors with growing labour needs, such as health care, information technology and engineering, to name a few. To address the French factor in Québec, *Journées Québec* are mostly held in French-speaking countries or in countries where Latin languages are spoken. This initiative enables qualified candidates in target countries to meet with employers seeking to fill positions that are in demand in Québec. Interested migrant jobseekers can visit the *Journées Québec* [website](#) to learn about upcoming missions and register if eligible. Registration is free of charge and can lead to an opportunity to meet and interview with employers who were unable to fulfil their labour needs locally.

Journées Québec recruitment missions are delivered ethically and in close partnership with a well-developed and ever-growing network of authorized local public employment bodies in target origin countries. The local authorities promote relevant missions in their network, register job offers on their website, and if necessary, pre-select candidates for and on behalf of employers.

For the protection of the candidates, the Québec government exercises due diligence to ensure that employers have always complied with their responsibilities towards migrant workers. The Québec government also offers a series of information sessions to employers and candidates with the objective of raising mutual awareness of the differences in culture and customs they may encounter. Moreover, the Québec government offers French classes to the selected candidates who need them, in order to ease their professional and social integration. Over the past years, the number of *Journées Québec* events held yearly has been increasing, resulting in thousands of recruitments each year.



Integrating fair and ethical recruitment elements and mechanisms

Agreements should be grounded in international human rights and labour standards with migrant worker protection as a shared objective. They should respect, promote, and realize all human rights, including those expressed in labour standards, and in particular, fundamental principles and rights at work.²⁴

Accordingly, governments should emphasize **fair and ethical recruitment principles**²⁵ during the design and implementation of their labour migration agreements with other countries.²⁶ To do so, obtaining detailed preliminary information on each Parties' existing recruitment mechanisms and domestic legislation is an important first step. A checklist of relevant key questions to inform this preparatory stage is found in the [Annex](#) for reference. Governments should also adopt a **multi-stakeholder approach** during each stage of the agreement process to ensure ongoing dialogue with migrant workers, trade unions, civil society, employers and recruitment agencies on the design and effectiveness of the agreement and its objectives.

Across all [recruitment modalities](#), labour migration agreements should include the following fair and ethical recruitment provisions:²⁷

- Clear description of **recruitment and selection** procedures;
- **Conditions and obligations** on recruitment activities that aim to safeguard migrant workers against abusive and unethical recruitment practices including:
 - **Prohibiting fee charging** to workers;
 - Including a **standard employment contract**;
 - Providing workers with **access to information** on rights;
- Formalized **shared responsibilities** between government agencies with cooperative activities on:
 - **Implementation** modalities;
 - **Review and oversight** mechanisms, including integrating the role of labour attachés.

A brief discussion and examples of these elements are explored below.

● Recruitment and selection procedures

Governments should clearly describe recruitment and selection procedures in their labour migration agreements. This increases **transparency** in the recruitment process – ultimately reducing ambiguity around what is permitted and prohibited recruitment conduct. As a result, this approach can displace unethical recruitment practices across the relevant migration corridor and reduce the costs associated with these practices for both migrant workers and employers.

²⁴ For further discussion on the inclusion of specific labour rights and their importance, see [UN guidance on bilateral labour migration agreements](#).

²⁵ See ILO General principles and operational guidelines on fair recruitment and definition of recruitment fees and costs [here](#); as well as [Chapter 1 of the IRIS Handbook](#) for a discussion on rules of ethical recruitment conduct.

²⁶ Bilateral agreements are recommended internationally as a mechanism to address unfair and unethical recruitment. See Article 8(2) of [ILO Convention 181](#): "Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement, and employment." and Article 10 of [ILO Convention 97](#): "In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention."

²⁷ As per [UN guidance on bilateral labour migration agreements](#) on fair and ethical recruitment.

New Zealand and Solomon Islands

Inter-Agency Understanding between the Department of Labour of New Zealand and the Ministry of Foreign Affairs and External Trade in Solomon Islands in support of New Zealand's Recognised Seasonal Employer Policy

“ Schedule 1: Facilitative Arrangements

1. Recruitment
 - 1.1. The Labour Mobility Unit (LMU) is responsible for Recognised Seasonal Employer (RSE) recruitment activities in Solomon Islands. The Labour Mobility Oversight Committee (LMOC) chaired by the National Labour Mobility Coordinator (NLMC) oversees the administrative functions of the LMU and policy development of RSE recruitment in Solomon Islands.
 - 1.2. The Government in Solomon Islands operates an agent-based system of recruitment. Recognised Seasonal Employers wishing to recruit workers from Solomon Islands will be required to engage the services of a Licensed Agent to conduct recruitment on their behalf. RSEs must make contact with the LMU prior to engaging an Agent and provide details of their intentions and recruitment requirements. The RSE must inform the LMU of any changes or deviations to the proposed recruitment programme.
 - 1.3. The LMU is responsible for the licensing of Agents and maintains a Register of Licensed Agents. The register is publicly available and published on the government website, or can be provided directly to RSEs upon making contact with the LMU prior to undertaking recruitment activities.
 - 1.4. The Agent is responsible for the selection of Solomon Islands workers in accordance with the guidelines established by the LMOC. Prior to submitting applications for visas to the New Zealand High Commission in Honiara, the Agent must provide a complete list of names of the workers to the LMU. The LMU will screen the list suitability and character taking into consideration such factors as: previous immigration history, character and health status, previous work experience and level of English language ability.
 - 1.5. An RSE wishing to nominate a current or former employee or any other individual to undertake recruitment on their behalf must first inform the LMU and ensure that the individual completes the process to become a Licensed Agent.
 - 1.6. The LMU retains the right to review the activities of any Licensed Agent and can take appropriate action, including removing the Agent from the Register of Licensed Agents, where the Agent is found to have acted contrary to the guidelines established by the LMOC.



- Ethical recruitment conditions and obligations

Montreal Recommendation

39. Governments are encouraged to include provisions to promote ethical recruitment in the BLAs and/or MoUs they negotiate and conclude. In particular, such frameworks for cooperation should include provisions requiring that **employers pay the full costs of recruitment and that workers do not pay recruitment fees and related costs**. They should also require use of **model employment contracts** that comply with national laws and international standards.

Recruitment fees and related costs

As discussed in [Chapter 1 of the IRIS Handbook](#), prohibiting the charging of recruitment fees and related costs to migrant workers is a cornerstone of a robust ethical recruitment framework.²⁸ Similarly, **consistency** of fee prohibitions across jurisdictions and corridors is one of the most crucial areas for government cooperation in this area. At minimum, governments in both countries of origin and destination should **uniformly prohibit labour recruiters from charging recruitment fees and related costs to workers** within their labour migration agreements. This can include prohibiting employer wage recovery of fees, as well as upholding the **“employer pays” principle** which specifies that recruitment costs should be borne not by the worker but by the employer.²⁹

Sri Lanka and Israel

Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the State of Israel on the Temporary Employment of Sri Lankan workers in specific labour market sectors in the State of Israel

“ Preamble.

Whereas, the Parties share the mutual desire to eliminate the charging and payment of illegal recruitment fees throughout the process of recruitment and employment and declare their willingness to cooperate in order to achieve this goal.

”

²⁸ See [ILO operational guidelines](#) to governments: 6. Governments should take measures to eliminate the charging of recruitment fees and related costs to workers and jobseekers and 6.2 Prospective employers, public or private, or their intermediaries, and not the workers, should bear the cost of recruitment. The full extent and nature of costs, for instance costs paid by employers to labour recruiters, should be transparent to those who pay them.

²⁹ For more on the employer pays principle, endorsed by the Leadership Group for Responsible Recruitment see [here](#).

Nepal and United Kingdom of Great Britain and Northern Ireland

Memorandum of understanding between the Government of Nepal and the Government of the United Kingdom of Great Britain and Northern Ireland on the recruitment of health-care professionals

“ Paragraph 3: general principles

The participants agree to abide with the following as the guiding principles to implement this MoU:

2. No employer, recruitment or placement agency or any entity shall collect any placement fee, costs incurred by recruitment agency and other fees, directly or indirectly, from any Nepali healthcare professional to be deployed, that contravene the applicable laws and the rules and regulations of both countries. Interested applicants may need to fund some of the costs associated with recruitment, though for those recruited it is expected that these will normally be re-imbursed by employers.

”

Standard employment contract

Some of the most abusive recruitment practices are rooted in issues with the employment contract: the absence of one; migrant workers not being provided a copy, or in a language they cannot understand; misrepresented terms and conditions; and contract substitution: where workers are compelled or forced to accept a different contract with less favourable terms and conditions than the one to which they originally agreed.

Standard or model employment contracts can operate as an effective tool to tackle these unethical practices as they set out minimum wages and provisions for working conditions, rest days, and the like. Labour migration agreements are an ideal vehicle under which governments can agree to adopt one. As such, governments should include a **valid and enforceable model employment contract** that complies with international standards in the labour migration agreements they conclude.³⁰ Provisions should be in place to ensure that contracts are made available to workers in their own language prior to departure. Control mechanisms to prevent contract substitution should also be provided: for example, where the contract must be certified by the Ministry of Labour or Employment and embassy, and signed by relevant parties ahead of the migrant worker's departure.

³⁰ See Article 22 in the Annex of ILO Recommendation R086 which provides a full list of information to be included in employment contracts.

Uganda and Saudi Arabia

Agreement on domestic workers recruitment between the Ministry of Gender, Labor and Social Development in the Republic of Uganda and the Ministry of Labor and Social Development in the Kingdom of Saudi Arabia

“ Article 3 Areas of Cooperation

The Parties shall:

4. Adopt a standard employment contract for domestic workers, the text of which needs to be accepted by the competent authorities of both countries and shall be binding to the contracting parties (Employer, Domestic worker, Saudi Recruitment office and Uganda Recruitment Agency).

”

Access to information

Another way to protect migrant workers from exploitation and abuse is to provide them with information on their rights in the recruitment and employment process.³¹ Agreements should accordingly provide for such **free and accessible information** to migrant workers. This should include information on how to exercise rights, complaint procedures, and how to access remedy in the case of misconduct or exploitation. They should also provide an opportunity to tailor training programmes to specific corridor contexts, including language and cultural components.³² Depending on the recruitment modality, these may be delivered by public agencies or licensed labour recruiters in pre-departure and post-arrival settings.

- **Cooperative and joint activities**

In addition to applying conditions and obligations on recruitment conduct, labour migration agreements formalize **shared responsibilities** between Parties on recruitment governance, including cooperative activities related to implementation and review of the agreement.

- **Implementation**

Agreements should clearly explain implementation modalities as they relate to recruitment governance and rules of conduct. Perhaps one of the most important activities here is the reciprocal **facilitation of information sharing** between governments. Agreements should establish protocols between Parties and the appropriate government agencies to share relevant information with the aim of increasing intelligence about the recruitment industry and to enable collaboration on enforcement. Adherence to respective privacy and data protection legislation should be respected and specified.

Information exchange may include regularly sharing updated lists of licensed and ineligible recruiters, including relevant compliance history and inspection findings (e.g. details regarding a licence revocation or suspension). Other data and information to facilitate parallel inspections and/or the identification of non-compliance can be included as appropriate (e.g. exchange of operational practices, de-personalized macrolevel data to inform trends and risk indicators, etc.)

³¹ For more detailed guidance and examples on migrant access to information, please see Chapter 5 of the IRIS Handbook: Migrant-facing information initiatives (forthcoming).

³² An example of an ILO-developed pre-departure training curriculum for workers from Viet Nam and destined to Malaysia is available [here](#).

Governments are encouraged to consider other areas of recruitment-specific cooperation on implementation, such as:

- Provisions for joint public awareness campaigns on:
 - the concluded labour migration agreement and its respective recruitment processes and rules;
 - targeted stakeholder awareness (e.g. with migrant workers on rights, private sector on obligations);
- Capacity-building and training projects (e.g. staff secondments, exchange of expertise);
- Commitment to cooperation in relevant labour migration and ethical recruitment [forums](#);
- Cooperation on related matters (forced labour, trafficking, etc.).

Jordan and Nepal

General Agreement in the Field of Manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal

“ Joint responsibilities

Article 3: Responsibilities of the Parties

The Parties shall:

- b) Exchange updated information on the licensed and blacklisted recruitment agencies of either country



Japan and Lao People's Democratic Republic

Memorandum of Cooperation between the Ministry of Justice, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan and the Ministry of Labour and Social Welfare of the Lao People's Democratic Republic on a basic framework for information partnership for proper operation of the system pertaining to foreign human resources with the status of residence of “specified skilled worker” (2022)

“ 4. Basic framework for information partnership

(1) Information-sharing

The Ministries and Agency of Both Countries will promptly share necessary or useful information in order to ensure smooth and proper sending and accepting specified skilled workers and to resolve the problems of sending and accepting and of residing in Japan of specified skilled workers. This information includes information on the acts of intermediary organizations (including both individuals and corporations) in both countries which involve in recruitment and job seeking relating to specified skilled workers (hereinafter referred to as “intermediary organizations for specified skilled workers”) and on those that fall under the following:

- (a) Managing money or other properties of specified skilled workers and candidates of specified skilled workers (hereinafter referred to as “specified skilled workers and candidates”), their relatives or any person concerned, regardless of any reason such as the collection of a deposit or any other purposes;

- (b) Concluding any contracts that impose monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts;
- (c) Human rights infringements against specified skilled workers and candidates such as assaults, intimidation and restrictions of their freedom;
- (d) Using or providing forged, altered or false documents, pictures or drawings, with the intention of obtaining permissions, visas or other certificates fraudulently in relation to the immigration control or visa procedures of Japan; or
- (e) Collecting fees or other expenses from specified skilled workers and candidates without indicating the calculation basis of the expense, and making them understand the amount and breakdown of the expense.



Montreal Recommendation

40. Frameworks for cooperation should include consular protection and consider mechanisms to ensure regular review and evaluation (including by workers and/or their representatives) and effective monitoring and implementation.

● Review and oversight

Agreements should also clearly explain review and oversight mechanisms and provide for multi-stakeholder feedback in these instruments. Agreements typically institute some type of **joint technical advisory, implementation or coordinating committee** to do so, with responsibilities ranging from monitoring the implementation of the provisions of the agreement to resolving any relevant disputes.³³ Provisions should commit Parties to meet regularly, for example on an annual basis, to support these activities. As in-person meetings can be cost prohibitive at times for some delegates, Parties may consider adopting virtual modalities to reduce costs and safeguard regular exchanges on progress and agreement outcomes. Provisions may also prescribe more detailed monitoring activities, such as verification of working conditions and so on.



³³ For further guidance on monitoring, see [UN Guidance on bilateral labour migration agreements](#) (pp. 48–54).

Spain and Colombia

Agreement between Spain and Colombia on the Regulation and Management of Migrant Labour Flows

“ CHAPTER VI

PROVISIONS FOR THE IMPLEMENTATION AND COORDINATION OF THE PRESENT AGREEMENT

Article 14

1. The Spanish Ministry of the Interior, through the Government Delegation for Alien and Immigration Affairs, and the Ministry of Foreign Affairs of Colombia, through the Department of Consular Affairs and Colombian Communities Abroad, shall jointly establish the modalities of implementation of the present Agreement, and shall cooperate and consult directly with each other whenever necessary for the implementation of the Agreement.

2. The Contracting Parties shall advise each other, through the diplomatic channel and prior to the entry into force of the present Agreement, of the authorities responsible for administering the procedures provided for therein.

3. Any disputes arising between the Parties concerning the interpretation or application of the present Agreement shall be resolved through the diplomatic channel.

Article 17

A Joint Coordinating Committee shall be established with responsibility for:

- (a) Monitoring the implementation of this Agreement and deciding on the measures that are necessary for this purpose;
- (b) Proposing, where appropriate, revisions to the Agreement;
- (c) Facilitating the dissemination in both countries of timely information about the contents of the Agreement;
- (d) Defining its rules of operation, including the creation of ad hoc committees to regulate specific aspects of the Agreement;
- (e) Resolving any operational difficulties that may arise in its implementation;
- (f) Discussing and preparing proposals on matters related to the subject of migration between Colombia and Spain.

The Joint Committee shall meet alternately in Colombia and Spain, at the request of either of the Contracting Parties, under the conditions and at dates set by common agreement. The designation of its members shall be done by the competent authorities of each country. ”

Leveraging labour attachés

Montreal Recommendation

26. Governments of origin countries should properly resource the deployment of labour attachés to destination States. Labour attachés can effectively scrutinize the end-to-end process of recruitment and can screen out unlicensed or non-compliant recruiters. They are also ideally placed as a **coordinating link between the monitoring and enforcement bodies in the destination State and the home authorities.**

Labour attachés, sometimes referred to as labour welfare officers or labour advisors, are officials posted in embassies or consulates abroad to ensure the welfare of migrant workers in the respective destination country. They are typically appointed by the home country's labour ministry and are accordingly both trained and knowledgeable about labour rights. As such, one of their primary roles is to ensure the protection of the rights of migrant workers and to assist them in any relevant labour-related issues.

Given their role and presence in the destination context, labour attachés are ideally placed as a coordinating link between the monitoring and enforcement bodies in the destination country and the home authorities. Labour migration agreements should formally recognize this role and institutionalize the complementary monitoring function that labour attachés can perform vis-à-vis the recruitment process and oversight activities of labour migration agreements. The role and responsibility of labour attachés should be primarily concerned with ensuring the protection and well-being of migrant workers. With this objective in mind, activities can include:

- Clearly including labour attachés in information sharing protocols to share data on complaints filed by migrant workers against employers, recruiters, and agents;
- Enabling labour attachés with clear roles in contract verification and recruitment mechanisms (i.e. to authenticate and verify employment contracts; to refuse to process relevant paperwork for non-compliant employers and recruiters);
- Involving labour attachés in the licensing or registration processes of prospective recruitment agencies;
- Formally incorporating the role of labour attachés into relevant complaint mechanisms in the country of destination;
- Involving labour attachés in post-arrival training modalities that disseminate information on migrant worker rights and employer and recruiter obligations, in an accessible medium and language workers can understand;
- Instituting policies for destination government agencies to promptly inform labour attachés when new recruitment and labour laws are proposed and approved.

Consultation and collaborative engagements

The discussion below highlights some promising **examples** of consultative processes and collaborative engagements that governments have undertaken to advance work on ethical recruitment – particularly in terms of information exchange and policy coherence – at various levels of engagement. Governments are encouraged to draw inspiration from this work in their own activities: from participating in relevant forums if not already involved, to adopting similar approaches and projects with other governments.

Global level

● Global Policy Network on Recruitment

In December 2020, the [Global Policy Network on Recruitment](#) was **launched** as a dedicated global forum for dialogue and collaboration between governments on the ethical recruitment of migrant workers. Its priorities and outputs are driven by and for Member States and its administration is supported by the IOM's IRIS Secretariat. The Network is global, voluntary, and technical in nature. At the time of writing, the Network had more than **50 members** from the Americas, Europe, Africa, and Asia-Pacific.³⁴

The Network adopts a “whole-of-government” approach and engages representatives from the full range of public authorities responsible for or involved in recruitment regulation and migrant worker protection from countries of origin and destination alike. Members represent both national and subnational authorities across foreign affairs, justice, interior, labour, counter-trafficking, immigration, and development cooperation portfolios. Through technical thematic working groups, Members can:

- discuss **key challenges** related to international labour recruitment;
- highlight **promising practices** in the field of policy, regulation and enforcement;
- identify and co-develop **solutions** to recruitment-related challenges;
- encourage **operational and regulatory cooperation** across participating jurisdictions; and
- request, validate, and endorse relevant **global training resources** and **technical guidance**.

Thematic working groups are convened virtually on a quarterly basis, covering a range of more specific policy priorities, including (1) the role of inspection and enforcement, (2) licensing and oversight of labour recruiters, (3) bilateral cooperation, and (4) recruitment in seasonal and temporary migration schemes. A stakeholder working group brings together (5) the donor and fundraising community (both public and private) to exchange experiences and discuss thematic, regional, and strategic funding priorities. A biennial in-person **all-Members meeting** complements and strengthens Network activities and objectives.³⁵

The Network's foundation was laid with the success of the [Global Conference on the Regulation of International Recruitment](#), held in June 2019. The 2-day conference brought together 100 policy makers from over 30 countries from around the world and resulted in the Montreal Recommendations

³⁴ For more information on the Global Policy Network, including membership and participation, interested governments and public authorities can contact the IRIS Secretariat at iris@iom.int.

³⁵ Note: the COVID-19 pandemic affected the frequency of in-person engagement due to related travel restrictions.

– one of which recommended facilitating of this type of ongoing multi-jurisdictional dialogue and collaboration among governments.

Interregional level

● Bali Process

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) was established in 2002 as a voluntary and non-binding interregional consultative process that fosters policy dialogue, information sharing, and practical cooperation to address its namesakes' challenges. Its permanent co-chairs are the Governments of Australia and Indonesia and comprises of 45 member countries and four international organizations. The Bali Process Ministerial Conference sets the priorities of the Bali Process and guides the work of the different established technical groups. Since 2017, the Bali Process Government and Business Forum brings together influential business leaders and ministers from the Indo-Pacific region to consider ways to prevent and combat human trafficking, forced labour and modern slavery.

Members of the Bali Process Working Group on Trafficking in Persons developed and endorsed in 2021 a [Compendium of Good Practice Examples to Combat Exploitation in Supply Chains](#). The resource is designed to inspire and guide government action to combat exploitation in supply chains. Among the examples included, practical action that governments have taken to address unethical recruitment practices are profiled – such as guidance, tools, legal and policy frameworks and partnerships.

● Regional Conference on Migration

The [Regional Conference on Migration](#), also known as the Puebla Process, was established in February 1996 as a mechanism for coordinating migration policies and actions in 11 Member States: Belize, Canada, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States. In addition to providing a space for dialogue and information exchange between governments, it has launched a wide array of practical actions including cooperation projects, training workshops, and technical and institutional assistance for immigration authorities from Member States.

The tenets of the Regional Conference on Migration are:

- to create a forum for frank and honest discussion on regional migration issues, leading to greater regional coordination and cooperation; and
- undertake regional efforts to protect the human rights of migrants and strengthen the integrity of each Member State's immigration laws, borders, and national security, as well as to strengthen the links between migration and development.

Notably, the Regional Conference on Migration includes a **working group on labour migration**, which undertakes initiatives aimed at promoting the exchange of experiences and information on labour migration for the benefit of governments, employers, and migrant workers of Member States. In this area of work, the Regional Conference on Migration seeks to promote full respect for the human and labour rights of migrant workers, enhance the benefits of safe, orderly and regular migration, and its link with development in the communities of origin, transit and destination.

The Regional Conference on Migration has also conducted extensive activities and capacity-building initiatives on ethical recruitment, recruitment costs, and other related issues. This has included a series of [technical exchanges](#) on fair and ethical recruitment practices in which multi-stakeholder panel discussions showcased regulation, monitoring models, and the protection of migrant workers around the world.

Regional level

● Colombo Process

The Colombo Process³⁶ is a regional consultative process that focuses on the management of overseas employment and contractual labour for countries of origin in Asia, established in 2003. Its members include Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam. Chairpersonship is voluntary and rotational, and the Process is supported by IOM, which acts as its Secretariat.

Among its core objectives and focus, particular attention is placed on the protection of migrant workers from unethical and abusive practices in recruitment and employment. This includes a **dedicated thematic area working group on fostering ethical recruitment practices**. At the time of writing, this work is supported by the GOALS³⁷ programme, which is jointly implemented by IOM, ILO and UN-Women. Its main objective is to make labour migration safe, orderly and regular for all women and men from Colombo Process Member States through strengthened collaboration and effective labour migration governance. This includes outcomes focused on ethical recruitment practice areas, as described below:

- convening a regional meeting of government regulatory bodies that oversee recruitment agencies within Colombo Process Member States and select countries of destination to discuss approaches to and challenges of the regulation of labour recruiters;
- fostering a process of recognizing the role of sub-agents in recruitment and convening national policy dialogues in respective countries;
- pilot-testing guidance on rights-based and gender-responsive bilateral labour agreements in the country of origin, and other existing relevant tools, as appropriate;
- convening a symposium for broader constituency in Colombo Process Member States to better understand the rights-based and gender-responsive approach to BLAs and how to implement it through multi-stakeholder engagement;
- translating and adapting UN-Women's Toolkit for Gender-Responsive Employment and Recruitment;
- strengthening recruitment monitoring practices and complaints mechanisms in Colombo Process Member States through expanding the Migrant Recruitment Advisor³⁸ in South Asia and promoting it at regional level.

³⁶ Short-form title for "Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia".

³⁷ Governance of Labour Migration in South and South-East Asia (GOALS) programme (2020-2023).

³⁸ The Recruitment Advisor is a [web-based electronic platform](#) that allows workers to comment on their experiences, rate the recruitment agencies and learn about their rights.

This work concretely supports policy makers and other stakeholders from Colombo Process Member States by increasing their understanding of how to apply tools, knowledge and best practices to improve the regulation and enforcement of fair and ethical recruitment practices as well as labour migration cooperation agreements, memoranda and contracts.

● **Abu Dhabi Dialogue**

In 2008, the [Abu Dhabi Dialogue](#)³⁹ was established as a forum for dialogue and cooperation between Asian **countries of labour origin and destination**. It consists of 11 Member States of the Colombo Process (countries of origin) and six Gulf countries of destination: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, as well as Malaysia.

The Abu Dhabi Dialogue is a State-led regional consultative process that aims to enable safe, orderly, and regular labour migration through multilateral dialogue and cooperation on the joint development of labour mobility-related research products, programming, implementation and reporting. It is voluntary and non-binding, with its permanent secretariat provided by the United Arab Emirates with rotating chairs-in-office. Regular observers include the IOM, ILO, and representatives from the private sector and civil society. Given the significant volumes of migrant workers who move across Asia-Gulf temporary labour migration corridors, the Dialogue is an important forum through which Member States develop partnerships between origin and destination and share knowledge and good practices.

Notably, the Dialogue has given significant attention and focus to ethical recruitment in terms of practical research and project outputs including:

- the commissioning of a [study](#) on recruitment practices in the Kerala–United Arab Emirates and the Nepal–United Arab Emirates labour migration corridors;
- undertaking a [pilot project](#) between the Philippines and the United Arab Emirates to create and test an alternative recruitment model to enable joint government oversight and monitoring of the recruitment process;
- supporting the piloting of the [Comprehensive Information and Orientation Programme \(CIOP\)](#) to promote harmonized and tailored orientation programmes for labour migration between countries of origin and destination.

● **Regional Ministerial Forum on Migration for East and Horn of Africa**

The [Regional Ministerial Forum for the East and Horn of Africa \(RMFM\)](#) on “Harmonizing Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Human Labour Migration” was launched in January 2020 with membership from 11 States in the region (Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, the Sudan, the United Republic of Tanzania, Uganda). Chairs rotate on an annual/biennial voluntary basis and the regional consultative process is supported by IOM Regional Office for East and Horn of Africa, IGAD⁴⁰ and EAC⁴¹ as

³⁹ Short-form title for the “Ministerial Consultations on Overseas Employment and Contractual Ministerial Consultations on Overseas Employment”.

⁴⁰ IGAD – the Intergovernmental Authority on Development – is a regional economic community in Africa consisting of 8 Member States: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, the Sudan and Uganda.

⁴¹ EAC – the East African Community – is a regional economic community Africa consisting of 7 Partner States: Burundi, the Democratic Republic of the Congo, Kenya, Rwanda, South Sudan, Uganda and the United Republic of Tanzania.

technical Regional Secretariat. The Forum addresses labour migration policies, fosters labour mobility and regional integration, and aims to protect fundamental human, labour, economic and social rights of migrant workers and members of their families migrating intra and interregionally.

It is worth noting the unified approach that such a regional consultative process can foster, as affirmed in its Communique and Call to Action priorities as well as in a [joint statement](#) (2022) from Member States of the Forum to “*unite as a block to realize the potential of labour migration and to address the related challenges within East and Horn of Africa as origin, transit, and destination countries and establish a better negotiating position in their engagement with countries of destination*”. In the broader context of power asymmetries between countries of immigration and emigration, this approach can create a common regional voice and commit States to minimum standards when engaging on more formal instruments such as bilateral labour migration agreements.

On ethical recruitment and migrant worker rights, Members of the Forum agreed in the same joint statement to “*establish mechanisms for enforcement of fair and ethical recruitment standards and continue implementation of trainings for private recruitment agencies, through tools such as IOM’s IRIS and platforms such as the [Global Policy Network](#), its various Thematic Working Groups, and ILO General Principles and Guidelines for Fair Recruitment and Definition of Recruitment Related Costs, and relevant ILO Conventions*”. This exemplifies how distinct regional consultative processes can cross-pollinate and strengthen common objectives and work plans.

Ethical recruitment opportunities within regional integration initiatives

Regional integration initiatives, commonly referred to as “regional economic communities”, “associations”, or “unions”, also present unique opportunities to advance ethical recruitment and migrant worker protection from a whole-of-government perspective. A few examples of these mechanisms include the African Union, Association of Southeast Asian Nations (ASEAN), and the European Union at the regional level; and the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) at the subregional level in Africa, among many others.

While these initiatives are generally aimed at the harmonization of broader economic, social, political and security goals between and among Member States, they can also play an important role in closing gaps in shared international labour recruitment processes and towards advancing the protection of migrant workers. Cooperation in these spaces can involve committing to harmonizing recruitment regulations (e.g. licensing requirements of private recruiters) and establishing monitoring mechanisms for the implementation of ethical recruitment standards across the region. Where bilateral power asymmetries exist between countries of immigration and emigration, regional communities can act together and agree on minimum standards in their labour migration agreements to strengthen negotiations as a bloc towards improved migrant worker protection. They can also serve as mechanisms to enshrine various rights and obligations, for example directives to ensure that migrant workers have access to free and accurate information on their rights, or to undertake joint regional awareness campaigns on the risks associated with unethical recruitment.

Bilateral level

Montreal Recommendation

42. Governments should explore the potential to introduce, expand and sustain ethical recruitment corridors based on the IRIS Standard and methodology.

Finally, it is important to note the less formal ways that governments can collaborate at the bilateral level. One relevant objective to guide such bilateral engagement is to explore the potential to introduce, expand, and sustain **ethical recruitment corridors** based on the [IRIS Standard](#). To do so, governments are encouraged to undertake joint consultations, including stakeholder capacity-building between countries of origin and destination.

A recent project example of this type was led by IOM in 2020–21. The project aimed at establishing the foundation for an ethical recruitment corridor between Mexico and British Columbia, Canada. By adopting a multi-stakeholder approach, the project brought together key actors (government agencies at both national and subnational levels, employers, recruitment agencies, and civil society) to learn about and discuss the recruitment of migrant workers from Mexico to British Columbia; the challenges and opportunities related to this process; and to inform the scope for ethical recruitment between origin and destination contexts. More specifically, it resulted in an initial mapping of the recruitment process between Mexico and British Columbia, as well as a multi-stakeholder workshop and background product to design a potential ethical recruitment corridor based on the IRIS Standard.

In deepening government awareness and capacity on shared recruitment issues and connecting ethical private sector actors, the project led to a strong commitment among participants to pursue further opportunities to implement an ethical recruitment corridor. At the time of writing, the launch of a second phase of the project is being discussed with the provinces of British Columbia and Quebec to pilot the implementation of ethical recruitment corridors in 2023 to 2025.



Annex

Labour migration agreement – information checklist⁴²

During the preparatory stage of a labour migration agreement, the following checklist can guide governments seeking information on **fair and ethical recruitment mechanisms** in other country contexts:

- Does a regulatory and an operational institutional framework exist for fair and ethical recruitment of migrant workers?
- What are the licensing conditions for recruitment/placement agencies and pre-departure training centres? What are the monitoring and quality assurance compliance mechanisms?

⁴² As per UN guidance on bilateral labour migration agreements (p. 13), available [here](#).

- What are the complaints mechanisms? Is there a joint and several liability provision for recruitment agencies and employers, with recruitment agencies and employers having placed funds in escrow, to be used when compensation is required? Are all placement agencies and all placements registered with the embassy of the migrant workers in advance of their arrival?

- Is there a mechanism which requires the prior review and approval of employment contracts by the Ministry of Labour and the labour attaché/embassy of the migrant worker before finalization of the recruitment contract?

- Are there provisions prohibiting the charging of recruitment fees and related costs to migrant workers?

- Are there provisions in place ensuring that no deduction of fees and other costs takes place (including flight, accommodation, food, medical assistance, administrative fees, etc.)?

Resources

- United Nations Network on Migration, [Guidance on Bilateral Labour Migration Agreements](#)
- IOM, [Advancing a common understanding of migration governance across regions: Assessment Report](#)
- IOM, [Essentials of Migration Management 2.0 Handbook, Inter-State Policy Dialogue on Migration](#)
- IOM, [Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community](#)
- IOM, [Glossary on Migration](#)
- ILO and IOM, [Tool for the Assessment of Bilateral Labour Migration Agreements Pilot-tested in the Africa Region](#)
- ILO Model agreement on temporary and permanent migration for employment, including migration of refugees and displaced persons: Annex, [ILO Migration for Employment Recommendation \(Revised\), 1949 \(No.86\)](#)
- ILO, [Bilateral agreements and memoranda of understanding on migration of low skilled workers: a review](#)
- ILO, [Core elements of a bilateral agreement or a memorandum of understanding on labour migration](#)
- ILO, [Good practices and provisions in multilateral and bilateral labour agreements and memoranda of understanding](#)
- African Union, [AU Guidelines on Developing Bilateral Labour Agreements \(BLMAs\)](#)
- Ruslan Stefanov and Daniela Mineva, [Practitioner's Toolkit: Drafting, Implementing, Reviewing and Improving Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work: A practitioner's toolkit from the thematic working group of the European Platform of Undeclared Work](#)



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