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Organization

Fair
Recruitment
Initiative

► Global study on recruitment fees and related costs

Second edition



▶ **Global study on recruitment fees and related costs**

Second edition

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► Foreword

The ILO adopted the General Principles and Operational Guidelines for Fair Recruitment (GPOG) in 2016, complemented by the Definition of Recruitment Fees and Related Costs (ILO Definition) in 2018, which constitute global reference documents. Both documents reiterate that workers should not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment. The adoption of the ILO Definition was supported by a Global Comparative Study on Recruitment Fees and Related Costs (Global Study) published in 2018. The first Global Study reviewed the recruitment-related law, policy, and practice of 90 countries across all five regions as well as international, regional and bilateral frameworks on recruitment and labour migration, providing a compelling global picture regarding recruitment fees and related costs.

This second edition of the study comes at a period where recruitment fees and related costs are an issue of growing global concern. Recruitment fees and related costs constitute about 15 per cent (\$5.6 billion) of the illegal annual profits reaped from international migrant labour. Similarly, an estimated 20 per cent of all forced labour cases emanate from debt bondage, most of which occurs through the payment of exorbitant recruitment fees and related costs. The payment of recruitment fees and related costs by workers contributes to income inequality, constituting serious impediments to realizing the Sustainable Development Goals Agenda. In this sense, this report presents a unique opportunity to assess our commitment to achieving fair recruitment and eliminating debt bondage and forced labour in the 10 years since adopting the Protocol to the Forced Labour Convention of 1930 and the launch of the ILO Fair Recruitment Initiative. Likewise, it serves as a point of introspection on our collective action to advance social justice and promote decent work in the 80 years since the ILO adopted the Declaration of Philadelphia.

This study provides a comprehensive analysis of the progress made, challenges encountered, and regulatory gaps that need to be addressed since the adoption of the ILO Definition. It expands its analysis to 110 countries globally and includes various stakeholder initiatives on recruitment fees and related costs. By examining the global landscape of recruitment practices, this study offers valuable insights into national, context-specific, regulatory conditions, and practical realities that workers, labour recruiters, enterprises, and employers face regarding recruitment fees and related costs. The study shows increased awareness of the risks associated with worker-paid recruitment fees and costs by a range of stakeholders, including governments, employers and workers organisations, civil society organisations and the private sector. Recruitment actors have increasingly taken steps to integrate the ILO Definition into different national, bilateral, and regional contexts. This positive trend is further evidenced by the increased ratification of relevant international labour standards, including the Protocol of 2014 to the Forced Labour Convention of 1930. States have also integrated the principle of not charging recruitment fees and related costs to workers into bilateral labour migration agreements between sending and destination countries and other regional frameworks, indicating a promising shift in global recruitment practices.

Globally, business and trade union-led and multi-stakeholder initiatives have also galvanised efforts to ensure workers are not charged recruitment fees and costs. The study highlights promising practices where business and enterprise codes of conduct have been aligned with the ILO Definition and where trade unions have provided migrants with information on their rights, including recruitment-related rights and supported access to justice when violations occur. While these are clear indications of progress in addressing recruitment fees and related costs for all

workers, as the study shows, much remains to be done to concretize these gains.

Increased collaboration between governments, social partners, international organizations, civil society groups, and the private sector is essential to advancing on the progress made and overcoming the obstacles encountered in eliminating recruitment fees and related costs and ensuring fair recruitment outcomes for all workers. Collective efforts to scale progress should reflect gender-transformative responses to labour market needs. It should be built on

Gladys Cisneros

Chief, Labour Migration Branch (MIGRANT)
Conditions of Work and Equality Department
(WORKQUALITY) Department

social dialogue and respect for human and labour rights, including preventing forced labour and human trafficking. This calls for strengthening legal and policy frameworks that recognise and integrate the ILO Definition as well as implementation mechanisms to translate initiatives into realities for those concerned. In this regard, the ILO remains a steadfast partner in assisting constituents in designing and implementing comprehensive policies that address the charging of recruitment fees and related costs, and promote fair recruitment and ensure fair labour migration outcomes for all.

Philippe Vanhuynegem

Chief, Fundamental Principles and Rights at
Work Branch (FUNDAMENTALS)
Governance and Tripartism Department
(GOVERNANCE) Department

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► Abbreviations and acronyms

AFL-CIO	American Federation of Labour and Congress of Industrial Organizations
AMU	Arab Maghreb Union
ASEAN	Association of Southeast Asian Nations
BLA	Bilateral labour agreement
BLMA	Bilateral labour migration agreement
BP2MI	Board for the Protection of Indonesian Migrant Workers (Indonesia)
CBP	Customs and Border Protection (United States)
CDM	Centro de los Derechos del Migrante
CEN-SAD	Community of Sahel-Saharan States
CGF	Consumer Goods Forum
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil society organization
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
GSI	Global Slavery Index
IGAD	Intergovernmental Authority on Development
IHRB	Institute for Human Rights and Business
IOE	International Organization of Employers
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System
ITUC	International Trade Union Confederation
LMIA	Labour market impact assessment

MARGMA	Malaysian Rubber Glove Manufacturers Association
MFA	Ministry of Foreign Affairs (Guatemala)
MINTRAB	Ministry of Labour and Social Welfare (Guatemala)
MOU	Memorandum of understanding
NGO	Non-governmental organization
PEA	Private employment agency
RBA	Responsible Business Alliance
REC	Regional economic community
RRT	Responsible Recruitment Toolkit
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SLBFE	Sri Lanka Bureau of Foreign Employment
UN	United Nations
WRO	withhold release order



► Executive summary

In 2014, in recognition of the critical role recruitment plays in establishing decent work, the ILO launched the [Fair Recruitment Initiative](#). At the 2018 [Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs](#), the ILO's Governing Body negotiated and subsequently adopted the first internationally agreed upon Definition of Recruitment Fees and Related Costs (hereafter, "the ILO Definition"). In advance of these negotiations, a [Global Study on Recruitment Fees and Related Costs](#) (hereafter, the "Global Study") was produced, which examined how recruitment fees and related costs are defined in legislation, policies, bilateral agreements and private sector initiatives, and whether such fees and costs were prohibited or regulated. Five years after this study and the subsequent adoption of the Definition, the ILO has commissioned a second Global Study to review the progress made and challenges encountered, and to identify regulatory gaps that still need to be addressed. The results of this second Global Study are presented in this report.

According to the [ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#) (hereafter, the "General Principles and Operational Guidelines"): "the terms recruitment fees or related costs refer to 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". Guided by international labour standards, the approach to recruitment fees specified in the General Principles and Operational Guidelines "recognizes the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment".

Based on the above, the second Global Study examines trends over the past five years (2018–2023) to provide an updated picture of the status of

efforts on tackling recruitment fees and related costs through regulatory work or other types of action. The overall objectives of the Global Study are to:

1. Analyse the extent to which governments, multi-stakeholder initiatives and the private sector have integrated the ILO Definition into their laws, policies and practices.
2. Shed light on the progress made, challenges encountered, and regulatory gaps to be addressed.
3. Update the data collected on recruitment fees and related costs five years ago in 2018, under the first Global Study while analysing new information and trends.

The second Global Study, compared to the first of 2018, extends the review of legislation and policies from 90 to 110 countries, – **69 of which have legislation in place to prohibit recruitment fees (for, at least, some categories of workers or for, at least, certain costs), and 45 of which have legislation in place to regulate recruitment fees (for at least some categories of workers)**.¹

Overall, the *legislative picture that has emerged from the second Global Study is not significantly different from that of 2018, despite the increase in the number of countries covered. In absolute terms, the number of countries already regulating recruitment fees and costs or explicitly prohibiting them is very high, confirming the importance of* and growing recognition of the relevance of the issue.

When we examine the legislative picture, we do not see a notable increase since 2018 in the number of countries that have detailed breakdowns of costs in their legislation, with this being the case in 23 per cent (n=21) of the 2018 sample and 24 per cent (n=26) of the 2023 sample.

Of the countries reviewed by ILO during the first Global Study (n=91), legislative changes

¹ These numbers exceed 110 because four countries were identified as having different rules in place for migrant workers and national workers, and therefore were coded as both prohibiting and regulating recruitment fees.

since 2018 were identified in 18 countries. In three of these countries – Mongolia,² Guatemala³ and Indonesia⁴ – these legislative changes represent a shift from the regulation of fees to the prohibition of fees. Among the 20 countries added for this second study, legislative reforms since 2018 were identified in three countries: Gabon, Sierra Leone and Uzbekistan. Since 2018, five additional countries – Madagascar (2019), Somalia (2021), Sierra Leone (2021); Antigua and Barbuda (2021) and Nigeria (2023)⁵ – have ratified the Private Employment Agencies Convention, 1997 (No. 181).

Regional dynamics

As in the past, *some regional differences* do emerge. *In Asia and the Pacific, there is a tendency towards regulation, while in Europe and Central Asia, and the Arab States, recruitment fees are more likely to be prohibited.* However, in Europe and Central Asia, these prohibitions often only apply to temporary employment agencies, and in the Arab States, they often do not include costs incurred in the country of origin. *The policy landscape in the Americas and Africa shows a much more mixed picture.* For instance, while most of the countries in both regions lean towards prohibiting recruitment fees, a lesser but sizeable amount also focuses on regulation instead of prohibition, which can also be explained by very different regional dynamics.

Africa

The Global Study reviewed 30 out of 54 countries on the **African continent** (15 more than the first Global Study), resulting in the most comprehensive overview, to date, of legislation relating to recruitment fees and related costs in Africa. Of the 30 African countries reviewed, nine have ratified the ILO Private Employment Agencies Convention, 1997 (No. 181).⁶ **Two-thirds of the**

countries reviewed (n=20) had at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). The remaining ten countries regulate recruitment fees (for at least some categories of workers). *The general trend in the region is for policies to cover both national and international recruitment processes.* However, in Uganda, Kenya and Tunisia, legislation on recruitment fees and related costs only applies to international recruitment. Compared to other regions, it was more common in Africa to identify laws that prohibit charging workers very specific costs – most commonly transportation. While transportation often capture a large part of overall recruitment costs, legislative reform to cover other costs would still be required to achieve full alignment with the ILO Definition. Additionally, compared to the first study, the second study engaged in a more comprehensive examination of the domestic sanctions regime in relation to violations of legislative provisions on the prohibition of recruitment fees and costs. Results from this showed that in Africa, **finances and penalties were the most commonly cited sanction, identified in 50 per cent of the sample (n=15)**, followed by the revocation or suspension of the recruiter's licence in slightly more than a third of the countries (n=11). Penal sanctions – largely imprisonment – were also mentioned in the laws and policies of nine out of 30 African countries. Notably, only one country – Sierra Leone – specifies compensation for migrant workers under their elaboration of sanctions.

Americas

Of the 22 countries in **the Americas** included in the review, approximately two-thirds (n=15) had at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). The remaining third (n=8)

2 Mongolia Labour Migration Law, article 76(9).

3 Regulation for the Registration of Recruiters of Guatemalan Workers for the Provision of Services or Execution of Works Outside the Territory of the Republic de Guatemala (Government Resolution 50–2022), and the Law for the Promotion of Temporary Work Abroad (Decree No. 31–2022).

4 BP2MI Regulation No. 9/2020 concerning Zero Placement Fee for Indonesian Migrant Workers.

5 Comes into effect in 2024 for Nigeria.

6 These nine countries are (as of 24 January 2024): Algeria, Ethiopia, Madagascar, Mali, Morocco, Niger, Nigeria, Sierra Leone and Zambia.

had laws or policies regulating recruitment fees (for at least some categories of workers). For half of the reviewed countries in the Americas (n=11), we could identify a general statement prohibiting recruitment fees. However, only one country – Colombia – included a detailed breakdown of what these costs entailed. Similar to Africa, fines and penalties were the most commonly cited sanction (n=16), followed by the revocation or suspension of the recruiter's licence (n=10). Penal sanctions – largely imprisonment – were also mentioned in the laws and policies of five out of 22 countries in the Americas.

Arab States

All seven countries in the Arab States included in the review had at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). However, these laws or policies do not often apply to costs incurred in the country of origin, and accordingly, many migrant workers in the region still pay for their recruitment. The most common regulatory approach was the inclusion of a general statement of prohibition, with only two countries – the United Arab Emirates and Saudi Arabia – providing more details on the specific costs that were included in the prohibition. Similar to other regions, fines and penalties were a commonly cited sanction (n=4). However, unlike other regions, penal sanctions – largely imprisonment – were equally prevalent (n=4). Two countries (Kuwait and Lebanon) mentioned the revocation or suspension of a recruiter's licence, one mentioned worker compensation, and one included no reference to any sanctions in their legislation.

Asia and the Pacific

The overall legislative picture in **Asia and the Pacific** was quite different from the other regions. *All 22 countries* in Asia and the Pacific *reviewed for this study had at least one policy regulating fee-charging, with just one country having a policy to prohibit the charging of recruitment fees*, but only for national workers (India). It was accordingly not surprising to find that *the most common regulatory approach to recruitment fees evident*

in the law and policy review was the capping of recruitment fees (n=14). In several countries, only a general statement on the regulation of fees was identified, without a clear indication of the level of such caps (n=5). Several countries in the region, for example, Myanmar, Nepal, New Zealand, Singapore, and Sri Lanka, also permitted certain costs (n=5). In the region, we identified *nine countries that provided a detailed definition and breakdown of recruitment fees and related costs.*⁷ In terms of sanctions, and in line with most other regions, the most common approach was fines and penalties (n=15), followed by the suspension of withdrawal of a recruiter's licence (n=13) and penal sanctions, notably imprisonment (n=11). Other forms of sanctions in the region included five countries (Mongolia, Nepal, Philippines, Viet Nam, and Sri Lanka) with sanctions relating to the reimbursement of the costs incurred by workers, with one country indicating that the recruiter's name will be published in an open register (China), and another country permitting a range of other possible sanctions, including education, remediation, and recruitment caps (Australia).

Asia and the Pacific saw the largest number of countries instituting legislative or policy reforms concerning recruitment fees and related costs since the first Global Study, with such reforms observed in seven countries. Many of these changes in legislation were facilitated by ILO technical support, and other countries in Asia are currently in the process of revising their national migration legislation and policies with ILO support to include specific provisions on fair recruitment practices.

Europe and Central Asia

Of the 29 countries in **Europe and Central Asia** reviewed for this study, *26 had at least one policy prohibiting fee-charging, with 25 applying this prohibition to both national and international recruitment and one applying it to only international recruitment* (Uzbekistan). In two countries (Israel and Switzerland), recruitment fees are not prohibited but are instead regulated for both national and international recruitment. In terms of sanctions, all but two countries (Hungary and Uzbekistan) outlined the sanctions that the

⁷ These nine countries are (as of 24 January 2024): Afghanistan, Indonesia, Japan, Lao PDR, Malaysia, Pakistan, Philippines, Thailand, Viet Nam.

government may impose should a violation occur, with the most common being fines and penalties (n=23), followed by the suspension or withdrawal of a recruiter's licence (n=13) and penal sanctions, notably imprisonment (n=7). In two countries (Germany and Sweden), refunding the migrant worker and providing compensation were also listed as possible sanctions. The only relevant legislative change since 2018 concerning recruitment fees and related costs was identified in Uzbekistan, which in 2020 prohibited recruitment agencies from charging fees to jobseekers for placement to work abroad.

Key developments in the recruitment landscape

In the case of migrant workers specifically, since 2018, the COVID-19 pandemic has further amplified existing vulnerabilities and created new challenges. One of the main impacts related to recruitment fees and related costs has been the increased indebtedness of migrant workers linked to delayed deployment due to pandemic-related travel restrictions and forced return and/or irregularity due to job loss, leaving migrant workers unable to repay loans taken out to finance their recruitment. Another impact, although not widely reported, has been increased recruitment costs (for instance, additional costs related to health screenings being passed on to workers).

Against this context of increasingly apparent recruitment risks for workers, especially migrant workers, the desk review and key informant interviews pointed to a number of relevant developments concerning recruitment fees and related costs in the past five years (2018-2023). Several key trends have emerged concerning the acceptance and implementation of the ILO Definition.

Most interview respondents agree that there is increased awareness of the ILO Definition as evidenced in its broad-based acceptance, which has positively impacted legislative change in recent years. Evidence of this can be found in steps being taken to align national legal frameworks with the ILO Definition, including through legislative reviews and other efforts, such as the preparation of guidelines and codes of practice by the private sector and other stakeholders.

Another notable development is the ***increasing attention given to different types of recruitment costs and their contextual variations.*** According to interview respondents, there has been a shift towards breaking down the various components of costs involved in the recruitment process. One relevant observation to monitor for empirical evidence is that, in some countries, recruitment fees have been prohibited. However, related costs are ultimately still being charged to workers, for instance, by charging for skills certificates. Hence, it is plausible that when costs are eliminated from one aspect of the recruitment process, they reappear elsewhere, indicating the complex and interconnected nature of recruitment expenses.

Review of business-led, trade union and multi-stakeholder initiatives

The first Global Study examined ten voluntary guidance documents that address the risks of forced labour in global supply chains as well as two surveys on recruitment fees and related costs. Since the publication of the first Global Study, all ten of the platforms and initiatives reviewed have continued their advocacy of promoting fair recruitment practices. They have endorsed the ILO General Principles and Operational Guidelines and incorporated them into their guidance documents, memos and/or standards of practice. Furthermore, some platforms and business initiatives have explicitly adopted and integrated the ILO Definition into their work.

In 2019, the ILO Global Business Network on Forced Labour undertook a [review of definitions of recruitment fees and related costs](#) by nine selected industry initiatives and the US Federal Acquisition Regulation and compared them to the ILO Definition (ILO Global Business Network on Forced Labour 2019). While the majority of initiatives were found to be mostly in alignment with the ILO Definition, there is noticeably more variation and limited alignment of policies regarding related costs.

The various stakeholders consulted for this report consistently highlighted that the ILO Definition has contributed to the **increased visibility and awareness** among recruitment actors

of recruitment-related abuses and the need to address them effectively. The ILO Definition has also provided stakeholders with a clear reference point to an internationally accepted standard. In the last five years, there has also been an increase in company policies and codes of conduct explicitly including provisions on recruitment fees and human rights due diligence more broadly. There has also been growing interest in capacity-building, and many companies are keen to provide training courses to educate employees and partners on the importance of aligning practices with international standards. The impetus provided by companies is vital, as they can leverage their influence to promote legal compliance and responsible business conduct among their suppliers. However, there is also consistent recognition among stakeholders that despite all the legislation, self-regulation efforts, rules of conduct and guidelines that have been put in place, **workers still pay**. Some do it knowingly in an attempt to better position themselves to secure employment, while others pay unwittingly or unwillingly because of abusive and deceptive practices still commonly perpetuated.

Considerations for the future

Despite some noteworthy new legislative provisions in selected countries, this study reveals that legislative changes in the regulation of fees and costs have not been drastic since the first study was released in 2018. This is not particularly surprising, as legislative changes are usually the result of lengthy processes that can be difficult to measure over a period of just five years. Yet, this is by no means a sign that progress has not been made over the last half-decade.

On the contrary, as demonstrated throughout the report, awareness of the risks associated with worker-paid recruitment fees and related costs has *never been as high and action to address those risks is happening in law and practice across regions*. Going forward, there are a number of important considerations for the future:

1. Decent work and human rights. The issue of recruitment fees and related costs cannot be disassociated from the broader issue of forced labour and modern slavery, which demands a more holistic approach to decent working

conditions for all workers, including migrants. The COVID-19 pandemic highlighted the multiple vulnerabilities faced by migrant workers globally. It is essential to continue raising awareness of the linkages between recruitment fees paid by workers and fundamental rights.

2. Adopting a flexible approach to recognize emerging realities and challenges related to new migration corridors and sectors. It is important to remain vigilant to changing migration dynamics to ensure that the adoption of laws and policies prohibiting recruitment fees and related costs does not lead to the recruitment of migrant workers from countries where the regulatory framework is less developed or its enforcement weaker, with specific attention on migrant dominated sectors.

3. Strengthening national legislation and its enforcement in line with ILO General Principles and Operational Guidelines and the ILO Definition. National regulatory frameworks are the main means through which governments can fulfil their responsibilities to protect (migrant) workers' rights, including at the recruitment stage. The design, adoption and effective enforcement of legislative provisions aligned with ILO standards and guidance, including the ILO Definition, should be promoted and accelerated.

4. Strengthening the monitoring and enforcement capacities of relevant authorities. To address the practical application and enforcement of relevant legislation, the capacities—both in terms of the relevant expertise and operational capacity—of enforcement authorities and, in particular, of labour inspectorates, should be enhanced to detect and appropriately address recruitment-related abuses. Practical tools, such as “checklists” for the identification of recruitment-related risks and abuses, should be developed.

5. Fostering more proactive and less reactive private sector practices to prevent abuses. Many companies adopt policies or implement remediation efforts, including large-scale repayment processes, in response to violations that put them in the public eye. Yet, more work is required to take a proactive position by

strengthening the inclusion of fair recruitment into due diligence processes, particularly in countries where government regulations and enforcement mechanisms are weak.

6. Taking advantage of digital capabilities.

As many migrant workers now have access to mobile internet, the use of technology or digital platforms may be useful in addressing the issue of information asymmetry and in supporting monitoring and grievance and redress procedures. The utilization of technology can streamline recruitment processes, reduce costs, and enhance transparency. Digital technology brings multiple opportunities for all actors involved. However, there is also a need for adequate awareness about the potential for misinformation and the current proliferation of online recruitment fraud.

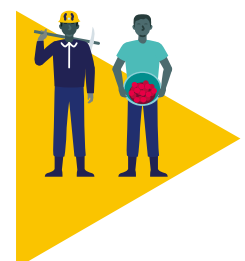
7. Promoting data collection for evidence-based policy decisions.

Enhanced data collection efforts (including by supporting the collection of data for measuring SDG indicator 10.7.1), improved data collection methods, and greater dissemination of available data are all necessary steps to gain a comprehensive understanding of recruitment fees and costs, allow for their measurement over time, and design appropriate policy responses. Robust data can inform evidence-based policy decisions and monitor progress towards addressing the issue effectively. Standardization of methodologies and definitions to the extent possible will also facilitate the comparison of data and the exchange of information among stakeholders.

8. Adopting and implementing anticorruption laws and policies and increasing transparency of processes.

Corruption still poses a significant problem when promoting the non-payment of recruitment fees and costs by migrant workers. Corruption erodes trust among migrant workers, employers, and recruitment agencies, creating a climate of suspicion and hindering collaboration. Improving public accessibility to relevant information concerning licensed recruitment agencies, recruitment procedures, and applicable regulations is an essential first step to reducing opacity and limiting the opportunities for corrupt actors to engage in illegal acts with impunity.

Conducting further research. This report did not analyse the practical implementation of legislative and policy measures. Therefore, there is a need for future research to go deeper into the analysis of the institutional and capacity-related challenges that impact the implementation, monitoring, and enforcement of existing laws and policies. Selected impact assessment studies of relevant practices would also be beneficial (among others) in exploring the “business case” for eliminating recruitment fees and costs for workers. Similarly, this study, due to time limitations, has only identified a few examples in different regions of recent bilateral labour migration agreements (BLMAs) with concrete reference to recruitment fees and costs. Hence, a general analysis of the content and practical application of such agreements to regulate and improve recruitment practices could not be done. It would therefore be relevant in the future to specifically analyse these agreements in relation to their coverage of recruitment issues and to their practical impact on recruitment fees and related costs.





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▶ 1

Introduction



In 2014, the ILO launched the [Fair Recruitment Initiative](#). At the 2018 [Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs](#), the ILO's Governing Body negotiated and subsequently adopted the first internationally agreed-upon Definition of Recruitment Fees and Related Costs (hereafter, "the ILO Definition") (ILO 2019a). In advance of these negotiations, a [Global Study on Recruitment Fees and Related Costs](#) (hereafter, the "Global Study") was produced, which examined how recruitment fees and related costs are defined in legislation, policies, bilateral agreements, and private sector initiatives, and whether such fees and costs were prohibited or regulated (ILO 2020a). Five years after this study and the subsequent adoption of the ILO Definition, the ILO has commissioned a second Global Study to review the progress made and challenges encountered, and to identify regulatory gaps that still need to be addressed since the adoption of the ILO Definition. The results of this second Global Study are presented in this report.

According to the [ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(hereafter, "General Principles and Operational Guidelines"\)](#): "the terms recruitment fees or related costs refer to 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" (ILO 2019b, 12). A non-exhaustive list of related costs that can be incurred during the recruitment process could include medical costs, insurance costs, costs for skills and qualification tests, costs for training and orientation, equipment costs, travel and lodging costs, and other administrative costs. Guided by international labour standards, the approach to recruitment fees specified in the General Principles and Operational Guidelines "recognizes the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment" (ILO 2019b, 27).

Over time, the topic of recruitment fees and related costs has found a place on the global policy agenda, demonstrating many countries' interest in addressing recruitment-related gaps in their

legislation. In the United Nations' Agenda 2030 and its Sustainable Development Goals (SDGs), States are to commit to "facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies" (SDG target 10.7). One of the indicators agreed upon to measure progress on this target examines the recruitment cost borne by the employee (SDG indicator 10.7.1).⁸ States further reinforced their commitment to tackling challenges in the recruitment process through the [Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#). Objective 6 of the GCM is to "facilitate fair and ethical recruitment and safeguard conditions that ensure decent work". The ILO's Fair Recruitment Initiative has also continued to grow and supports the furtherance of fair recruitment practices in line with the ILO's guidance through a wide portfolio of technical cooperation projects in more than 40 countries globally.

In this context, the second Global Study examines trends over the past five years to provide an updated picture of the status of efforts on tackling recruitment fees and related costs through regulatory work or other types of action. The overall objectives of the Global Study are to:

- a. Analyse the extent to which governments, multi-stakeholder initiatives and the private sector have integrated the ILO Definition into their legislation, policies and practices.
- b. Shed light on the progress made, challenges encountered, and regulatory gaps to be addressed, and where possible, also examine the application of laws in practice (noting, however, that the study was not focused on assessing the practical implications and level of enforcement of relevant law and policies, but rather on whether these laws and policies specifically include and regulate recruitment fees and costs).
- c. Update the data collected on recruitment fees and related costs five years ago under the first edition of the Global Study while analysing new information and trends (for

⁸ While there have been substantial efforts to develop a methodology for measuring this, limited data continues to make reporting on indicator 10.7.1 a challenge.

example, initiatives on reimbursement of recruitment fees and related costs).

The report is structured as follows: Chapter 2 presents the research design and methodological approach adopted to address the objectives listed above. Chapter 3 presents some overarching developments that are relevant to the topic of recruitment fees and related costs that have emerged from a literature review and interviews conducted for the study. Chapter 4 opens with a comparative overview of the legislative picture that emerged from the second Global Study before presenting five regional subsections. These subsections follow the ILO's broad classification of countries into regions (i.e., Africa, Americas, Arab States, Asia and the Pacific, and Europe and Central Asia) and are structured as follows:

1. the general landscape and key developments in the region since 2018;

2. a country-by-country review of relevant changes in national legislation and policies since 2018, including a discussion of relevant developments that emerged through interviews but had not yet manifested in national legislative frameworks;

3. a non-exhaustive review of stakeholder initiatives of relevance to the topic of recruitment fees and related costs in the region;⁹ and

4. a conclusion with suggestions for areas for future development and research.

Chapter 5 presents a review of business-led, trade union, and multi-stakeholder initiatives. Chapter 6 concludes and offers recommendations for the future.¹⁰ In addition, Annexes 4 and 5 present an overview of the comments of the ILO Committee of Experts on the Applications Conventions and Recommendations (CEACR) and a table including the relevant comments.

⁹ This review of stakeholder initiatives is not included in the section on Europe and Central Asia in Chapter 4. However, Chapter 4 discusses many Europe-based initiatives that often include a global focus.

¹⁰ The report is also accompanied by a number of annexes: a list of the countries included in the second Global Study; the semi-structured interview guide; a list of interview respondents, including their organizational affiliations; and an overview of key national legislation relevant to recruitment fees and related costs by country, including data on: (i) ratification of Conventions Nos 88, 96 and 181; (ii) whether the legislation applies to national recruitment, international recruitment or both; (iii) whether the legislation prohibits or regulates recruitment fees and related costs; and (iv) whether there has been any relevant legislative change since the first Global Study in 2018.

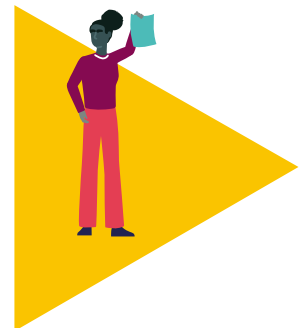




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▶ 2

Methodology and limitations



The overall methodological approach taken was qualitative in nature and primarily comprised of: (1) desk research of relevant literature and a law and policy review; and (2) semi-structured (group) interviews with relevant key informants.

2.1 Desk research

Literature review

In the first stage of the research, all publications produced by the ILO and published on www.ilo.org between September 2018 and 7 May 2023 containing the keyword “recruitment fee” were compiled and reviewed for relevant content relating to the various research questions. Out of the 160 results, 37 were excluded from the analysis, typically because they were: (i) duplicates (n=15); (ii) published before September 2018 (n=15); or (iii) terms of reference documents (n=5). Of the final two remaining excluded documents, one was in Viet Nameese, and the other included a reference to the guidelines on recruitment fees and related costs but no other relevant excerpts.

The remaining 123 publications were included in the desk research and reviewed for relevant excerpts relating to recruitment. These were reviewed to identify:

- i. general references to recruitment fees and related costs;
- ii. references to specific laws, policies or practices that may be relevant for inclusion in the desk analysis;
- iii. references to specific sectoral differences; and
- iv. references relevant to COVID-19 and other specific research questions.

From this review, relevant law and policy developments in several countries were identified (for example, Ethiopia, Qatar, Saudi Arabia, Uganda and Viet Nam). The review also informed the list of additional countries to be added to the database. In addition to ILO-produced literature on the topic, the team also reviewed other relevant literature on the topic of recruitment fees and related costs, particularly with respect to some of the more in-depth research sub-questions – such

as those relating to the impact of COVID-19. By reviewing existing studies that examined the impacts of COVID-19 on recruitment processes, we can offer a synthesized overview of the pandemic’s potential impacts where it was not possible to draw any conclusive findings from interviews alone.

Legislation and policy review

The second Global Study reviewed the legislation and policies of 110 countries. To compare laws and policies systematically, the following process was used:

Step 1. Identified relevant laws and policies

Policies, laws and regulations related to recruitment fees and related costs were identified for each country. These included labour laws, migration laws, anti-trafficking laws and other laws and policies related to recruitment and employment. For all countries included in the initial database, it was checked to see if the laws had been updated since the first data collection round in 2018. This step involved the systematic checking of different sources: (i) the ILO’s NATLEX legislation database; (ii) government websites; (iii) GCM/SDG progress reports; and (iv) participants’ interviews. For countries added to the database, the policies were mapped and sourced.

Step 2. Determined the scope of laws and policies

In the next step, the scope of the identified laws and policies was assessed to determine whether they covered all workers or specific sectors or groups, such as migrant workers or domestic workers, and whether they applied to national recruitment, international recruitment, or both.

Step 3. Analysed laws and policies

In the final analytical stage, the texts of the relevant laws and policies were examined to determine, firstly, whether recruitment fees were explicitly prohibited or limited. We then examined the specific regulatory approach adopted, such as general statements prohibiting fees, capping fees to a specific amount, detailed cost breakdowns, attribution of specific costs to certain actors, and

so on. Finally, we examined whether any sanctions were in place to address recruiters who did not comply, such as general statements, revocation or suspension of licence, fines and penalties, penal sanctions such as imprisonment, or other sanctions (such as reimbursing and/or compensating workers). The final analytical stage is built on the analysis conducted for the first Global Study. Still, in certain areas, the team was able to examine the policies in even more detail (such as regarding sanctions), allowing for more of a focus on these aspects in this report.

2.2 Interviews

The desk-based work was supplemented by primary data collection from purposively selected key informants. The interviews took place between 20 June 2023 and 28 July 2023. Key

informants were selected based on their expertise on the topic of the report. The semi-structured interview guide used for the key informant interviews is provided in Annex 2, and a list of participants is in Annex 3 of this report. In total, we interviewed 46 key informants, 20 of whom worked for the ILO and 26 represented a range of other stakeholders. Of the 20 ILO staff, 14 worked in regional or country offices, and six were based in Geneva. The distribution by region of the regional/country office ILO staff was as follows: six in Africa; three in the Americas; two in the Arab States; and three in Asia and the Pacific. In addition to consultations with ILO regional and global experts, the research team also interviewed 26 persons (18 female, 8 male) representing 12 organizations to share their activities and provide insights on recent developments and longer-term outlooks on the topic of fair recruitment¹¹.

► **Table 1. Overview of non-ILO stakeholders interviewed for the second Global Study**

Organization	Type	Female	Male
American Federation of Labour and Congress of Industrial Organizations (AFL-CIO)	Trade union federation	2	-
Institute for Human Rights and Business (IHRB)	Multi-stakeholder initiative	-	2
Impactt Limited	Employee-owned consultancy	2	1
Institute of Policy Studies of Sri Lanka	Research Institute	1	-
International Organisation of Employers (IOE)	Industry coalition	2	-
IOM IRIS	Industry standard	1	2
International Trade Union Confederation (ITUC)	Trade union federation	1	1
Responsible Business Alliance (RBA)	Industry coalition	1	-
Solidarity Center	Non-profit organization	1	-
Stronger Together	Non-profit organization	3	-
Verité	Non-profit organization	3	2
Walk Free Foundation	Non-profit organization	1	-
Total		18	8

- = nil.

¹¹ While it would have been ideal to interview more individuals in order to gain further depth in the analysis, there were time constraints that prevented doing so. Furthermore, interviewing over the Northern Hemisphere summer period always raises the challenge of availability. In some cases, we were referred to other contacts within the same organization. This was still recorded as a "successful contact". Overall, the response rate for contacted participants was high, at 46 respondents out of the 55 individuals contacted (83.6 per cent). Concerning those contacts who were not included, we ensured that we still achieved representation from the region in question – for instance through the regional migration specialist of the ILO. The interviews were used to identify relevant policies for inclusion and to gain more insights into their practical implications. Furthermore, key stakeholders were asked for their reflections on key trends based on their work in the field.

2.3 Limitations

The methodology employed in this study encountered several limitations. Firstly, our ability to access primary sources was constrained by language barriers. Although we were able to review documents in English, Dutch, French, Spanish and Portuguese, the exclusion of other languages (such as Arabic) may have limited the comprehensiveness of our analysis. For countries where the legislation was only available in a national language different from those listed above, we had to rely on machine-translated documents. Secondly, the search for original documentation in legal files proved challenging, resulting in potential gaps in our data. This limitation may have influenced the accuracy and completeness of the information gathered from legal sources. Furthermore, broken links during data collection hindered our access to relevant information from online sources. This limitation may have affected the scope of our research and the ability to verify certain data points.

The comparative nature of the study has also been limited by its scope. Compared to the first Global Study, a much smaller team implemented the second Global Study over a shorter period of

time, which accordingly meant that certain limitations had to be placed on the scope of work. For instance, within the scope of the present study, it was not possible to compare the sample of bilateral labour migration agreements (BLMAs) reviewed during the first Global Study with those that have emerged since 2018 because the research team could not secure copies of the agreements for analysis. Despite these limitations, we have made efforts to ensure the accuracy and reliability of our findings. Careful consideration and transparency have been maintained throughout the research process to mitigate the impact of these constraints on the overall conclusions drawn from this study.

2.4 Trends from the supervisory bodies

A number of ILO standards are relevant to fair recruitment and the payment of recruitment fees and costs. Annex 4 presents an overview of trends that can be noticed in the comments made by the ILO supervisory bodies on ratified Conventions regarding the payment of recruitment fees and costs in a number of countries around the world.



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▶ 3

Key developments in the recruitment landscape



An important starting point in the scanning of national laws and policies is a country's commitment to establishing a national regulatory framework for the recruitment and employment of its nationals, whether for national or international employment. This commitment is demonstrated

by a country's ratification of the relevant ILO Conventions and Protocols and in its efforts to offer employment services through state institutions – and/or with the participation of private employment agencies (ILO 2020e 20).

► Box 1. Relevant ILO standards on recruitment fees and related costs

The provision of free recruitment and placement for workers and job seekers is a central theme of the ILO Employment Service Convention, 1948 (No. 88), which provides general parameters for regulating the recruitment and employment of workers through public employment institutions and calls for “effective co-operation between the public employment service and private employment agencies not conducted with a view to profit” (article 11).

With the growth of private labour intermediation, ILO labour standards also evolved. The Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), enabled ratifying States to indicate whether they aimed for “the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies” or “the regulation of fee-charging employment agencies including agencies conducted with a view to profit” (article 2). Convention No. 96 is now considered outdated, and out of the 42 Member States who had ratified it, 20 have denounced it, with 14 of these 20 States replacing it with the Private Employment Agencies Convention, 1997 (No. 181).

Convention No. 181 specifies its purpose as “to allow the operation of private employment agencies as well as the protection of the workers using their services” (article 2(3)). The Convention guides Member States to establish clear policies, legislation and implementing mechanisms for effective registration and licensing of private employment agencies, reiterating the principle of no-fee charging of workers and job seekers. Article 7(1) of Convention No. 181 stipulates, “Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or related costs to workers.” The Convention also encourages Member States to “establish and periodically review conditions to promote cooperation between the public employment service and private employment agencies” (article 13(1)), with the view to create conditions that enable efficient matching of labour demand and supply, while also providing an avenue for ensuring the protection of jobseekers and workers, especially against abusive practices. The ILO Migration for Employment Convention (Revised), 1949 (No. 97), requires that services provided by public employment agencies should be free for migrant workers (article 7(2), article 4 of Annex I, and article 4(1) of Annex II). In addition, the Work in Fishing Convention, 2007 (No. 188) calls upon Members in article 22 (3) (b) to require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher. The Maritime Labour Convention, 2006, in Regulation A 1.4 paragraph 5 (b) calls upon Members to require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner.

Further, it is important to underline that wage deductions for the purposes of obtaining or retaining employment are prohibited under article 9 of the Protection of Wages Convention, 1949 (No. 95). Article 14 of the same Convention requires governments to take effective measures to ensure that workers are informed of their wage conditions before they enter employment and when any changes take place. Paragraph 7 of the Protection of Wages Recommendation, 1949 (No. 85), calls for workers to be informed, with each payment of wages, of the gross wage, deductions (amount and reasons) and net wages. Similarly, the Domestic Workers Convention, 2011 (No. 189) in article 15 (1) (e), requires Member States to take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. This is important to consider since, according to the ILO's Forced Labour Indicators, withholding of wages, when done systematically and deliberately as a means to compel the worker to remain and deny him or her the opportunity to change employer, points to a situation of forced labour. The Protocol of 2014 to the Forced Labour Convention, 1930, further highlights that persons, particularly migrant workers, shall be protected from abusive and fraudulent recruitment practices during the recruitment and placement process (article 2(d)). The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) requires that Members should take the most effective preventive measures, such as the promotion of coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion (Para 4(i)). In terms of protection measures, it calls upon Members to take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as eliminating the charging of recruitment fees to workers (Para 8(a)).

Sources: ILO 2020e; ILO 2012.

Across the board, the desk review and key informants pointed to a number of relevant developments concerning recruitment fees and related costs in the past five years (2018 – 2023). Broadly speaking, the ILO Definition has been well received by many stakeholders and provides an entry point to start discussions, particularly in contexts where the topic has only recently received political attention. In contexts where the payment of recruitment fees and related costs by workers is perceived as normal and even permitted by law, efforts to eradicate recruitment fees and related costs have arguably been more challenging. It has also been challenging in contexts where recruitment remains a largely unregulated market.

Several key trends have emerged concerning the acceptance and implementation of the ILO Definition. The ILO Definition is often used as a reference by relevant actors, both public and private. For instance, the Responsible Business Alliance (RBA) partially adjusted their code of conduct to align it more with the ILO Definition (see Chapter 5). Additionally, the US Department of Labor has opened a funding channel to support

civil society organizations (CSOs) in the Americas, advocating for further alignment with the ILO Definition in policy and practice (see section 4.2).

According to interview respondents, there has been a shift towards breaking down the various components of costs involved in the recruitment process. However, when we examine the legislative picture, we do not see a notable increase since 2018 in the number of countries that have detailed breakdowns of costs in their legislation, with this being the case in 23 per cent (n=21) of the 2018 sample and 24 per cent (n=26) of the 2023 sample. Therefore, the observations of interview respondents likely reflect a potential discursive shift in recruitment fees and costs that has not yet manifested in the legislative landscape.

One relevant observation to monitor for empirical evidence is that, in some countries, recruitment fees have been prohibited. However, related costs are ultimately still being charged to workers (for instance, by charging for skills certificates). Hence, it is plausible that when costs are eliminated from one aspect of the recruitment process, they reappear elsewhere, indicating the

complex and interconnected nature of recruitment expenses. This points to the importance of empirically measuring the actual costs incurred by migrant workers. Through efforts to measure SDG indicator 10.7.1 (discussed further in section 3.1 below) and several stakeholder initiatives (Chapter 5), some progress has been made in this area; however, much work remains to be done to build the empirical evidence base.

Another important aspect is monitoring through labour inspection. While labour inspection has a critical role in detecting and addressing recruitment-related abuses—as recognized in relevant international labour standards and the ILO’s General Principles and Operational Guidelines for Fair Recruitment—this role is not recognized or regulated, or it remains weakly implemented in many countries.

In the remainder of this chapter, we will focus on:

- a. developments relating to the measurement of SDG indicator 10.7.1, since this is relevant to establishing the scale of the problem and to promoting policy reform; and
- b. the impact of the COVID-19 pandemic, as a significant factor impacting recruitment since the preparation of the first Global Study.

3.1 Measuring recruitment costs: SDG indicator 10.7.1

In the past five years, more efforts have been made to measure recruitment costs, whether in the context of conducting measurements for the SDGs or through the initiatives of various stakeholders. This section focuses on States’ efforts to measure recruitment costs in line with SDG indicator 10.7.1; see Chapter 5 below for a discussion of efforts by other stakeholders.

SDG indicator 10.7.1 concerns the “recruitment cost borne by employees as a proportion of monthly income earned in country of destination”.

The ILO and the World Bank are co-custodians of this indicator, which has been classified as a Tier 2 indicator since 2019. The move of indicator 10.7.1 from a Tier 3 to a Tier 2 occurred because of guidelines produced by the ILO and the World Bank, which were subsequently validated by a consultative process with National Statistical Offices (ILO 2019c), leading to the publication of the *Operational Manual on Recruitment Costs – SDG 10.7.1* in 2019 (ILO 2019d). It is relevant to note that the statistical definition employed in the measurement of SDG indicator 10.7.1 refers to the ILO Definition. This is important because it demonstrates that beyond the regulatory application of the ILO Definition, which is the primary focus of this report, the ILO Definition is also a fundamental tool for data collection purposes.

Mexico and Ghana were among the first countries to test the ILO–World Bank data collection methodology through pilot surveys. Additionally, Bangladesh, Cambodia, Indonesia, the Lao People’s Democratic Republic, the Maldives, the Philippines, the Republic of Korea, and Viet Nam have conducted national surveys.¹² However, only Bangladesh, Cambodia, the Philippines, and Viet Nam have published and reported the results as official SDG 10.7.1 data.

In Bangladesh, the Bangladesh Bureau of Statistics first implemented the Cost of Migration Survey in 2019 to measure SDG indicator 10.7.1. This survey revealed that in 2019, the average migrant recruitment costs—in terms of the number of months of earnings—across both sexes stood at 17.6 months.¹³ Disaggregating these figures by gender shows that, on average, it took 5.6 months for women and 19.1 months for men to recover the costs incurred (Bangladesh, BBS 2020) from their monthly earnings.

The 8th Five-Year Plan of Bangladesh covering fiscal years 2021–2025 incorporates the Cost of Migration Survey as a standard module within its quarterly Labour Force Survey. The final report of the Labour Force Survey 2022, which included

12 Relevant data is published on the UN SDG repository webpage. Not all data is currently available on the repository (due to the timing of publication and UN reporting cycles), but can be found in national reports (for example, those of Viet Nam and the Philippines). An overview of some of the national publications can be found at: [ILO, “Statistics for SDG indicator 10.7.1: Measuring recruitment costs”](#). Results are not yet published in the cases of Indonesia, the Lao People’s Democratic Republic, the Maldives, and the Republic of Korea, as monitoring of the measurements as part of the quality process when introducing new data collections is ongoing.

13 The mean recruitment cost was 417,000 Bangladeshi taka (roughly US\$3,800) for Bangladeshi migrant workers, while monthly earnings were on average only 25,693 taka (US\$236).

information on recruitment costs, was published in October 2023. According to the report, the average recruitment cost for male migrant workers decreased to 15.1 months of earnings, while the cost for women migrant workers increased to 7.8 months of earnings.

In Cambodia, the corresponding figures were notably lower, with the migrant recruitment costs averaging out to 0.7 months of earnings across all migrant workers, with roughly equal figures for female and male migrant workers (0.7 months and 0.6 months, respectively) (UN Statistics Division 2022). Although not yet published, preliminary data from the Maldives, where a module to measure recruitment costs was included in the Household Income and Expenditure Survey in 2019, reveals that it takes migrant workers an average of 8.2 months to earn the equivalent of what they spent to access their job in the Maldives. While this data provides valuable insights into the recruitment costs in these countries, the lack of data from other reporting entities – and from countries without a designated reporting entity – hinders a comprehensive assessment of progress on SDG indicator 10.7.1 in a broader context.

Different countries have been piloting and implementing a variety of approaches to measuring indicator 10.7.1. As noted above, the Cost of Migration Survey developed and deployed by Bangladesh has also been incorporated into its regular Labour Force Surveys. Other countries have looked to incorporate the measuring methodology into Labour Force Surveys. For instance, results have been reported for Viet Nameese workers overseas based on 2021 Labour Force Survey Data. A migrant cost survey among Indonesian plantation workers in Malaysia was also released in 2020 (ILO 2020b).

In Nepal, the ILO has been providing technical and financial support to the National Statistics Office to conduct a standalone survey on return migration and recruitment costs at the national level. Data collection for the survey was completed in November 2023, and the survey findings are expected to be ready by February 2024. The ILO is also supporting Morocco in conducting a pilot survey on recruitment costs among different groups of migrant workers, as well as Moroccan migrant workers who have returned after working abroad, with data collection completed and publication pending at the time of writing.

Despite the growing recognition of the importance of conducting these surveys, there are some challenges to its adoption on a large scale. A commonly reported challenge relates to data collection, as migrant workers are, oftentimes, a rare and hard-to-reach population. Hence, the absence of sampling frames increases the difficulty of conducting such surveys. Another major challenge is the lack of established specialized migration surveys in many countries. These situations usually require the injection of significant financial and technical resources to design and implement such surveys, which often become a one-time effort with very limited prospects for longer-term sustainability. Further, the COVID-19 pandemic also disrupted survey data collection significantly and resource allocation for statistics, particularly for special topics, such as migrant recruitment costs.

Overall progress on SDG indicator 10.7.1 has been slow. Even where pilot tests have been largely successful, such as in Ghana, the resources to upscale the effort are lacking, resulting in limited statistics. Our research shows that most progress in measuring recruitment fees and related costs can be found in Asia, with an increasing number of countries in Africa implementing pilot studies. In the Americas, the Arab States, Europe, and Central Asia, a few countries have expressed interest in measuring SDG 10.7.1. However, to date, no concrete actions have been identified.

3.2 COVID-19 effects

The COVID-19 pandemic has been a “great disrupter” that has highlighted and exacerbated many of the risks and vulnerabilities that migrant workers face (McAuliffe et al. 2022, 153). During the pandemic, migrant workers had to face a combination of health, socio-economic and protection challenges, or in other words, a compounding effect of job loss or reduced wages while at the same time having to deal with a fast-spreading virus (and potentially additional healthcare costs) while having limited access to social welfare and benefits. Thus, migrant workers were found to be more prone to the negative impacts of the pandemic than non-migrant workers, and the UN has recognized that the effects of the pandemic were indeed “harshes” for those already in vulnerable situations pre-pandemic (United Nations 2020, 2).

The COVID-19 pandemic has also caused a global economic recession, which for many migrant workers translated to massive unemployment, withholding or underpayment of wages, arbitrary detentions or deportations as residence and work permits expired. Many Asian countries, for example, experienced a significant decrease in emigration due to several factors, including constrained migration channels and reduced labour demand amid challenging economic conditions, which affected opportunities for both national and migrant workers (ADB Institute, OECD, and ILO 2021).

One of the biggest challenges in labour migration during the COVID-19 pandemic that was flagged in the interviews was forced return and its impact on mostly irregular-status migrants. Reintegration assistance was provided through development actors, but there was little focus on addressing past costs incurred by these migrants, such as recruitment fees and related costs. Some countries, like Ethiopia and Kenya, adopted directives to address forced returns, but these measures often did not cover recruitment fees and related costs. There was generally no clear specification on handling recruitment expenses in return agreements, which left many migrant workers vulnerable to financial burdens associated with their return.

In the few instances of job shortages, the possibility of exploitation increased for jobseekers and those who were able to secure employment (Voss 2020). This is particularly true for migrants who were reliant on recruitment agencies and brokers that took advantage of difficult economic situations (Dickson and Warren 2020). They may have levied higher-than-usual fees, and migrants in dire need of employment may have been forced to downplay risks and put up with exploitative

employment conditions for lack of better options. Some of the interviewees mentioned that some migrants also had to bear additional costs for COVID-19 PCR tests and mandatory quarantine procedures during the pandemic. Indeed, some reports suggest that overall recruitment costs surged during the pandemic due to increased expenses (for example, on flights, some of which had to be chartered), the emergence of new financial burdens (testing, vaccination and quarantine requirements), and lack of clarity in existing regulation on persons responsible for such costs (Hooper 2022). A report commissioned by the ILO also called attention to the risks that migrants would pay for increased costs associated with migrating both during the pandemic and in its aftermath. The report found that COVID-19 has had a dramatic impact on the recruitment of migrant workers and on their living and working conditions. Workers have reported delays in recruitment due to travel restrictions, a lack of financial security and indebtedness due to job losses and payments made towards recruitment fees and related costs, and further erosion of labour rights and working conditions (Jones, Mudaliar, and Piper 2021, 3).

These notwithstanding, the interviewees highlighted that the impacts of COVID-19 were felt not so much on recruitment fees and costs, but on social protection regimes and sustainable reintegration of migrant workers who lost their jobs and had to be repatriated. Many did not receive wages owed to them, and as many official places – including labour courts – were closed, migrant workers had limited possibilities to file complaints and get redress. The pandemic ultimately increased the vulnerabilities of migrant workers everywhere.



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▶ 4

Review of national legislation and policies on recruitment fees and related costs



The second Global Study reviewed the laws and policies of 110 countries – 69 of which have legislation in place to prohibit recruitment fees (for at least some categories of workers or for at least certain costs), and 45 of which have legislation in place to regulate recruitment fees (for at least some categories of workers).¹⁴ Although not fully representative, some regional differences do emerge that are not distinctly different from those reported in the first Global Study (see figure 1). In Asia and the Pacific there is a tendency towards regulation, while in Europe and Central Asia, and the Arab States, recruitment fees are more likely to be prohibited. However, in Europe and Central Asia, these prohibitions often only apply to temporary employment agencies. In the Arab States, they often do not include costs incurred in the country of origin. The policy landscape in the Americas and Africa shows a much more mixed picture, which can also be explained by very different regional dynamics (as further discussed in sections 4.1 and 4.2).

Overall, the legislative picture that has emerged from the second Global Study is not drastically different from that of 2018 (figure 1). However, as reported almost unanimously by the interview respondents, there has been increased awareness of the ILO Definition. Evidence of this can be found in steps being taken to align national legal frameworks with the ILO Definition, such as legislative reviews and other efforts, including the preparation of guidelines and codes of practice.

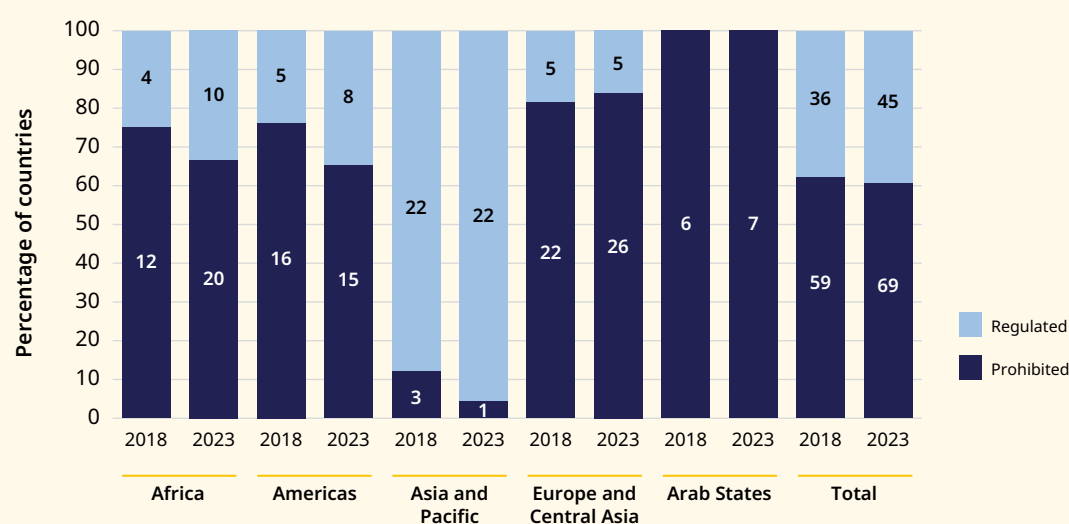
4.1 Africa



4.1.1 General landscape and key trends

Fair recruitment for national and migrant workers is increasingly on the agenda of African governments and social partners. The promotion of fair recruitment has become a major concern in African migration policy frameworks, as

► **Figure 1. Prohibition and regulation of recruitment fees being charged to workers worldwide, 2018 and 2023, by region (number and percentage)**



Source: Compiled by the authors from the law and policy review.

¹⁴ These numbers exceed 110 because four countries were identified as having different rules in place for migrant workers and national workers, and therefore were coded as both prohibiting and regulating recruitment fees.

stakeholders have increasingly recognized the evident links between unfair and irregular recruitment processes and the risks of forced labour, child labour, trafficking in persons, and debt bondage. In March 2022, the Fair Recruitment Initiative was launched in Africa under the leadership of the African Union Commission, the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE). The launch was an occasion to discuss and present new developments in promoting fair recruitment policies and practices in Africa, as well as to discuss the way forward. From 18 to 20 October 2023, the first Africa Labour Migration Conference was held in Abidjan, bringing together tripartite partners from 15 countries who adopted a joint communiqué at the end of the conference, in which they committed to launch a regional campaign to advocate for the elimination of recruitment fees to migrant workers.

In follow-up to the launch of the Fair Recruitment Initiative in Africa, the African Union (AU) committed to leading the formulation and drafting of a Fair and Ethical Recruitment Strategy in Africa. The Strategy (2023–2030) – currently under development – builds on the [ILO Fair Recruitment Initiative Strategy \(2021–2025\)](#), the *Africa Regional Fair Recruitment Report*, and the relevant AU continental and subregional frameworks and commitments as well as AU Member States' international legal obligations. The Strategy moves from policy to action and aims to provide sustainable solutions to promote responsible business practices in the region and to extend the protection of migrant workers through a fair and ethical recruitment process. Actions envisioned under the Strategy include: the review of legislative and policy frameworks related to the recruitment of migrant workers, taking into account the ILO Definition of Recruitment Fees and Related Costs; supporting employers to strengthen due diligence; and supporting workers to receive information about their rights and obligations in recruitment and to access compensation. If endorsed at the continental level, the Strategy would pave the way for a wider adoption of the ILO Definition by AU Member States, and for a

move towards harmonized interventions to promote fair recruitment practices in the region.

The first Global Study reviewed 15 African countries, reflecting at least one country from each subregion, with the exception of Central Africa. Of these 15 countries, six were found to have comprehensively or in part defined recruitment fees and related costs in their policies and legislation – Ethiopia, Morocco, Kenya, Togo, Uganda and Zambia. Nevertheless, the general picture that emerged was diverse, with the majority of countries prohibiting fees. Some countries did, however, allow certain costs to be transferred to the worker. Very few set limits on what could be charged.

A similar picture emerges from the second Global Study. For the second edition of the Global Study, an additional 15 African countries were reviewed, resulting in the most comprehensive overview to date of legislation relating to recruitment fees and related costs in Africa, covering 30 out of 54 countries on the continent. While one country from the Economic Community of Central African States (ECCAS) is now included (Gabon), it remains the least-represented regional economic community (REC) in the study, with just one of its 11 Member States included in the database. The Arab Maghreb Union (AMU) is the most represented, with all five members included (Algeria, Libya, Mauritania, Morocco and Tunisia). For all other RECs, at least half of their Member States have been included (table 2).

Of the 30 African countries reviewed for the second Global Study, 30 per cent (n=9) have ratified Convention No. 181.¹⁵ Three out of the five countries that have ratified Convention No. 181 since 2018 were included in the study, namely Madagascar (2019), Sierra Leone (2021) and Nigeria (2023). There is no clear regional distribution in terms of ratification rates, although none of the countries included in the East African Community (EAC) or ECCAS ratified the Convention. While not official, interview participants did indicate that a few additional countries in the region have expressed interest in ratification in the future.

15 These nine countries are: Algeria, Ethiopia, Madagascar, Mali, Morocco, Niger, Nigeria, Sierra Leone and Zambia.


► **Table 2. Distribution of African countries in the Second Global Study by regional economic community (REC)**

	AMU	CEN-SAD	COMESA	EAC	ECCAS	ECOWAS	IGAD	SADC
Total no. of Members in REC	5	24	20	6	11	15	8	16
No. of Members covered in the study	5	15	10	4	1	10	5	8
% covered by study	100%	63%	50%	67%	9%	67%	63%	50%

Note: AMU = Arab Maghreb Union; CEN-SAD = Community of Sahel-Saharan States; COMESA = Common Market for Eastern and Southern Africa; EAC = East African Community; ECCAS = Economic Community of Central African States; ECOWAS = Economic Community of West African States; IGAD = Intergovernmental Authority on Development; SADC = Southern African Development Community.

Source: Compiled by the authors from the law and policy review.

► **Table 3. Africa: Ratification of international labour standards relevant to recruitment fees and related costs**

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29 ³
 <p>Countries</p>	<ul style="list-style-type: none"> • Algeria • Ethiopia • Madagascar • Nigeria¹ • Mali • Morocco • Niger • Rwanda • Sierra Leone • Somalia • Zambia 	<ul style="list-style-type: none"> • Côte d'Ivoire • Djibouti • Egypt • Eswatini • Gabon • Ghana • Libya • Mauritania • Senegal 	<ul style="list-style-type: none"> • Algeria • Angola • Central African Republic • Democratic Republic of the Congo • Djibouti • Egypt Ethiopia • Ghana • Guinea-Bissau • Kenya • Libya • Madagascar • Mali • Mauritius • Mozambique • Nigeria • Sao Tome and Principe • Sierra Leone 	<ul style="list-style-type: none"> • Algeria • Burkina Faso • Cameroon • Comoros • Congo² • Kenya • Madagascar • Malawi • Mauritius • Morocco • Nigeria • Sierra Leone • Somalia • Tanzania (United Republic of) • Zanzibar • Zambia 	<ul style="list-style-type: none"> • Algeria • Benin • Botswana • Burkina Faso • Cameroon • Central African Republic • Chad • Comoros • Congo • Côte d'Ivoire • Democratic Republic of the Congo • Djibouti • Egypt • Eswatini • Gabon • Guinea • Libya 	<ul style="list-style-type: none"> • Comoros • Côte d'Ivoire • Djibouti • Lesotho • Madagascar • Malawi • Mali • Mauritania • Mozambique • Namibia • Niger • Sierra Leone • Sudan • Zimbabwe

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29 ³
Countries			<ul style="list-style-type: none"> • Tanzania (United Republic of) • Tunisia 		<ul style="list-style-type: none"> • Madagascar • Mali • Mauritania • Mauritius • Niger • Nigeria • Senegal • Sierra Leone • Somalia • Sudan • Tanzania (United Republic of) • Togo • Tunisia • Uganda 	
Total	11 (3 new ratifications since 2019)	9	20	15 (5 new ratifications since 2019)	32	14 (8 new ratifications since 2019)

Note: Italics denote countries that have ratified the instrument since 2019.

¹ Convention No. 181 will come into force for Nigeria on 23 March 2024.

² Convention No. 97 will come into force for Congo on 26 October 2024.

³ Protocol No. 29 = Protocol of 2014 to the Forced Labour Convention, 1930.

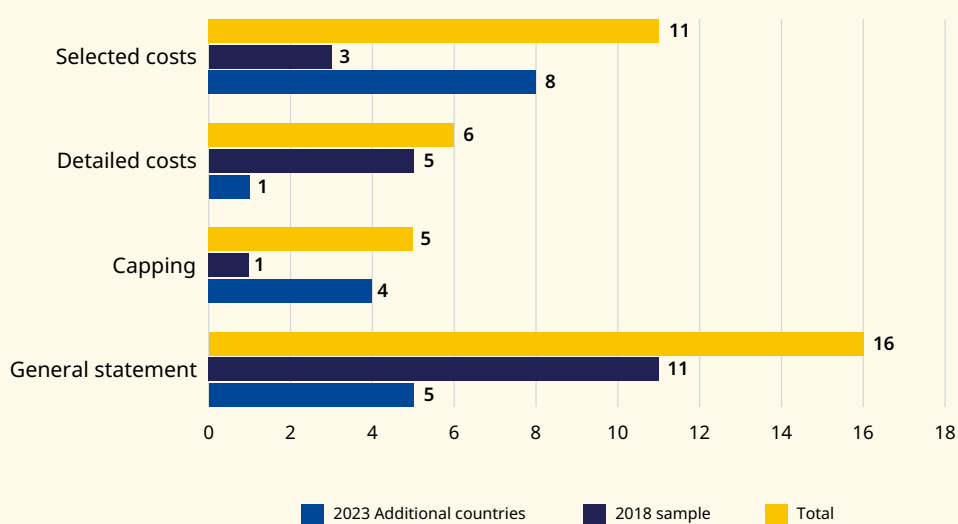
Two-thirds of the countries reviewed (n=20) had at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). The remaining ten countries regulated recruitment fees (for at least some categories of workers). The distribution of prohibition versus regulation among the 15 countries from the 2018 sample and among the 15 new countries added to the 2023 sample was identical, with ten countries prohibiting recruitment fees and five regulating them. Concerning differences in the applicability of laws on recruitment fees and related costs to local employment versus overseas employment, the general trend in the region is for policies to cover both the national and international recruitment processes – though sometimes this is achieved via separate legislation, such as in Ethiopia. However, there are some exceptions. In Uganda, Kenya and Tunisia, legislation on recruitment fees and related costs only applies to international recruitment.

When examining the regulatory approaches taken to enacting these laws, further differences

can be observed (figure 2). For instance, in the original sample countries, general declarations prohibiting the charging of fees to workers were more prevalent, as was the outlining of detailed costs. However, in the sample added in 2023, we identified more countries where only some costs are prohibited – mostly transportation-related costs – but fewer countries with general declarations prohibiting recruitment fees and costs. It should, however, be noted that these results are not necessarily indicative of a specific trend; rather, they point to selection effects in terms of the countries sampled. The capping of recruitment fees was also much more prevalent across the entire 2023 sample. However, this is a less frequently employed regulatory approach in the combined sample, as it is evident in only six of the 30 countries reviewed (Egypt, Ethiopia, Libya, Sierra Leone, the United Republic of Tanzania, and Uganda).

Compared to other regions, it was more common in Africa to identify laws that prohibit charging workers very specific costs – most commonly

► **Figure 2. Regulatory approaches towards recruitment fees and related costs in Africa: 2018 and 2023 (no. of countries)**



Note:

The above-mentioned y-axis items are described as follows:

Selected cost: countries which do not have a general prohibition of fees but prohibit charging of specific costs to workers.

Detailed costs: countries which provide for a detailed list of (at least some) costs and specifically indicate who should be paying them.

Capping: countries which do not prohibit charging of fees or related costs but fix a maximum amount that can be charged.

General statement: countries which provide for a general statement on fees and costs prohibition but do not provide any detail on their breakdown.

It should be note that some countries can have a combination of more of the above approaches.

Source: Compiled by the authors from the legislation and policies review.

transportation. For example, in Gabon, article 189 of the Labour Law¹⁶ specifies that, when the execution of the employment contract requires the worker to relocate from the recruitment location to the place of work, whether internationally or domestically, the employer is responsible for transportation costs from the recruitment location to the place of work. Similar legislation is in place in Botswana, Eswatini and Senegal.¹⁷ While transportation does often capture a large part of overall recruitment costs, legislative reform to cover other costs would still be required to achieve full alignment with the ILO Definition.

As noted, a more comprehensive examination of the types of sanctions for violating legislation relating to recruitment fees and related costs was conducted for the second Global Study than for the first. For this reason, data for all 30 countries is presented in figure 3 below; however, for Africa we have also looked to see whether we can identify any specific regional dynamics in terms of the policy approaches taken in this regard (table 4). figure 3 displays the primary sanctions identified in the law and policy review in Africa. Fines and penalties were the most commonly cited sanction, identified in 50 per cent of the sample (n=15), followed

¹⁶ Loi n° 3/94 du 21 novembre 1994 portant Code du travail (dans sa teneur modifiée au 8 février 2019).

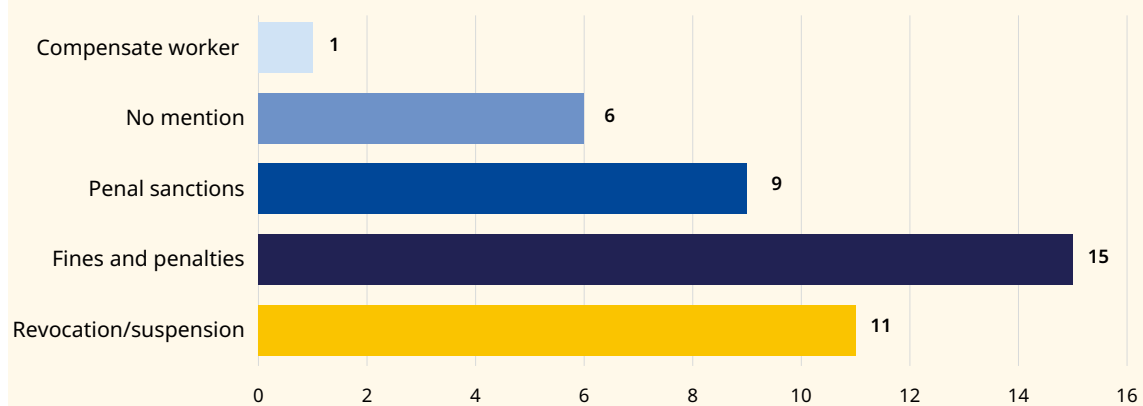
¹⁷ Botswana Employment Act 1982 (Cap 47:01) (Act 29, 1982) as amended in 2010; Eswatini Employment Act, 1980; and Senegal Loi n° 97-17 du 1er décembre 1997 portant Code du Travail.

by the revocation or suspension of the recruiter’s licence in slightly more than a third of countries (n=11). Penal sanctions – largely imprisonment – were also mentioned in the laws and policies of nine out of 30 African countries. It is of note that one country – Sierra Leone –also specifies compensation for migrant workers under their elaboration of sanctions. Section 12(1) of Sierra Leone’s Overseas Employment and Migrant Workers Act, 2023, further discussed below, states that “where a licence is cancelled under section 10, the Minister may direct that the whole or part of the surety-money paid by the licensee be confiscated for the purpose of compensating an affected migrant

worker or paying the cost of repatriation of a migrant worker who was sent overseas under that licence”. One-fifth of the Africa sample (n=6)¹⁸ did not explicitly elaborate on sanctions in the policy documentation reviewed.

When examined by REC (table 4), it is evident that the revocation or suspension of a licence was the most common approach among the EAC Partner States and IGAD Member States reviewed. However, it should be noted that South Sudan, Kenya, and Uganda are members of both IGAD and the EAC. Conversely, fines and penalties were more likely among the Member States of the SADC and ECOWAS.

► **Figure 3. Sanctions for violating laws and policies relating to recruitment fees and related costs in Africa (no. of countries)**



Note: Countries may utilize more than one type of sanction.

Source: Compiled by the authors from the law and policy review.

18 These six countries are: Burkina Faso, Cote d’Ivoire, Djibouti, Libya, Mauritania, and Nigeria.

► **Table 4. Prevalence of various sanctions for violating legislation on recruitment fees and related costs in Africa, by regional economic community (% of member countries)**

REC	General statement	Revocation/suspension	Fines and penalties	Penal sanctions	No mention	Other
AMU	–	40	20	–	40	–
CEN-SAD	7	20	40	13	40	7
COMESA	10	30	50	40	20	–
EAC	–	75	25	25	–	–
ECCAS	–	–	100	100	–	–
ECOWAS	–	20	60	20	30	10
IGAD	–	60	40	40	20	–
SADC	–	50	63	50	–	–
Total	3	37	50	30	20	3

Note: It is possible for countries to employ more than one type of sanction.

– = nil; AMU = Arab Maghreb Union; CEN-SAD = Community of Sahel-Saharan States; COMESA = Common Market for Eastern and Southern Africa; EAC = East African Community; ECCAS = Economic Community of Central African States; ECOWAS = Economic Community of West African States; IGAD = Intergovernmental Authority on Development; SADC = Southern African Development Community.

Source: Compiled by the authors from the law and policy review.

4.1.2 Key changes in national legislation and policies from 2018 to 2023

4.1.2.1 Changes in national legislation

In five countries – Djibouti, Ethiopia, Ghana, Sierra Leone, and Uganda – specific policy changes have been identified in the period since 2018.

Djibouti

In Djibouti, Decree No. 2018-103/PR/MTRA (2018) defines the conditions for the operation of private employment agencies and repeals the previous 2004 decree regulating such agencies (Decree No. 2004-0054/PR/MESN). Article 1 of the 2018 Decree states the purpose of the Decree as establishing guidelines for the functioning of private employment agencies (PEAs) in accordance with article 31 of the Labour Code (Law No. 133/AN/05/5th, 2006). Concerning recruitment fees and related costs, article 18 of the Decree expressly prohibits PEAs from imposing any charges, direct or indirect, on workers. Instead, these fees and expenses are to be borne by the

user companies. Furthermore, article 19 stipulates that the exact amounts of these fees and expenses should be mutually agreed upon by both parties, with a copy of this agreement submitted for informational purposes to the Inspectorate of Labour and Social Laws. The Decree sets limits on PEA fees, capping them at specific rates: 10 per cent of the net monthly remuneration for services aimed at matching job offers and demands, as detailed in article 2(a) of the Decree, and 15 per cent of the net monthly remuneration for services involving the employment of workers for the purpose of making them available to third parties, whether natural or legal entities, as defined in article 2(b) of the Decree. Furthermore, article 38 of the Decree provides a framework for sanctions to be applied against PEAs that fail to adhere to its provisions. These sanctions may encompass warnings, along with the requirement to rectify the violations, temporary suspension of accreditation, or even permanent withdrawal of accreditation. Additionally, article 39 outlines penalties for employers who contravene the regulations outlined in articles 18–19 of the Decree. These penalties may range from fines, starting at 400,000 Djibouti francs (approximately US\$2,250) and reaching up to 2,000,000 francs (approximately

US\$11,250)¹⁹, to other measures such as the prohibition of engaging in PEA activities for a specified period, ranging from two to ten years, or even a permanent prohibition from such activities in cases of repeat offences.

Ethiopia

In 2016, the Ethiopian Government enacted the Overseas Employment Proclamation No. 923/2016, which was amended in 2021 by Proclamation No. 1246/2021, which, according to articles 3 and 7 of the amendment, extended the law's coverage to other migrant workers beyond the domestic service sector. While still allowing for costs to be passed on to workers for certain expenses – namely the “issuance of passport, authentication of documents (contract of employment and certificate of clearance of crime) within the country, medical examination, vaccination, birth certificate issuance, and certificate of occupational competence” (article 10(2)) – other costs were ascribed to the employer. These employer-paid costs included “the payment of visa fee of the country of destination; round trip ticket; residence and work permit fees; embarkation fee; employment contract approval fees and insurance coverage” (article 10(1)).

The 2021 amendment has maintained the provisions from the 2016 Proclamation that prohibit charging recruitment fees to domestic workers. However, article 10 was amended to include provisions that state that “Notwithstanding the provision of sub-articles (1) to (4) [of article 10] ... any worker, who is employed overseas through an employment agency, other than in domestic work shall pay the employment agency the amount of his up to one month salary over four payment period [sic]” –article 10(5)–. In other words, apart from domestic workers, all workers who are recruited for overseas employment may be charged an additional fee in addition to the costs already allowed under the original proclamation. Further, the Overseas Employment Proclamation No. 923/2016 in article 42 lists offences and in article 47 sanctions – with the latter potentially including suspension and/or revocation of a licence combined with criminal liability. While increasing the scope of the law to cover all migrant workers is commendable, it would be crucial to extend the

prohibition of charging recruitment fees to all workers, in line with the ILO Definition.

Ghana

The current legislative framework in Ghana is not fully in alignment with the ILO Definition in spite of relevant regulatory provisions specific to recruitment fees. In particular, the Labour Act, 2003 (Act 651) allows PEAs to charge fees for the recruitment and placement of workers without stipulating details on the amount or costs it can charge. The Labour (Domestic Workers) Regulations 2020 (L.I.2408) extends the applicability of the Labour Act, 2003 (Act 651) to domestic workers. Article 7 of the Labour (Domestic Workers) Regulations 2020 prohibits employers from making unlawful deductions from domestic workers' wages or deductions that are not aligned with the relevant legislation on national pensions or social security contributions. This provision could offer important protections against wage deductions as a form of recovering recruitment fees or related costs. While the provisions against wage deductions are critical, it is important to note that the Labour (Domestic Workers) Regulations 2020 does not directly prohibit the charging of recruitment fees and related costs to domestic workers. It would be essential to ensure that prohibitions on the charging of recruitment fees and related costs, in line with the ILO Definition and relevant international labour standards, are made explicit in legislation.

Sierra Leone

In Sierra Leone, the Government introduced the Overseas Employment and Migrant Workers Act in 2023. In general, there has been a significant shift in the country's approach towards labour migration and overseas job recruitment. In 2020, the Government lifted a two-year ban on migration to the Middle East, which had been imposed due to reported cases of abuse. As part of this effort, all overseas recruitment agencies must be vetted and certified by the Ministry of Labour before being permitted to operate. The 2023 Act includes provisions for licensing PEAs and regulating employment relationships. To ensure fair practices, section 7(2)(i) of the Act outlines that when applying for a recruitment licence, PEAs

¹⁹ As per the exchange rate on 29 September 2023.

must submit an affidavit declaring their commitment to not charge fees and amounts exceeding the prescribed ceiling set by the Minister. The Act further specifies in section 32(2) that the Minister may make rules regarding fees. However, it is unclear whether any such rules have come into effect or what fees are permitted. Furthermore, section 32 of the Employment Act, 2023 also specifies that “a person shall not demand or accept directly or indirectly from a person seeking employment, or from a person acting on his behalf, money, gift, or other consideration whatever for providing him with employment other than such fee as may be prescribed”, and this applies to both public and private recruitment.

Section 10 of the Overseas Employment and Migrant Workers Act outlines the sanctions for violating the law. Licences can be suspended or cancelled if any part of the regulation is violated and, as mentioned in section 4.1.1 of this report, section 12(1) of the Act also stipulates that that surety money paid by the recruitment agency can be used to pay compensation to the migrant worker or to pay repatriation costs. In the Employment Act, 2023, section 115 states:

A person who commits an offence in contravention of this Act for which no penalty is expressly stated shall be liable to a fine not less than 5 months national minimum wage and in the case of a second or subsequent offence against the same provision, the offender shall be subject to a fine of not less than 10 months national minimum wage.

However, closer alignment with the ILO Definition – that is, prohibition as opposed to regulation – and more details on how implementation can be monitored and enforced would further enhance the law.

Uganda

In 2021, Uganda adopted new Employment Regulations, which cover the licensing of recruitment agencies and ensure that agencies comply with necessary standards and guidelines. Another critical provision of the new Regulations is the accreditation of foreign recruitment agencies, emphasizing the importance of holding international

agencies to a specific set of standards when dealing with Ugandan workers.

One of the notable changes brought about by the 2021 Employment Regulations is the limitation of fees and charges related to recruitment. Migrant workers can only be charged up to 20,000 Ugandan shillings (just over US\$5)²⁰ for administrative costs related to recruitment. It is worth noting that in the recruitment of domestic workers, the foreign recruitment agency is mandated to bear all costs related to recruitment and placement. Additionally, the regulations introduced a comprehensive inspection process to monitor and maintain compliance with the law. The Regulations further state that violations found in the course of inspection, such as non-compliance with existing rules and regulations, shall be grounds for the imposition of appropriate sanctions or for the denial of application for the issuance or renewal of licence.

Overall, the 2021 Employment Regulations in Uganda represent a step forward in ensuring fair recruitment practices and protecting the rights and interests of migrant workers, but further work could be done to align it with the ILO Definition.

4.1.2.2 Other developments

In addition to specific legislative reforms explicitly related to recruitment fees and related costs, there have also been a number of other developments relevant to Africa at the national, subregional, and continental levels.

Technical assistance

The relevance of the ILO Definition is also evidenced by the increase in requests to the ILO to provide support and technical assistance in aligning national law and practice with the ILO Definition. The ILO has supported several countries in the region with comparative analyses of their recruitment-related legislative frameworks. For instance, with the support of the ILO, Nigeria has, in recent years, conducted comprehensive analyses of ILO Conventions Nos 181²¹ and 97, as well as the Domestic Workers Convention, 2011 (No. 189), as part of the process towards ratifying

²⁰ On 29 September 2023, 20,000 shillings was the equivalent of US\$5.34.

²¹ Ratified in 2023 and coming into effect in 2024.

these international standards. The Nigerian Government also organized meetings of the National Labour Advisory Council and “sensitization workshops” to address the ratification of ILO Convention No. 181 and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). During this period, the Nigeria Code of Conduct for Private Employers Agencies was revised (discussed further in section 4.1.3 below).

Several other countries, such as Eswatini, Kenya, South Sudan and Somalia, have also requested ILO support to review legislation and draft regulations for the operation of PEAs. A number of countries in North Africa have received ILO support to work on business case models and to design tools to support PEAs in complying with national legislation and relevant international standards, including the prohibition of charging recruitment fees and related costs to workers. Other countries committed to doing so in their National Voluntary Reviews ahead of the first International Migration Review Forum, which took place in New York in 2022. For example, in Mauritania, where legislation regulating recruitment fees is currently in effect,²² stated in their National Voluntary Review: “We commit to reviewing existing recruitment mechanisms to ensure they are fair and ethical, and to protect all migrant workers from any form of exploitation and abuse, in order to guarantee decent work and maximize the socio-economic contributions of migrants in both their countries of origin and destination” (Mauritania, Government of Mauritania 2022).

Bilateral labour migration agreements

As explained in Chapter 2, the research team has not conducted a full analysis of bilateral labour migration agreements (BLMAs) signed since the preparation of the first Global Study. However, several interview respondents highlighted the relevance of examining BLMAs, as they are increasingly being used to govern recruitment between countries and often contain details relating to recruitment fees and related costs. Interviewees advised that many East African countries, such as Ethiopia, Kenya, Somalia, Uganda and the United Republic of Tanzania, are currently working on

BLMAs. However, most often, these are concluded as memoranda of understanding (MOUs) and, thus, are not legally binding (as opposed to bilateral labour agreements (BLAs), which are legally binding). Even so, BLMAs can still represent an important step forward in regulating recruitment fees and related costs. Sometimes, these BLMAs are sector-specific. For example, the Bilateral Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom for Collaboration on Healthcare Workforce was signed in January 2021. However, this agreement does not refer to or define recruitment fees or related costs, and only alludes to taking actions to address “unethical and/or illegal recruitment”.²³

While many BLMAs are not publicly available, countries seem to become more open to sharing agreements and exchanging good practices and challenges. The interviewees also shared that an agreement had been signed between Ethiopia and Lebanon and that an agreement between Uganda and Saudi Arabia had been renewed in early 2023.

Further, there is an increase of MOUs being negotiated between trade unions intra-regionally, with MOUs recently having been concluded between trade unions in Côte d’Ivoire and Tunisia as well as Ethiopia and Somalia, and inter-regionally, with trade unions in the East and Horn of Africa having concluded MOUs with trade unions in the Middle East.

Overall, it was advised that there is a lack of a comprehensive list of BLMAs in the Africa region, and that the ILO is often not consulted in their drafting, making it hard to assess the extent to which these agreements align with the ILO Definition. From the BLMAs that interviewees had seen, it was common for definitions of recruitment fees and related costs to either be omitted or to fall short of the ILO Definition by, for instance, not specifying that workers should not incur recruitment fees or related costs. However, during our data collection we were advised of efforts by African RECs to systematically review BLMAs. For instance, the SADC is currently preparing a report

²² Loi N° 2004-017 portant code du travail.

²³ [Bilateral Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom for Collaboration on Healthcare Workforce \(2021\)](#).

examining admission policies in its REC, which includes a systematic review of BLMAs. Thus, in the future, a comprehensive analysis of BLMAs in Africa as they relate to recruitment fees and related costs should be feasible. Further, during the Africa Labour Migration Conference in October 2023, the African Union Commission committed to developing a repository of BLMAs, which will be publicly accessible to all stakeholders, including migrant workers.

Subregional efforts

While a systematic review of the work of all the RECs in Africa was beyond the scope of the present study, it is relevant to mention that there are several relevant initiatives developing at the subregional level. For instance, the SADC has developed a Labour Migration Action Plan that refers to the need to promote fair and ethical recruitment initiatives. The hope is that this will lead to wider ratification of relevant ILO Conventions within SADC Member States, alongside legislative change and bilateral agreements that align with the ILO Definition. In IGAD, the IGAD Regional Guidelines on Rights-Based Bilateral Labour Agreements (BLAs)²⁴ were adopted in October 2021 by the first Ministerial Conference on Labour, Employment and Labour Migration. These Guidelines make reference to the need to eliminate recruitment fees. During IGAD's Second Ministerial Conference on Labour, Employment and Labour Migration held in March 2023, Ministers of Labour committed to reviewing current recruitment policies and practices in the IGAD region, as laid down in a Ministerial Communiqué.

4.1.3 Stakeholder initiatives

Trade unions are actively pursuing the topic of recruitment fees. For example, the African Trade Union Migration Network is focusing on the implementation of Objective 6 of the GCM on “Facilitating fair and ethical recruitment and safeguarding conditions that ensure decent work”, and has developed a plan of action that includes a campaign on the prohibition of recruitment fees and related costs. In addition, the International Trade Union Confederation (ITUC) has expanded

24 See: [IGAD, IGAD Regional Guidelines on Rights Based Bilateral Labour Agreements \(BLAs\), 2022.](#)



its Recruitment Advisor platform in Africa, which can be an important source of data on the prevalence of fee charging. For example, data collected through Recruitment Advisor in Kenya found that 76 per cent of Kenyan migrants had paid fees relating to recruitment²⁵ (Mugalla 2022, 6). However, since the specific level of fees is not documented, it is unclear how far these fees violated Kenyan legislation, since the Labour Institutions Act of 2007 allows for some recruitment fees to be charged to migrant workers. The Act specifies that the costs of recruitment should be met by the recruitment agent or the employer (including visa fees, airfare and a surety bond). However, a service fee can be charged to the worker to cover administrative fees or related costs rendered during the recruitment, such as medical or occupational tests, if they do not exceed one quarter of the worker's first monthly salary. Nevertheless, the Recruitment Advisor Platform is a source of data on whether various recruitment fees are being paid by migrant workers.

During our data collection, we also came across several examples of efforts to develop tools and guidelines for recruitment agencies and employers. For example, recruitment agencies in Ethiopia, Uganda and Kenya have developed codes of conduct.²⁶ Since the first Global Study, the [Nigeria Code of Conduct for Private Employers Agencies](#) has also been revised (Nigeria, Government of Nigeria 2022). Mauritius has also developed a [Code of Conduct for Employers](#). In 2022, the Indian Ocean Commission discussed a draft Code of Conduct for all businesses in the Indian Ocean Region, which is expected to be finalized in due course. Tunisia is supporting the establishment of a federation of recruitment agencies similar to the setup already evident in Ethiopia, where the [Ethiopian Overseas Employment Agencies Federation](#) was formed in 2020.

4.1.4 Conclusions and areas for further research

Comparatively speaking, relevant legislative changes since 2018 have been more prevalent in Africa than in other regions of the world, with such changes identified in five African countries: Djibouti, Ethiopia, Ghana, Sierra Leone, and Uganda. Of the 30 African countries reviewed for the second Global Study, 30 per cent (n=9)²⁷ had ratified Convention No. 181. Two-thirds of the countries reviewed (n=20) had at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). The remaining ten countries regulated recruitment fees (for at least some categories of workers). Compared to other regions, in Africa, it was more common to identify laws that prohibited the charging of very specific costs to workers, most commonly transportation costs. While transportation costs often account for a large part of overall recruitment fees, legislative reform would still be required to fully align with the ILO Definition. Fines and penalties were the most commonly cited sanction, identified in 50 per cent of the sample (n=15), followed by the revocation or suspension of the recruiter's licence in slightly more than a third of countries (n=11). Penal sanctions – largely imprisonment – were also mentioned in the laws and policies of nine out of 30 African countries.

In conclusion, progress has been made in raising awareness and addressing fair recruitment practices in the Africa region. However, challenges and limitations persist, necessitating continued efforts from governments, tripartite partners and international organizations to protect the rights and well-being of migrant workers. The region has made progress in recognizing fair recruitment concerns, but there remain challenges in fully addressing related costs and ensuring proper regulation, including monitoring and enforcement. It is also important to ensure that the continent responds as a whole to prevent a race to the bottom as destination countries seek out

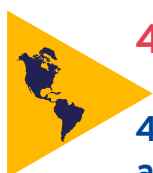
25 Which are defined as “payments to the recruitment agency or to the employer for recruitment services including advertising, arranging interviews, submitting documents, confirming credentials, organizing travel and transportation, placement into firms” (Mugalla 2022, 22).

26 See, for example, the [Code of Conduct for Ethiopian Overseas Private Employment Agencies](#).

27 These nine countries are: Algeria, Ethiopia, Madagascar, Mali, Morocco, Niger, Nigeria, Sierra Leone and Zambia.

bilateral relations with countries offering workers at the lowest cost. In the future, it would be good to extend the coverage of the Global Study database, especially in the ECCAS, since Gabon is currently the only Central African country included in the review. It will also be important to support the implementation of the Fair Recruitment Initiative in Africa and to conduct a systematic study of emerging BLMAs as they relate to recruitment fees and related costs. Another area necessitating further research is the application of laws in practice, which cannot be fully assessed in this report.

4.2 Americas



4.2.1 General landscape and key trends

Recruitment fees and related costs are clearly a topic of continuing relevance in the Americas. In June 2022, during the Americas Summit of the Organization of American States, 21 countries led by the United States of America adopted the Los Angeles Declaration (LA Declaration) on Migration and Protection. The Declaration set the stage for the management of international migration in the Americas and included provisions for fair recruitment, placing it firmly on the agenda for the region.

The first Global Study reviewed the legislation of 21 countries in the Americas. Of these, seven countries were found to have comprehensively or in part defined recruitment fees and related costs in their policies and legislation – Antigua and Barbuda, Canada, Colombia, El Salvador, Guyana, the United States, and the Bolivarian Republic of Venezuela –. All of the 21 reviewed countries had some legislation in place to either prohibit or regulate the charging of recruitment fees for at least some categories of migrant workers.

Within the Americas, only Antigua and Barbuda, Panama, Suriname and Uruguay have ratified Convention No. 181. Panama, Suriname and Uruguay prohibit charging any direct or indirect fees to workers and punish PEAs violations with a suspension or withdrawal of their licence, the imposition of a fine, or imprisonment. Meanwhile,

Antigua and Barbuda, which ratified Convention No. 181 in 2021, does not explicitly prohibit the charging of recruitment fees. Its legislation, however, stipulates that “the expenses of the journey of recruited workers and their families to the place of employment, including all expenses incurred for their protection during the journey, shall be borne, and necessities for the journey shall be provided, by the recruiter (not being a worker–recruiter) or employer.”²⁸


Countries in the Americas that have not ratified Convention No. 181 but that nonetheless specifically prohibit recruitment fees or related costs include Colombia, the Plurinational State of Bolivia, Chile, Guatemala, Ecuador, Nicaragua, Paraguay, Mexico and Brazil. As a result, the prohibition of recruitment fees and related costs was the dominant policy approach identified in the Americas. That being said, a key limitation identified in the approach taken by many of these countries is that once a general statement against fee charging is formulated, it is then limited to a specific cost category, economic sector or type of labour recruiter.

In the second Global Study, in addition to checking for any relevant legislative reforms since 2018, Cuba was added to the review. Of the 22 countries in the Americas included in the review, approximately two-thirds (n=15) have at least one law or policy prohibiting recruitment fees (for at least some categories of workers or for at least certain costs). The remaining third (n=8) have laws or policies regulating recruitment fees (for at least some categories of workers). With regard to legislative reform concerning recruitment fees and related costs, the legislative picture has remained similar to how it was during the first Global Study, with only three countries having implemented reforms.

For half of the reviewed countries in the Americas (n=11), a general statement prohibiting recruitment fees was identified, and in 4 other countries, a general prohibition is also accompanied by a detailed breakdown of what these costs entail (figure 4.). For example, in Colombia’s legislation, “recruitment fees” refers to any fees or charges imposed on jobseekers by recruitment agencies or employers in relation to the recruitment and hiring process. The responsibility for covering the expenses associated with the recruitment

28 Recruiting of Workers Act (Cap. 372 No. 41 of 1941).

► **Table 5. Americas: Ratification of international labour standards relevant to recruitment fees and related costs**

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29
 Countries	<ul style="list-style-type: none"> • <i>Antigua and Barbuda</i> • Panama • Suriname • Uruguay 	<ul style="list-style-type: none"> • Argentina • Bolivia (Plurinational State of) • Costa Rica • Cuba • Mexico 	<ul style="list-style-type: none"> • Argentina • Bahamas • Belize • Bolivia (Plurinational State of) • Brazil • Canada • Colombia • Costa Rica • Cuba • Dominican Republic • Ecuador • El Salvador • Guatemala • Nicaragua • Panama • Peru • Suriname • Venezuela (Bolivarian Republic of) 	<ul style="list-style-type: none"> • Bahamas • Barbados • Belize • Brazil • Cuba • Dominica • Ecuador • Grenada • Guatemala • Guyana • Jamaica • Saint Lucia • Trinidad and Tobago • Uruguay • Venezuela (Bolivarian Republic of) 	<ul style="list-style-type: none"> • Argentina • Bahamas • Barbados • Belize • Bolivia (Plurinational State of) • Brazil • Colombia • Costa Rica • Cuba • Dominica • Dominican Republic • Ecuador • Grenada • Guatemala • Guyana • Honduras • Mexico • Nicaragua • Panama • Paraguay • Saint Lucia • Saint Vincent and the Grenadines • Suriname • Uruguay • Venezuela (Bolivarian Republic of) 	<ul style="list-style-type: none"> • <i>Antigua and Barbuda</i> • Argentina • Canada • Chile • Costa Rica • Jamaica • Mexico¹ • Panama • Peru • Suriname
Total	4 (1 new ratification since 2019)	5	18	15	25	10 (6 new ratifications since 2019)

Note: Italics denote countries that have ratified the instrument since 2019.

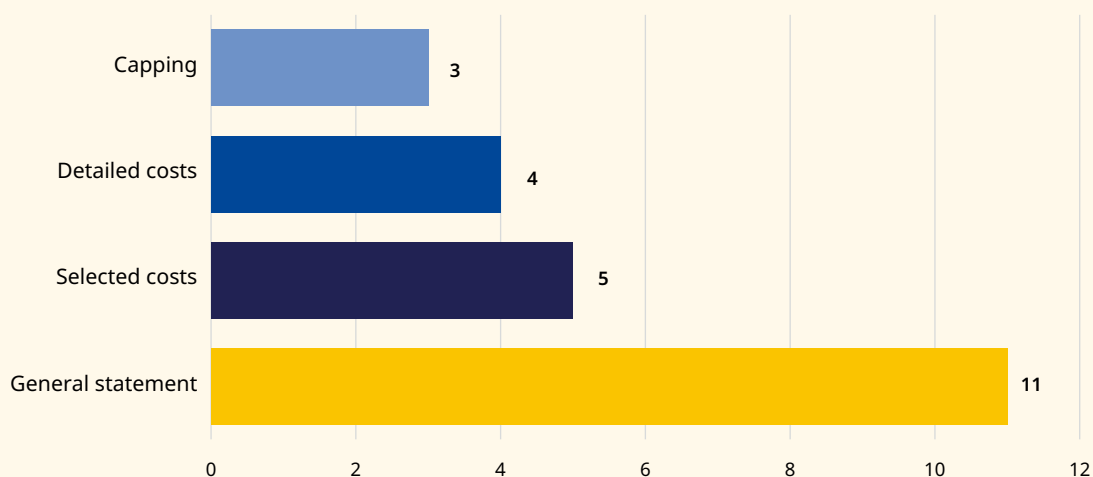
¹ Protocol of 2014 to the Forced Labour Convention, 1930, will come into force for Mexico on 11 June 2024.

and hiring process lies with the employer. This includes costs such as advertising job openings, conducting interviews and conducting background checks. Colombian labour laws impose penalties, such as fines or legal sanctions, on employers or recruitment agencies that violate these provisions. Detailed cost definitions were also identified in Canada, El Salvador and Uruguay, with some level of cost breakdowns also evident in Antigua and Barbuda, Cuba, Guatemala,

Guyana and the Bolivarian Republic of Venezuela. In addition to a general prohibition regarding the charging of recruitment fees, the Plurinational States of Bolivia, Ecuador, Chile, Guatemala, Nicaragua, and Paraguay also regulate the operation of PEAs and specify that the fees and charges of the PEA should be borne by the employer.

In several countries, limitations to the prohibition against fee charging were identified. For example, in Antigua and Barbuda, specific regulations

► Figure 4. Regulatory approaches towards recruitment fees and related costs in the Americas: 2018 and 2023 (no. of countries)



Note:

The above-mentioned y-axis items are described as follows:

Selected cost: countries which do not have a general prohibition of fees but prohibit charging of specific costs to workers.

Detailed costs: countries which provide a detailed list of (at least some) costs and specifically indicate who should be paying them.

Capping: countries which do not prohibit the charging of fees or costs fees or related costs but fix a maximum amount that can be charged.

General statement: Countries that provide a general statement on fees and costs prohibition but do not provide any detail on their breakdown.

It should be noted that some countries can have a combination of more of the above approaches.

Source: Compiled by the authors from the law and policy review.

regarding recruitment fees and related costs are outlined in the Recruiting of Workers Act (Cap. 372 No. 41 of 1941), which specifies that the employer is only responsible for covering the expenses of the journey of recruited workers and their families. Exceptions to the prohibition against charging recruitment fees to workers are also envisioned in Honduras' legislation, which permits employers to charge fees to workers hired through agencies. Other limitations of note in

Honduras concern an exception that allows the imposition of fees upon skilled workers, as well as the imposition of travel and accommodation costs on all workers when the workplace is more than two kilometres away from their permanent residence. The prohibition of fees was also sometimes limited to certain sectors. For instance, Argentina²⁹ and Ecuador³⁰ have sector-specific legislation for agriculture, which was also identified in the first Global Study, that allows certain

29 [Ley 24.648/1996 Apruébase el Convenio OIT 96 sobre Agencias Retribuidas de Colocación](#); Decreto 489/2001 Agencias retribuidas de colocacion (C096 Convention); and [Ley 18.694/1970 Régimen uniforme de sanciones para las infracciones a las leyes nacionales reglamentarias del trabajo](#).

30 [Decreto Ejecutivo No. 2166 \(2004\) – Normas que deben observarse en la prestación de servicios de Intermediación Laboral conocida como Tercerización](#).

fees to be charged to workers. Other examples are the cases of Peru³¹ and Honduras,³² which provide exceptions for specific occupations, like footballers and highly skilled professionals, respectively. The Labour Code in Guatemala also establishes special regulations for workers hired to work on foreign commercial vessels.

Concerning differences in the way recruitment fees and related costs are defined for local employment versus employment abroad, the general trend in the region is that no distinction is made between national and international recruitment. However, there are some exceptions. For example, while currently being updated, Honduras' Regulations for the Recruitment and Hiring of Honduran Workers for Employment Abroad (Acuerdo STSS-252-2008) establishes the basic conditions for the recruitment and hiring of Honduran workers for the provision of services or execution of work abroad, in addition to regulating, supervising and controlling natural or legal persons who recruit and/or hire labour to work outside the national territory. Article 10(a) prohibits PEAs from charging Hondurans recruited to work abroad any recruitment fees. In the Bolivarian Republic of Venezuela, the policy regulating PEAs only applies to the international recruitment of workers. It specifies which costs should be borne by the employer, namely, a guarantee covering costs related to repatriation and transportation to the place of residence, as well as migration-related costs such as travel and food.

Capping was the least common regulatory approach in the Americas, which is in part due to the regulation of recruitment fees being a less common legislative position in the region compared to, for instance, Asia and the Pacific. Capping of fees was identified in three countries, including Argentina, where the law allows PEAs to charge workers up to 10 per cent of the first month's salary. In Honduras, the aforementioned Acuerdo STSS-252-2008 on the recruitment of

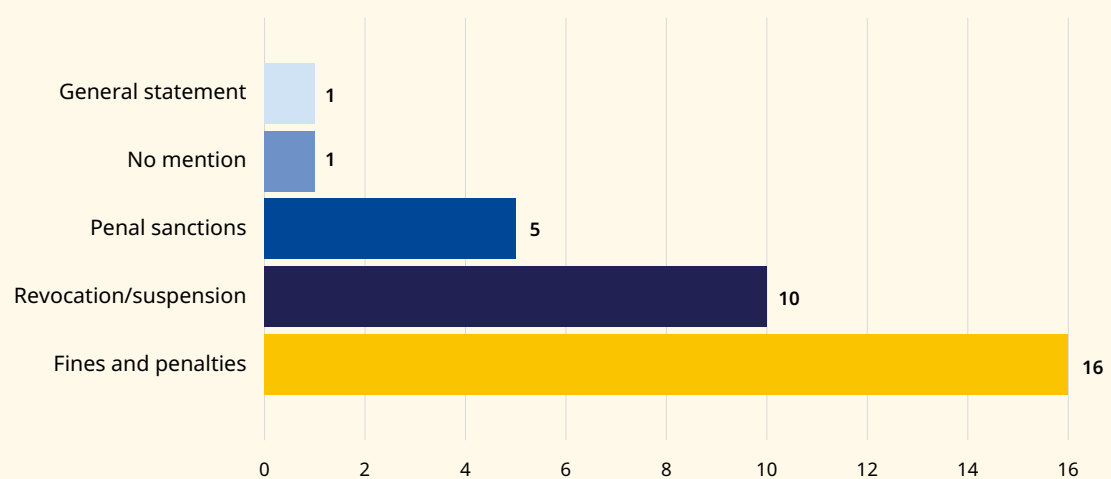
Honduran workers for overseas employment allows PEAs to charge up to 50 per cent of the first month's salary for permanent jobs and a sliding scale for temporary jobs, depending on the contract duration (30 per cent of the first month's salary for a three-month contract, 20 per cent for a two-month contract and 10 per cent for a one-month contract). In Jamaica, Sections 16(1) and 2(e) of the Employment Agencies Regulation Act (No. 43 of 1956) allow the Government to regulate the fees charged by employment agencies. The Government last did this through Regulation No. 254 of 1957, which places limits on fees depending on whether the placement takes place in Jamaica or internationally (Section 10(1)). However, it does specify that it is not allowed to charge fees for placement in international programmes that prohibit fee-charging (for example, the H-2B visa for the United States).

Figure 5 displays the primary sanctions identified in the law and policy review of the Americas. Similar to Africa, fines and penalties were the most commonly cited sanctions (n=16), followed by the revocation or suspension of the recruiter's licence (n=10). Penal sanctions – largely imprisonment – were also mentioned in the laws and policies of five out of 22 countries in the Americas. It is of note that in the legislation of Cuba and El Salvador, sanctions are mentioned, but there is no further elaboration of what these might entail. In Brazil and Guyana, all three possible sanctions – revocation of licence, fines and penal sanctions – are possible. For example, Guyana's Recruitment of Workers Act (Cap. 98:06), 1943, allows for the cancellation of a recruiter's licence if they violate any of the conditions outlined in the Act (section 4(5)) and additionally specifies in section 10 that “[a]ny person who acts in contraventions of or fails to comply with any of the provisions of this Act, or the regulations made thereunder, is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months”.

31 [Decreto Supremo No. 020-2012- TR – Decreto Supremo que aprueba Normas Reglamentarias para el Funcionamiento de las Agencias Privadas de Empleo.](#)

32 [Acuerdo No. STSS-252-2008 – Reglamento para el Reclutamiento y Contratación de Trabajadores Hondureños en el Extranjero; Acuerdo No. STSS-155-2017 – Reglamento para el Funcionamiento de las Agencias de Empleo Privadas y Servicios Conexos; and Acuerdo No. STSS-141-2015 – Reglamento para el Funcionamiento de las Agencias de Empleo Privadas y Servicios Conexos.](#)

► **Figure 5. Sanctions for violating laws and policies relating to recruitment fees and related costs in the Americas (no. of countries)**



Note: Countries may utilize more than one type of sanction.

Source: Compiled by the authors from the law and policy review.

4.2.2 Key changes in national legislation and policies from 2018 to 2023

4.2.2.1 Changes in national legislation

Since the first Global Study conducted in 2018, the relevant regulatory frameworks concerning the definition of recruitment fees and costs have undergone significant legislative developments in Brazil, Canada and Guatemala, as follows:

Brazil

A development regarding the prohibition of recruitment fees and related costs that took place after the publication of the first Global Study is the approval of the Bill 8772/2017 in 2022 by the Committee on Labor, Administration, and Public Service. If adopted into law, the Bill will prohibit employment agencies from charging fees to workers for registering their CVs in the database or enrolling in a selection process. The text also seeks to expand access to vacancies and selection processes, as well as comply with article 7(1)

of ILO Convention No. 181, stipulating the prohibition of any direct or indirect charges to workers. However, the Bill is now awaiting designation of the Rapporteur in the Constitution and Justice and Citizenship Commission and has not finally been adopted. Hence, it is not yet clear how far the law will align with the ILO Definition in terms of what costs will be included and what sanctions, if any, will be imposed on those who violate the new law.

Canada

In Canada, the Regulations Amending the Immigration and Refugee Protection Regulations (Temporary Foreign Workers) (SOR/2022-142) expands the scope of recruitment fees and related costs that should not be incurred by migrant workers. The original Regulations³³ stipulate that employers are prohibited from charging or recovering recruitment fees. Under the 2022 amendment, migrant and refugee workers are exempt from the following fees:

- employer compliance fees, fees for the supply of services connected to a Labour Market

33 Immigration and Refugee Protection Regulations (SOR/2002-227).

Impact Assessment (LMIA),³⁴ and recruitment fees.

- if an employee does not already have health-care coverage, the amendment requires agencies to cover these costs – including the costs of emergency health services.

The costs for temporary visas, temporary resident permits and work permits will still be borne by the worker. This ban does not apply to any recruitment-related expenses that are permitted under an international agreement between Canada and a nation that participates in the Seasonal Agricultural Worker Program.

Employers recruiting under Canada’s Temporary Foreign Workers Program must first certify that they have not charged or recovered fees from an international employee in connection with the LMIA or recruitment and that they will not do so when they submit their request for an LMIA. Additionally, they must attest that any independent recruiter working on their account does not collect or charge any fees. Employers hiring under the International Mobility Programme, when making an offer of employment via the Employer Portal, must certify that neither they nor any third parties involved have paid or recovered any fees associated with employer compliance fees or recruiting fees. For both programmes, the Regulations prohibit employers, during the period of employment, from charging or recovering from temporary foreign workers any fees paid by the employer for their recruitment. Employers must also ensure that any recruiter acting on their behalf does not directly or indirectly charge or recover these fees from the worker. Further, if prohibited fees are charged or recovered, either before or during the period of employment, employers must be able to demonstrate that: (1) they made all reasonable efforts to comply with the conditions; and (2) they subsequently provided

full compensation to the temporary foreign worker for the fees that were incorrectly charged or recovered.

At the provincial level, it is to be noted that legislation in all provinces in Canada includes a prohibition against charging fees to workers, with some breaking down these fees further in the legislation. Additionally, in some provinces, the names of agencies that have been sanctioned are published. However, the present study does not cover this level of detail.³⁵ Recruitment-related costs for immigration services are explicitly addressed by requiring some type of transparency to the parties involved in some cases.³⁶

Guatemala

The Guatemalan Temporary Work Programme, which commenced in 2021 and is implemented by the Ministry of Labour and Social Welfare (MINTRAB), has a crucial mission of connecting Guatemalan migrant workers with suitable and decent temporary job opportunities abroad. The Programme’s ultimate goal is to promote fair recruitment practices and eradicate exploitative practices like recruitment fees, fraud, human trafficking, migrant smuggling, forced labour and labour exploitation. In line with its vision, the Programme has outlined five strategic objectives, each with specific targets and indicators to be accomplished by the year 2023. Notably, the programme has already established a registration system for recruitment agencies, which was successfully implemented in 2022.

Government Resolution 50–2022, dated 24 February 2022, established the Regulation for the Registration of Recruiters of Guatemalan Workers for the Provision of Services or Execution of Works Outside the Territory of the Republic of Guatemala.³⁷ The Regulation expressly forbids the imposition of direct and indirect fees on workers or job candidates. It also prohibits

34 A Labour Market Impact Assessment (LMIA) is a document issued by Employment and Social Development Canada (ESDC) assessing the impact of hiring a foreign national in Canada. A positive LMIA indicates that there is no Canadian citizen or permanent resident to fill a position, therefore enabling an employer to hire a foreign national. For more info see: <https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=163>.

35 Further information can be found at: ILO, *Comparative Analysis of the Standards and Procedures on Recruitment and Placement of Foreign Temporary Workers: Canada, El Salvador, the United States, Guatemala, Honduras and Mexico*, 2023.

36 **For more detailed analysis of the Canadian regulatory system see:** [Leanne Dixon-Perera, Regulatory approaches to international labour recruitment in Canada, June 2020.](#)

37 <https://www.mintrabajo.gob.gt/index.php/servicios/sistema-de-reclutadores#acuerdo-gubernativo>.

charging workers with information and training programme costs or any other recruitment or placement fee, as well as costs associated with disseminating and advertising job applicants' CVs. Although this Regulation incorporates key recommendations from the ILO, the absence of clear definitions of what constitutes a "fee" might present some limitations in its implementation. As part of the registry, recruiters must inform MINTRAB, five days prior to the transfer of Guatemalans abroad, about the number of Guatemalans who will be working abroad. This information should indicate the full name and contact information of the worker, the date of departure, the name of the employer, the country and address of the place where they will be providing their services, as well as the activity for which they were hired, including the duration of the contract. They must also inform MINTRAB if they are aware of any complaints, reports or violations of the labour rights of Guatemalan workers so that the Ministry can coordinate the corresponding verifications. Within the first ten days of each month, MINTRAB sends a report to the Ministry of Foreign Affairs (MFA) on Guatemalan people recruited and hired for work abroad. In addition, through a communication and monitoring system, close contact with workers is ensured, which allows the Government to provide assistance and offer protection in the event of labour rights violations.

Labour inspections were initiated in 2023, which have, in some cases, led to criminal complaints against some of the PEAs. These have been handled in coordination with the Public Ministry.

With ILO support, MINTRAB and the MFA have developed an institutional roadmap with the steps that need to be taken in cases of fraud or exploitation, as well as the institutions responsible for handling such issues. In regard to the Temporary Work Program, various actions have been promoted to avoid scams and corruption, including: (i) a "scam alert" portal within the MINTRAB website was designed to allow the user

the possibility to raise awareness about possible fake job announcements and other scams related to job offers abroad; and (ii) mechanisms for submitting complaints about corruption within MINTRAB. Both options are enabled within the MINTRAB portal. In addition, in 2023, MINTRAB, with the MFA, launched the campaign "Don't be fooled, think twice!" which promotes legal, safe, orderly and circular migration, seeks to broadly inform the population that they should not pay for a job opportunity outside the country, and equally inform them about the free of charge nature of the Temporary Work Programme.

In addition, under the Law for the Promotion of Temporary Work Abroad (Decree No. 31-2022), MINTRAB plays a pivotal role in providing support and assistance to Guatemalan workers during the recruitment process and throughout their employment abroad. In 2023, MINTRAB and the MFA launched an ILO-supported smartphone application for Guatemalan workers abroad that contains information on labour conditions in destination countries, as well as a step-by-step walkthrough of the Temporary Work Programme.³⁸ Consular staff stationed in countries throughout the region were also provided information materials on their role in promoting fair recruitment.³⁹ This proactive approach seeks to empower workers with accurate information about their rights, working conditions, and contractual agreements, allowing them to make informed decisions and fostering a fair and transparent employment experience. Importantly, purchases of airline tickets by registered and authorized recruitment agencies for workers travelling temporarily abroad for a contract period exceeding two years are exempt from the Value Added Tax (VAT) and the Air Departure Tax. MINTRAB and the MFA, with ILO support, are working on strengthening the practical implementation of these provisions and the promotion of fair recruitment by providing consular staff and embassies with information and tools to reach out to Guatemalan workers abroad.

³⁸ For further information, please see: ILO, *El personal consular y su función en la protección de las personas trabajadoras migrantes*, 2023.

³⁹ For further information, please see: Guatemala, Ministry of Labor and Social Welfare, *Hoja de Ruta: Coordinación interinstitucional MINEX-MINTRAB en el arco de los programas de trabajo temporal en el extranjero*, 2023.



Another useful tool is the *Practical Guidelines for Guatemalan Workers in the Temporary Work Programme in Canada*,⁴⁰ which offers comprehensive programme details, contract requirements, rights and obligations, support contacts, and general information on living in Canada, including guidance on health and addressing COVID-related issues. These Guidelines also highlight the ideals of the ILO's General Principles and Operational Guidelines for Fair Recruitment, emphasizing the prohibition of fees for recruitment and hiring. Additionally, they provide information on the Guatemalan consulates in Canada, ensuring access to the consular network for protection and assistance.

4.2.2.2 Other developments

United States

Upon adopting the LA Declaration, the US Government launched the *Guidance on Fair Recruitment Practices for Temporary Migrant Workers* in June 2022. These non-binding guidelines cite the ILO Guiding Principles and Operational Guidelines for Fair Recruitment in addition to the US Government urging “countries of origin to participate in the ILO's Fair Recruitment Initiative by engaging directly with the ILO” (United States, Department of State, USAID, and Department of Labor 2022, 1). It is, however, important to note that this guidance only applies to international recruitment – specifically, to migrant workers who travel to the United States for work.

Technical assistance

Joint efforts between the ILO and countries in the Americas included awareness-raising campaigns aimed at educating both workers and employers about their rights and responsibilities in the recruitment process. Mexico and Guatemala, with guidance from the ILO, implemented fee caps on recruitment agencies. This ensured that migrants were not charged exorbitant fees, protecting them from exploitation. Other initiatives that highlight the efforts between ILO and countries in the Americas include the establishment of two Migrant Worker Resource Centres in Mexico that

40 Available (in Spanish) at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_815948.pdf.

provide information to migrant workers about fair recruitment practices and fee regulation. The ILO has also implemented a series of fair recruitment trainings – for example, in Colombia, Peru, Ecuador, Guatemala, Mexico and Panama – and in 2023, part of the global course on fair recruitment organized by the ILO’s Turin Training Centre was hosted by Mexico, which co-chairs the Fair Recruitment Initiative globally. These trainings have primarily targeted government entities such as labour ministries, as well as employers’ and workers’ organizations, and aim to enhance the understanding of fair recruitment principles and provide better information specific to each country. These trainings have shed light on the payment of fees by national workers, uncovering areas of concern and opportunities for abuse prevention.⁴¹

Bilateral labour migration agreements

Several countries in the Americas, such as Mexico and Guatemala, have signed bilateral agreements to enhance fair recruitment practices. For example, in July 2019, the Governments of Guatemala and the United States signed an agreement to develop a Temporary Agricultural Workers Program, which strengthens bilateral cooperation and provides thousands of temporary employment opportunities to Guatemalan migrant workers in the United States through H2-A visas.⁴² Later, in September 2020, the governments of Guatemala and the United States signed an extension of the BLA, which extends its application to H2B visas in the non-agricultural sector. According to the BLA, the charging of recruitment costs is forbidden, which includes:

any payment of any kind for any activity related to the workers obtaining or maintaining H-2A or H-2B visa programme status. Prohibited payments include, but are not limited to, costs associated with applications for H-2A or H-2B temporary labour certification, petitions for H-2A or H-2B classification. H-2A or H-2B visa applications, and costs of transport and

admission to the United States. Costs of return transportation to the recruitment location in Guatemala (including food expenses), shall be borne by the worker’s last U.S. employer if the worker is terminated by the employer without justifiable cause (i.e., through no fault of the worker) or otherwise completes the work in accordance with the terms of his/her employment contract. Such payments also include direct or indirect payment of attorneys’ fees, application or petition preparation and filing fees, or recruitment costs (article 3).

A new MOU was signed between Mexico and the United States in January 2023 that aims to protect Mexican nationals temporarily working in the United States.⁴³

Trilateral statement on joint commitment to Latin America

The United States, Spain, and Canada have formed a trilateral partnership with a specific focus on addressing recruitment fees in Latin America (United States, Department of Homeland Security, 2023). One of the primary objectives of this collaboration is to promote fair recruitment practices by reducing or eliminating exploitative fees charged to migrant workers during the hiring process. Canada has taken steps to receive over 50,000 workers from Mexico and Guatemala in the agriculture sector through existing programmes. As part of the partnership, Canada will leverage initiatives like the Agri-Food Pilot to offer safe and regular alternatives to irregular migration, thereby minimizing the need for workers to resort to costly recruitment channels. Spain, on the other hand, has been working on establishing regular migration pathways and signed migration-related agreements with several Latin American countries. However, interview participants have raised concerns regarding Spanish employers paying for the airfare for tickets to Spain but not for tickets back to workers’ countries of origin.

41 For more information see: ILO, *ILO’s Programme of Work in Support of Decent Work in the Andean Countries of Bolivia, Colombia, Ecuador, Peru, and Venezuela 2016–2019*, 2020.

42 The text of the agreement is available at: <https://www.state.gov/wp-content/uploads/2020/04/20-207-Guatemala-Migration-and-Refugees-7.30.2019.pdf>.

43 For further information please see: United States, Department of Labor, [“Press Release on US, Mexico Sign Memorandum to Protect Temporary Foreign Workers”](#), 17 January 2023.

4.2.3 Stakeholder initiatives

Several civil society organizations in the Americas have been actively involved in initiatives addressing recruitment fees and related costs, particularly concerning the rights and protection of migrant workers. A limited set of examples is provided below.

Trade Union-run Resource Centres for Migrant Workers in Tijuana and Cancún, México

In March 2022, the *Sindicatos Unidos con México Moderno* (SUCOMM) union, with the support of the ILO, launched the Migrant Workers' Resource Centre (MRC) in Tijuana, Mexico, a physical space that serves potential migrants, migrants, asylum-seekers and refugees, as well as their families and other members of the community, by providing them with information and assistance concerning their labour rights and access justice if their rights are violated. In August 2023, a second MRC operated by SUCOMM with the support of the ILO was opened in Cancun. The MRCs represent an entry point for the exercise of labour rights by migrant workers since they provide a series of essential and complementary services directly or through channels to other organizations. The services MRCs provide contribute to migrant workers' social integration, the improvement of their living conditions and the restitution of their rights. The MRCs provide other services, including implementing a referral system for non-labour-related services. The approach is person-centred care, gender-sensitive and culturally relevant, which seeks to empower migrant workers by attending to their needs, priorities and interests (ILO 2023d).

Centro de los Derechos del Migrante⁴⁴

The Centro de los Derechos del Migrante (CDM, or the Center for Migrant Rights) is a non-profit organization that works to protect the rights of migrant workers from Mexico who are employed in the United States. In regard to recruitment fees and related costs, the CDM aligns itself with the ILO Definition and focuses on addressing the

issue of exploitative recruitment practices that many migrant workers face. Migrant workers often fall victim to unscrupulous recruiters who charge excessive fees to find employment opportunities in the United States, which can leave workers in debt and vulnerable to exploitation. The CDM provides support and legal assistance to migrant workers who have experienced abusive recruitment practices. They educate workers about their rights, including the right to fair and ethical recruitment, and work to hold accountable recruiters who engage in exploitative practices. The organization also collaborates with policy-makers and stakeholders in both Mexico and the United States to advocate for changes in recruitment regulations and practices. They aim to create a more just and transparent recruitment process, free from excessive fees and unethical practices, so as to protect the rights and dignity of migrant workers.

Polaris⁴⁵

Polaris, a United States-based non-governmental organization (NGO) focused on combating human trafficking and supporting victims, advocates for fair recruitment practices and the end of exploitative recruitment processes, including the charging of excessive fees, deception and coercion. Polaris actively works to raise awareness about the risks of human trafficking in the context of recruitment and employment. They advocate for policies and regulations that protect individuals from falling victim to fraudulent or abusive recruitment practices, which often lead to human trafficking situations. Through their National Human Trafficking Hotline and other initiatives, Polaris provides resources and assistance to individuals who may be at risk of exploitation during the recruitment process. They also collaborate with law enforcement agencies, governments and other NGOs to combat trafficking and to promote fair and ethical recruitment practices. Polaris' definition of recruitment fees and related costs is also in line with the ILO Definition.

44 For more information, see the CDM's website at: <https://cdmigrante.org/>.

45 For more information, see the Polaris website at: <https://polarisproject.org/>.

CIERTO⁴⁶

CIERTO is supporting the recruitment of agricultural workers from Guatemala and Mexico to the United States. Since 2018, CIERTO has continued demonstrating an active and significant commitment to protecting against exploitative recruitment fees and related costs, per the ILO Definition. Through its proactive efforts, CIERTO has contributed to raising awareness about the risks and hardships faced by migrant workers due to recruitment fees and has worked tirelessly to minimize these expenses. Among its many activities, CIERTO implements independent monitoring processes in communities of origin. These measures are put in place to ensure that job offers are authentic, devoid of fraud and free from any illicit fees that could exploit vulnerable workers. By upholding these principles, CIERTO strives to create a more just and equitable environment for migrant agricultural workers and to protect their rights throughout the employment process.

Protocol on Fair Recruitment of Migrant Workers pertaining to Indigenous Peoples⁴⁷

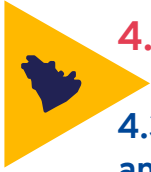
Another significant development in the efforts to protect the rights of migrant workers, particularly those belonging to indigenous peoples, is the recent establishment of the Protocol on Fair Recruitment of Migrant Workers pertaining to Indigenous Peoples. The Protocol, available exclusively in Spanish, is a collaborative effort by the ILO and CIERTO. Its primary objective is to advance the cause of indigenous migrant workers by ensuring their rights are protected and their unique values and principles are respected. The Protocol provides guidance for PEAs (including their intermediaries, recruiters or subagents) in any country that recruits and hires indigenous workers to work in another country. It proposes measures to be implemented in three phases: (i) a phase of agreement on the terms of recruitment in cooperation with the Indigenous peoples themselves; (ii) a phase of training and recruitment; and (iii) a phase of follow-up and evaluation of the worker's experience when they return to the country of origin.

4.2.4 Conclusions and areas for further research

There is growing recognition of the responsibility placed on employers to assume the costs associated with the recruitment and hiring process within the Americas region, as well as an increasing demand for employers to bear the costs for advertising job vacancies, conducting interviews and other recruitment activities. Furthermore, there is an increasing focus on updating existing laws and institutional frameworks, and on capacity-building. However, although there is a prevailing principle of free recruitment of workers in the region and PEAs are expressly prohibited from charging recruitment fees in many countries, significant gaps still exist in the prohibition of such fees, which results in workers finding themselves responsible for covering recruitment costs. These gaps primarily arise when it comes to related costs, which are often vaguely or ambiguously defined in legislation. While efforts have been made to regulate recruitment practices and prevent the exploitation of workers, there is a need for more comprehensive and specific regulations, or updates of the existing ones, to ensure the prohibition of all recruitment-related fees and expenses and to close the existing loopholes that could potentially be exploited. In addition, the recruitment landscape is becoming more and more complex, with many new PEAs appearing. One challenge is that often, neither employers nor workers are aware of relevant legislation, nor are they aware of the costs that can be charged.

⁴⁶ For more information, see CIERTO's website at: <https://www.ciertoglobal.org/>.

⁴⁷ The text of the Protocol is available (in Spanish) at: https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-san_jose/documents/publication/wcms_888305.pdf.



4.3 Arab States

4.3.1 General landscape and key trends

According to ILO's latest available estimates, the 12 countries/territories of the Arab States⁴⁸ in 2019, it hosted 24.1 million international migrant workers, representing 14 per cent of the global total. Within the region, nearly half of all workers are migrant workers, and it has the highest global share of migrant workers as a proportion of the total workforce, reaching 41.4 per cent in 2019, compared to the global average of just 5 per cent (ILO, n.d.).

In the first Global Study, the regional report for the Arab States examined the country legislations and policies of the six Gulf Cooperation Council (GCC) countries as well as Jordan and Lebanon. Thirty bilateral labour migration agreements (BLMAs), mostly between Middle Eastern countries of destination and Asian countries of origin, were also analysed to determine how they included references to recruitment fees and costs.

Of the 27 countries in the first Global Study with a relatively detailed definition of fees and costs, two are in the Arab States—Saudi Arabia and Qatar. Both countries explicitly prohibit fees, and they have policies specifying different cost items applicable to national and international recruitment, including workers' documentation and visas, medical tests, and pre-departure training.

Across the region, more generally, legal provisions mostly prohibit fee charging to workers recruited from abroad. However, policies are not explicit regarding cost items imposed in countries of origin. Instead, they are directed towards costs charged in the countries of destination (for instance, work and residence permits), which the employer should, in most cases, bear. The first Global Study indicated that in order to address this gap, the United Arab Emirates and Qatar were in the process of establishing visa centres or offices in countries of origin to monitor

recruitment practices and to ensure adherence to relevant regulatory provisions. Since 2019, Qatar has opened 14 visa centres (QVCs) in six countries – Bangladesh, India, Nepal, Pakistan, the Philippines and Sri Lanka. These centres are one-stop shops for workers to process their visas, complete mandatory medical testing, receive information about terms of employment, and sign their work contracts. One main component of the QVCs is explaining the terms and conditions of employment (as stipulated in contracts) and signing the employment contracts prior to departure, which helps address potential challenges related to contract deception and substitution. However, there is no direct mandate to monitor recruitment fees at the moment. As of July 2023, there is no clear indication that the United Arab Emirates' plan to establish similar centres/offices has gotten off the ground.


Upon the publication of the first Global Study in 2020, three countries in the Arab States had ratified Convention No. 88 (Iraq, Lebanon, Syrian Arab Republic); one had ratified Convention No. 97 (Syrian Arab Republic); and none had ratified Convention No. 181. There have not been any changes since with regard to the ratification of these Conventions. However, it is to be noted that Saudi Arabia ratified the Protocol of 2014 to the Forced Labour Convention, 1930, in May 2021, and in December 2020, it also ratified the Protection of Wages Convention, 1949 (No. 95), which is a significant development considering that withholding of workers' wages is a forced labour indicator.

Among the Arab States, Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates have relevant legislation prohibiting workers from being charged recruitment fees and related costs.⁴⁹ In addition, Jordan, Kuwait, Qatar, and the United Arab Emirates have specific domestic work provisions prohibiting workers from paying recruitment fees and related costs. The United Arab Emirates introduced a supplement to its Federal Law No. 10 of 2017 concerning Domestic Workers in 2022, which outlines the obligations of recruitment agencies, prohibiting them from charging

48 Bahrain, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Occupied Palestinian Territory, Syrian Arab Republic, United Arab Emirates and Yemen.

49 Bahrain Act No. 19 with Regard to the Regulation of the Labour Market (2006); Oman Ministerial Decision No. 1 of 2011 on Issuing the Regulations for Recruiting Non-Omani Workforce, and Oman Labour Law, article 23; Qatar Law No. 14 of 2014; Saudi Arabia Royal Decree No. M/51, 23 Sha'ban 1426 / 27 September 2005; United Arab Emirates Federal Law No. 8 of 1980.

► **Table 6. Arab States: Ratification of international labour standards relevant to recruitment fees and related costs**

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29
 Countries	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Syrian Arab Republic 	<ul style="list-style-type: none"> Iraq Lebanon Syrian Arab Republic 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Iraq Lebanon <i>Saudi Arabia</i> Syrian Arab Republic Yemen 	<ul style="list-style-type: none"> <i>Saudi Arabia</i>
Total	-	1	3	-	5 (1 new ratification since 2019)	1 (1 new ratification since 2019)

- = nil. Note: Italics denote countries that have ratified the instrument since 2019.

any expenses or demanding or accepting, directly or indirectly, any commission for securing the job from any domestic worker. As for other sectors, an example of a relevant policy from the region is the 2014 (subsequently updated in 2016) set of [Workers' Welfare Standards](#) adopted by Qatar's Supreme Committee for Delivery and Legacy,⁵⁰ the organization overseeing the planning of the 2022 FIFA World Cup and monitoring construction-related work contracts. This is relevant to the issue of recruitment fees and related costs because several thousand migrant workers were hired to build the stadiums and other facilities for the event (*BBC News* 2022). The Workers' Welfare Standards explicitly mention that "a worker is not to be charged any recruitment or processing fees". In Jordan, a zero-recruitment fee policy for migrant workers was adopted for the garment sector following a national tripartite consultation. This is presented in more detail in section 4.3.3.

There has been limited progress regarding legislative developments, with the exceptions of Qatar, the United Arab Emirates, and Saudi Arabia, which are outlined below.

4.3.2 Key changes in national legislation and policies from 2018 to 2023

4.3.2.1 Changes in national legislation

Qatar

Article 33 of Qatar's Labour Law (2004) stipulates, "The person who is licensed to recruit workers from abroad for others shall be prohibited from ... receiv[ing] from the worker any sums representing recruitment fees or expenses or any other costs." In addition, [Ministerial Decision No. 8 of 2005 Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others](#) provides in article 14 that if a PEA receives any remuneration from a foreign worker in return for his/her recruitment, the agency's licence may be revoked. A separate legislation is in place for the domestic work sector, namely the Domestic Workers Law ([Law No. 15 of 2017](#)). While it does not include any prohibition against PEAs in countries of origin demanding fees from workers, article 8 states, "An employer shall be prohibited from deducting any fees, expenses or commissions from a worker's wage in return for the procedures of recruitment from abroad." Qatar's standard employment contract

⁵⁰ Construction of infrastructure was a major part of the work monitored by the Supreme Committee. However, they were also responsible for other aspects like services, transport and so on.

for domestic workers includes a provision that notes that “the recruitment agency or employer shall bear the workers’ recruitment fees from his/her home country. It is not allowed to deduct any amount from the worker.” Similarly, the standard employment contract for workers covered by the Labour Law includes the following provision: “The second party [the worker] shall not bear the costs of recruiting fees.” In addition, the standard contract stipulates that the employer is responsible for bearing the travel expenses of the worker from their home country to Qatar and the return travel expenses.

The Labour Law of 2004 was also amended in 2020 through [Decree No. 18](#). The most important amendment in this Decree relates to lifting restrictions on workers terminating contracts and changing employers. This means that workers can now change jobs at any time without prior approval from their employer after a notice period of up to two months.⁵¹ It should be noted that if the worker wants to change jobs during their probation period, then the new employer needs to compensate the current employer a portion of the recruitment fees and air ticket, if any, provided the amount does not exceed an amount equivalent to two months of the worker’s basic wage.

United Arab Emirates

At the time of the first Global Study, the United Arab Emirates had already put in place Federal Decree–Law No. 10 of 2017 on Domestic Workers, which mandates that recruitment agencies shall refrain “from soliciting, directly or through a third party, or accepting from any worker, whether prior to or after employment, any form of commission in return for his employment or from collecting any expenses from the worker” (article 4(2)). According to article 4(4), the recruitment agency must also pay repatriation costs. In 2022, the Government passed [Federal Decree–Law No. 9 of 2022 concerning Domestic Workers](#), which supplements Federal Decree–Law No. 10 of 2017. This new Decree–Law reiterates the prohibition for recruitment agencies “to demand or accept, directly or indirectly, any commission for securing the job from any domestic worker or to charge them any expenses” (article 5(2)) as well

as the obligation to pay the cost of repatriating domestic workers (article 5(9)). According to both decrees, employers are required to pay for the worker’s roundtrip ticket when the worker is entitled to travel to their country of origin every two years for leave and to pay for the worker’s medical care. Significant shortcomings are that neither decree provides any definition of what a “commission”, “costs or charges” or “expenses” entail.

That said, the 2022 Decree–Law does contain specific provisions applicable to employers of domestic workers and extends the prohibition to charge domestic workers any costs or charges whatsoever, whether directly or indirectly, “unless otherwise specified in this Decree–Law and its Implementing Regulation, in decisions issued by the Ministry, or in the contract form approved by the Ministry”. To date, this has not been further specified. The 2022 Decree–Law also mandates in article 11(15) that employers should bear the “costs associated with repatriating the domestic worker to his/her country of origin in accordance with the provisions of this Decree–Law and its Implementing Regulation” (although it is not clear how the repatriation costs are split between the employer and recruitment agency, as both are supposed to pay according to the decree) and to repatriate the worker in the case of “death or total disability of the domestic worker as determined by a medical report”. Notably, the 2022 Decree–Law in article 22 specifies that if a domestic worker is directly recruited, the worker will be liable to bear the costs of their repatriation to their home country as well as any amounts due to the employer as acknowledged by the domestic worker. It is the employer’s responsibility to compensate domestic workers who are unable to cover the cost of their repatriation.

Ministerial Resolution No. 676 of 2022 on the Licensing and Regulation of Domestic Labour Recruitment Agencies, which deals with licence suspension and revocation, stipulates in Article 6 that the licence of a recruitment agency may be revoked or temporarily suspended if there is a violation of “any of the provisions of Decree–Law No. 9 of 2022 concerning Domestic Workers, its executive regulations, relevant regulations, instructions, and legislation in force at the Ministry”.

⁵¹ The notice period differs depending on the number of years of employment: the notice period is one month during the first two years of employment and two months after two years of employment.

Also, in 2022, the United Arab Emirates Labour Law (or [Federal Decree-Law No. 33 of 2021 regarding the Regulation of Employment Relationship and Its Amendments](#)) came into effect. This repealed the previous Federal Law No. 8 of 1980 and governs employer–employee relations in the private sector. The provisions of the law apply to all businesses, employees and employers in the private sector. In a similar vein, the new Labour Law in article 6(4) prohibits employers from charging the worker for the fees and costs of recruitment and employment or collecting such fees or related costs from them, whether directly or indirectly, but without further defining these costs of recruitment and employment. The new law provides that the Minister shall issue rules regulating the recruitment and employment of workers in coordination with the concerned entities in the State.

Saudi Arabia

Saudi Arabia has two key legislations concerning migrant workers: (i) the Labour Law as approved by [Royal Decree M/51 of 1426 \(2005\)](#) and its Implementing Regulations covering all workers in the private sector; and (ii) [Ministerial Decision No. 310/1434 \(2013\)](#), which regulates the employment of domestic workers. The Labour Law stipulates that the employer shall bear the recruitment fees and the worker's residence and work permit fees. More specifically, article 40 states:

An employer shall incur the fees pertaining to recruitment of non–Saudi workers, the fees of the residence permit (*Iqama*) and work permit together with their renewal and the fines resulting from their delay, as well as the fees pertaining to change of profession, exit and re–entry visas and return tickets to the worker's home country at the end of the work contract.

The Ministerial Decision regarding domestic workers does not prohibit the charging of recruitment fees. However, employers cannot deduct recruitment fees from workers' wages. Article 9 states:

It is not permissible to deduct from the Domestic worker wage except in the following cases, and the deduction shall not exceed half of his/her wage: costs of intentionally or negligently inflicted damage; an advance payment (loan) from the employer; or execution of a judicial ruling or administrative decision issued

against them ; unless it was stated in the judgment or administrative decision that the deduction exceeds half of his wage.

In October 2023, the Government issued the Decision of the Minister of Human Resources and Social Development No. 40676/1445 on Domestic Workers in Saudi Arabia, which puts forward new regulations on domestic workers that will come into effect on 2 October 2024. Article 15(1) of the regulations lists the recruitment fees/costs that employers are required to pay:

The [employers] must bear the fees for recruiting the domestic worker, the fees for changing the profession, the fees for transferring the services of the domestic worker to them, the residency fees, the work license fees and their renewal, and the resulting fines caused by the domestic employer. They must also bear any fees or amounts prescribed to enable the domestic worker to practice the profession (unofficial translation).

Another development in Saudi legislation is the adoption of Ministerial Decision No. 178743/1440 (2019), which stipulates in article 18 that, given the country's Labour Law, if an employer charges a worker for any of the costs/fees that are set by law upon the employer, the employer is to be fined 10,000 Saudi riyals (ILO 2023a).

In addition, employers cannot deduct recruitment fees from workers' wages. Article 9 of Ministerial Decision No. 310/1434 (2013) states:

It is not permissible to deduct from the Domestic worker wage except in the following cases, and the deduction shall not exceed half of his/her wage:

1. Costs of intentionally or negligently inflicted damage;
2. An advance payment (Loan) from the employer; or
3. Execution of a judicial ruling or administrative decision issued against him.

Further, Saudi Arabia's Ministry of Human Resources and Social Development has introduced a cap on recruitment costs for domestic workers from Sri Lanka, Uganda, Thailand, Kenya, Ethiopia, Bangladesh, the Philippines,

and Indonesia in the last two years.⁵² Employers should bear these costs, which vary among these countries of origin, ranging from the equivalent of US\$2,530 to US\$5,301.

4.3.2.2 Other developments

Technical assistance

While Jordan's Labour Law (No. 8 of 1996) mentions that it is the employers' responsibility to renew the work permits of migrant workers, it does not prohibit the charging of recruitment fees to workers, except those in Qualified Industrial Zones.⁵³ This means that many migrant workers pay recruitment fees, which may be as high as US\$1,000 (ILO 2021a).

[Better Work Jordan](#) was established in 2008 as a partnership between the ILO and the International Finance Corporation (IFC) to bring together stakeholders in the garment sector—employers, factory owners, trade unions, global brands, and governments – to work on improving working conditions and to enhance business competitiveness of Jordan's garment industry. In light of the ILO General Principles and Operational Guidelines for Fair Recruitment, Jordanian national stakeholders adopted a zero-fee policy to ensure that migrant workers in the garment sector do not pay recruitment fees pre-, during and post-employment. This means that any recruitment fees migrant workers are liable to pay in countries of origin should be paid by employers. The zero-fee policy, effective from January 2019, was incorporated into Better Work Jordan's compliance monitoring and reporting, such that factories would be reported as noncompliant when the payment of recruitment fees by (migrant) workers is known to occur (ILO 2021a).

As per Better Work Jordan's *Annual Report 2023*, which covers its engagement with the garment industry in 2022, recruitment fees and other recruitment practices have improved substantially, and only 10 per cent of the 86 factories monitored by Better Work were found to be non-compliant due

to employing workers who paid recruitment fees (Better Work Jordan 2023). Challenges persist in subcontracting factories, and many workers from India still pay recruitment fees, partly owing to the fragmented nature of recruitment. As noted above, Jordan's Labour Law still generally does not prohibit the charging of fees to workers. Still, this development in the garment industry can potentially be successfully replicated in other manufacturing subsectors that employ a large number of migrant workers (such as the chemical, engineering and plastics subsectors).

Bilateral labour migration agreements

While many of the BLMAs are not publicly available, the interviewees for this study shared that several BLMAs have been signed by Arab States and countries of origin in Asia and Africa, and many contain provisions on recruitment fees and costs. The United Arab Emirates and India have signed an agreement, for example; as have Ethiopia and Lebanon. While the ILO was not formally consulted in the preparation of some of these BLMAs, and the provisions they contain may not comply with the ILO Definition, it is important to note these new BLMAs as possible signs of a trend toward including recruitment-related provisions in bilateral arrangements on labour migration. For example, the Annex to the agreement between Ethiopia and Lebanon contains a model employment contract, which lists the costs to be charged to employers and to workers. Costs that can be charged to workers include passport issuance fees, medical examination fees in Ethiopia, birth certificate issuance fees, expenses for certification of occupational competence, and vaccination fees.

Further, the Kuwait Union of Domestic Labour Offices and the Ethiopian Overseas Employment Agencies Federation signed an MOU in May 2022 in which both parties agreed that Kuwaiti offices/agencies will pay their Ethiopian counterparts a maximum of US\$1,300 per domestic worker for commission. Costs are defined as including, but not limited to, costs associated with document

52 Reducing the maximum limits for costs of recruiting domestic labour services, Ministry of Human Resources and Social Development website, accessed in January 2024: <https://www.hrsd.gov.sa/en/media-center/news/150120241>.

53 However, Jordan's Domestic Worker Regulation (No. 90 of 2009) regulates the domestic sector and specifically indicates that workers (including cooks, gardeners and similar categories) should not pay for recruitment. Section 4 of this legislation explicitly prohibits recruitment agencies to charge fees to domestic workers. Employers are also obliged to pay for work and residency permits.

authentication paid to the Kuwaiti Embassy in Addis Ababa, employment contract agreement approval service fees by Ethiopian government authorities, transportation costs to Kuwait, insurance premiums and second-round medical expenses for workers. The amount will be revised every six months based on the mutual agreement of both parties.

To fill labour market gaps, the Saudi Government has also recently signed or renewed bilateral agreements with countries like Ethiopia, Indonesia, and the Philippines, along with other countries of origin that had previously imposed deployment bans due to worker abuse.

4.3.3 Stakeholder initiatives

Many private sector, civil society and multi-stakeholder initiatives have actively engaged in and with the Arab States. A couple of examples of these initiatives are presented below.

In 2019, the ILO–IOE *Guidance Tool for Construction Companies in the Middle East* was adopted, which contains a section on recruitment. Within the Guidance Tool, recruitment fees and related costs at various stages in the recruitment process are identified as risks that can be considered elements of forced labour. Contractors should consider only contracting registered recruitment agencies and ensure that the agency does not charge workers any recruitment fees and related costs, as per the definition set out in the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs. In addition, the Guidance Tool contains a number of checklists, including one to be used when working with recruitment agencies and one to be used when working with labour supply companies to ensure that workers are not charged fees or related costs. The recruitment agency checklist refers to the prohibition against charging fees or related costs related to recruitment. It requires the contractor to assess whether the recruitment agency has a policy or procedure stating that the employer will bear recruitment fees and related costs. Another checklist on contract termination mandates that workers are not made to pay back recruitment fees and related costs.



Qatar

In September 2020, after a series of consultations with representatives of over 40 hotels operating in Qatar, the Ministry of Labour and the Qatar Chamber of Commerce and Industry with the support of the ILO and the Institute for Human Rights and Business (IHRB) launched a *Guidance Tool for Hotels in Qatar*, which serves as a resource to promote fair recruitment and employment standards in the hospitality sector in the country. The tool adopts the ILO's Definition of Recruitment Fees and Related Costs. The Tool includes a due diligence checklist for service providers, as well as the recruitment agencies they may utilize, and notes that they should not charge workers any recruitment fees and related costs, and that according to the international definition, recruitment fees and related costs should refer to any fees or related 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 (ILO 2020c).

4.3.4 Conclusions and areas for further research

While there are several pieces of legislation and agreements in the Arab States with provisions stipulating what the employer should pay (for example, the new regulations on domestic workers in Saudi Arabia⁵⁴ or provisions in recently concluded BLMAs, such as the BLA between Ethiopia and Lebanon), none of the legislation or agreements examined for this study contains a comprehensive definition of recruitment fees and related costs. Hence, a more precise understanding in the legislation of what "related costs" actually involve is needed, and recruitment costs will need to be consistently defined.

Further, despite legislation in place that prohibits recruitment costs, workers still continue to pay high recruitment costs and fees. To cite an example, a 2022 investigation by Migrant-Rights.org, a GCC-based advocacy organization that aims to advance the rights of migrant workers, revealed that recruitment costs for migrant workers from Kenya are still increasing, despite

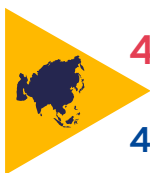
the implementation of initiatives like the Employer Pays Principle, fair recruitment campaigns by origin countries, and legislation in Gulf destination States prohibiting fee-charging (Migrant-Rights.org 2022)cv.

In addition, the interview participants pointed out that a lot of costs paid by the workers (for example, for passports and other documentation) are not regarded as recruitment costs even when they constitute in fact a considerable expense for a worker looking to secure a job overseas. They also shared that they have heard reports, for example, from Bahrain, of migrant workers being brought in on visitor visas as a way to bypass restrictions on recruitment fees and are then charged high amounts to convert their visitor visas into work permits. These reports underscore the challenge of "going beyond paper" and actually enforcing regulations on the ground. They also call attention to the need for timely risk assessments and the revision of regulations concurrent with emerging trends.

What stands out as an area for further work is the monitoring and implementation of no-fee-charging policies in countries of origin. Employers in the Arab States have pointed out that although they take different measures to ensure workers do not pay recruitment fees, they still face issues related to recruitment practices in the countries of origin (Five Corridors Project 2021a).

Furthermore, the monitoring and enforcement of regulations remains an important challenge in the region. Addressing this challenge is crucial, not least because new migration corridors are opening up – for example, from Uganda, Kenya and Ethiopia to Kuwait, Jordan and other countries in the Middle East – and migrant workers eager to work abroad are susceptible to falling victim to deceptive or abusive recruiters. Changing migration dynamics also relate to sectors of the economy where migrant workers are recruited and which, in some cases, are poorly regulated or where monitoring and enforcement are weaker. In this regard, it is worthwhile to note that, in some GCC countries, workers in the platform economy (for example, taxi and delivery drivers) are exclusively migrant workers.

⁵⁴ That is, the Decision of the Minister of Human Resources and Social Development No. 40676/1445 on Domestic Workers in Saudi Arabia (2023).



4.4 Asia and the Pacific

4.4.1 General landscape and key trends

Of the total 27 countries/territories in the first Global Study found to have comprehensively or in part defined recruitment fees and related costs in their policies and legislation, 10 were from Asia and the Pacific – Australia, Hong Kong (China), Indonesia, Nepal, New Zealand, Pakistan, the Philippines, Singapore, Thailand and Viet Nam. Findings from the first Global Study were based on a regional report that was broader in scope and examined the policies and legislations of 21 economies comprising 20 countries and one special administrative region in Asia and the Pacific. They can be grouped as follows:

- ▶ South Asia (mainly sending countries) – Bangladesh, India, Nepal, Pakistan, and Sri Lanka;
- ▶ East and South–East Asia (mainly sending countries) – Cambodia, Indonesia, the Lao People’s Democratic Republic, Mongolia, the Philippines, and Viet Nam;
- ▶ East and South–East Asia (mainly receiving economies) – China, Hong Kong (China), Japan, Malaysia, Republic of Korea, Singapore and Thailand; and
- ▶ Pacific countries – Australia, New Zealand and Vanuatu.

The regional report ahead of the first Global Study showed that there was no widely accepted single definition of what constitutes recruitment fees or related costs in the region. In fact, about half of the countries do not have a formal or official definition of recruitment fees and costs, or what constitutes recruitment fees and costs. However, all 21 economies have at least some policy or legislation related to recruitment fees and costs; although there are significant variations in terms of the cost items covered and who is expected to pay them. Most policies in place are not

sector-specific, with the exceptions of: Australia and New Zealand, which have specific provisions for agriculture; the Philippines for seafaring and domestic work; and Sri Lanka for domestic work.


Compared to other regions, which put an emphasis on prohibition, most of the examined countries in Asia and the Pacific have adopted policies that instead regulate the charging of recruitment fees and costs to workers, particularly with regard to international recruitment. The cost items covered by these regulations can be grouped into the following:

- ▶ expenses incurred in the home country prior to departure – placement fee, visa fee, medical examination, emigration tax;
- ▶ transportation costs – airfare to the destination country, local transport;
- ▶ expenses incurred while in the destination country:
 - ▶ destination country expenses – work permit, initial accommodation/hotel stay; and
 - ▶ origin country expenses – contributions to a migrant welfare fund⁵⁵, membership dues to the home country’s social security system.

In regard to the ratification of relevant ILO Conventions, the region has seen very limited changes since the publication of the first global study. Only three countries have ratified Convention No. 181 and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) (see table 7). A total of 12 countries have ratified the Employment Service Convention, 1948 (No. 88), with the most recent addition to this list being Viet Nam, which ratified the Convention in 2019, just ahead of the publication of the first Global Study. But while there have been no new ratifications of relevant Conventions, there have been updates with regard to the Protocol of 2014 to the Forced Labour Convention, 1930, with five countries ratifying it since the first Global Study, bringing the total for the region to six countries.

⁵⁵ The ILO has published the Guidance Note “[Using Migrant Welfare Funds as a Social Protection Instrument – Potential and Limitations?](#)”, which highlights that where affiliation is mandatory, the costs should be borne by employers, recruiters or governments (and not by workers), in accordance with the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.

► **Table 7. Asia and the Pacific: Ratification of international labour standards relevant to recruitment fees and related costs**

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29
 Countries	<ul style="list-style-type: none"> • Fiji • Japan • Mongolia 	<ul style="list-style-type: none"> • Bangladesh • Pakistan • Sri Lanka 	<ul style="list-style-type: none"> • Australia • India • Indonesia • Japan • Malaysia • Mongolia • New Zealand • Philippines • Republic of Korea • Singapore • Thailand • Viet Nam 	<ul style="list-style-type: none"> • Malaysia – Sabah • New Zealand • Philippines 	<ul style="list-style-type: none"> • Afghanistan • Iran (Islamic Republic of) • Malaysia • Philippines • Solomon Islands • Sri Lanka 	<ul style="list-style-type: none"> • <i>Australia</i> • <i>Bangladesh</i> • <i>Malaysia</i> • <i>Sri Lanka</i> • <i>New Zealand</i> • <i>Thailand</i>
Total	3	3	12	3	6	6 (5 new ratifications since 2019)

– = nil. Note: Italics denote countries that have ratified the instrument since 2019.

With reference to national legislative frameworks, there have been some noteworthy developments since the prior global report publication, which are outlined in the next section.

4.4.2 Key changes in national legislation and policies from 2018 to 2023

4.4.2.1 Changes in national legislation

Bangladesh

To strengthen domestic legal frameworks, the Government amended the Overseas Employment and Migrants Act in 2023. This amendment includes a provision to bring subagents/intermediaries operating within the overseas employment recruitment sector into the legal framework by adopting a rule on subagents (section 14 Ka), which is currently being developed. Further, section 23 of the amendment highlights increasing migrant workers' awareness of their rights as stipulated in their contract and of applicable ceilings

for recruitment fees along the recruitment process as one of its objectives. Other amendments relate to reintegration, skills development and certification services for migrant workers, and the provision of financial and welfare services.

Thailand

In March 2018, the country amended its Royal Ordinance Concerning Management of Employment of Migrant Workers in Thailand B.E. 2560 (2017) (ILO 2021b). The Royal Ordinance includes a number of provisions in line with international labour standards, global guidance (including the ILO's General Principles and Operational Guidelines for Fair Recruitment), and good practices, including "zero-recruitment fees" charged to migrant workers (drawing from Convention No. 181 and the General Principles and Operational Guidelines)

While the 2018 Amendment adopts the principle of "zero-recruitment fee" payable by migrant workers, the scope does not extend to countries of origin, and many employers in Thailand remain unwilling to pay for the cross-border costs

involved in recruitment. Further, in the application of the law, the “zero-recruitment fee” principle only applies to migrant workers recruited under MOUs, and not to those who have had their status regularized in Thailand (which currently accounts for the majority of migrant workers). Still, the revised legislation has provided an improved framework for the recruitment of migrant workers.

Viet Nam

Viet Nam adopted its [Law on Contract Based Viet Nameese Overseas Workers 69/2020/QH14](#) (Law No. 69) in November 2020. Law No. 69, together with six sub-laws, includes specific provisions on recruitment fees and cost categories. For one, the Law eliminates brokerage fees that employees must pay to service enterprises/PEAs engaged in outbound worker services (so-called “Guest Worker Service Providers”) and prohibits the collection of service fees for employees passing through public placement agencies. However, the Law still allows enterprises to charge service fees to employees or labour-receiving parties, and deposits (which are refundable and meant to deter overstay) to employees.

A ceiling on service charges is set at a maximum of one month’s salary per year and a maximum of three months’ salary for contract periods of 36 months, and service enterprises may collect this fee from employees and labour-receiving parties, there are exceptions. If the contract is extended beyond the initial period, then the workers are charged a service fee of half months’ salary for every year of the extension. This is a relatively high sum, but if part or all of the service fee is covered by employers or foreign receivers, workers will only pay for any remaining amount required under the law. However, these provisions do not apply to Viet Nameese migrant domestic workers in Southeast and West Asia countries, as well as migrant workers working in agriculture in Australia, as according to Circular No. 02/2024/TT-BLDTBX dated 23 February 2024, these workers are exempt from paying service charges.

The service fee is also refundable, but only under specific conditions. The Law provides that the enterprise will refund the service fee only when they have collected full pay for the entire duration of the worker’s stay and the worker returns home ahead of schedule due to no fault of theirs. In those circumstances, the enterprise refunds

only the amount corresponding to the remaining duration of the contract. Furthermore, the Law regulates that deceitful advertising for the purpose of organizing trafficking in persons, abusing recruitment activities to illegally collect fees, and charging brokerage fees will result in the revocation of the recruitment agency’s licence.

On 12 December 2022, the Central Committee of the Communist Party adopted Directive 20-CT/TW on Strengthening the Leadership of the Party in the Work of Sending Viet Nameese Workers to Work Abroad in the New Situation. Several key issues the ILO advocated for, and which had not been included in the previous Party Directive 16-CT/TW on Strengthening the Party’s Leadership in Sending Workers and Experts to Work Abroad (2012), are now included in the new Directive. These include a recognition of the importance of reducing fees and costs charged to migrant workers, making fees charged to migrant workers more transparent, enhancing the inspection of recruitment agencies, and ensuring effective law enforcement. The Directive also requires relevant government departments to improve information exchange and data collection (ILO 2023c).

Mongolia

In December 2021, the Parliament of Mongolia passed the Labour Migration Law following the ratification of ILO Convention No. 181 and recommendations from the UN Office of the High Commissioner for Human Rights’ Committee on Economic, Social and Cultural Rights. Effective from July 2022, the Labour Migration Law replaced the Law on Sending Labour Force Abroad and Receiving Labour Force and Specialists from Abroad (2001).

In accordance with Convention No. 181 – to which Mongolia is a party – the new law provides the legal basis for the recruitment and employment of Mongolian citizens abroad (PwC 2022). According to article 1, the purpose of the Law is to establish the principles and fundamental norms of labour relations, define the basic rights and duties of the participants thereof, and secure a proper balance among the participants in labour relations. Among other provisions, the new law prohibits forced labour, discrimination, child labour and overly long working hours. Most importantly, for the purposes of this study, it prohibits worker-paid recruitment fees. Article 76.9 states that

“an employment agency shall be prohibited to directly or indirectly receive from employees any fees for providing the workforce, or withhold from their salaries”. Further, according to article 77(5), requirements and activities of employment agencies shall be regulated by the [Employment Promotion Law, 2011 \(Revised\)](#), which repeats the prohibition to charge fees, directly or indirectly, for using job mediation services. The Employment Promotion Law also mandates the registration of PEAs, and in case of violation of these provisions, the sanctions imposed consists of fines and reimbursement of fees according to article 33(1) and (3).

Indonesia

In 2021, the Indonesian Government adopted the Regulation of the Board for the Protection of Indonesian Migrant Workers (BP2MI) No. 1/2021, which amends BP2MI Regulation No. 9/2020 concerning Exemption from Indonesian Migrant Workers Placement Fees. The 2020 Regulation and subsequent 2021 amendment were based on Law No. 18 of 2017, which mandates the prohibition of recruitment fees related to the cost of migration during the placement process. The Law covers Indonesian migrant workers working as housekeepers, babysitters, elderly caregivers, cooks, family drivers, garden caretakers, child caregivers, cleaners, field/plantation workers, and migrant fisheries vessel crew. The 2020 Regulation mandates that PEAs have to obtain a written permit to operate and defines a “placement fee” as a “fee required for placement in the context of meeting the supporting requirements and fee to work in the destination country of placement”. The costs that cannot be charged to Indonesian migrant workers include: flight tickets, work visas, fees linked to employment contract authentication, work training, work competency certificate, company services, passport replacement, police certificate of good conduct, social security, physical and psychological examination in the home country, additional health examination (if required), local transportation in Indonesia and accommodation (article 3(2)). According to article 3(4–5), fees are to be charged to the employer, except placement fees related to work training and work competency certificates, which are to be charged to the local government. Further, the Regulation states that migrant workers and their

families cannot be forced “to borrow any loan for the placement fee, which results in a loss to one party and/or results in deducted earnings during the employment period in the destination country” (4). Monitoring and evaluation are to be implemented by a team specifically formed (article 6), and in the event of violations, sanctions can be imposed, including a written warning, temporary suspension of some or all business activities, and revocation of licence. The Recommendation to the Strategic Implementation Plan for BP2MI Decree No. 09/2020 on the Abolishment of Migrant Worker Placement Fees mandates that provincial governments in Indonesia will bear the cost for skills and pre-departure training.

While the Government has introduced a zero-payment policy for selected sectors of the economy, many foreign employers have expressed opposition to the plan, and according to reports, “the Indonesian government has yielded in and introduced a loan designed for migrant workers working outside of the country to cover their recruitment fees” (Humanity Research Consultancy 2021). Migrant workers eligible to secure such loans are those being employed in Taiwan (China), Republic of Korea, Japan and Hong Kong (China). This has been corroborated by one of the experts interviewed and serves as a cautionary tale in relation to the enduring issue of implementation and the ability of employers to make demands and sway regulations in their favour. The loan initiative, which is in partnership with an Indonesian state-owned bank, supposedly prevents migrant workers from falling into debt with unscrupulous money lenders or from mortgaging properties to private outfits that may charge excessive interest.

Lao People’s Democratic Republic

Ministerial Agreement No. 1050 on the Management of Employment Service Enterprises (formerly called “Agreement No. 43”) was adopted on 25 March 2022. The Agreement includes several articles stating that recruitment-related costs and fees should not be borne by migrant workers. Article 23 requires employment service enterprises to cover “pre-departure training, food, accommodation, relevant documentation and travel costs for workers in preparing them to work in the domestic and international labour markets”. Further, article 38 prohibits these enterprises from charging “workers employment service fees”. However,

many stakeholders are unaware of the legislative changes adopted under Agreement No. 1050 and continue to charge fees to migrant workers. Ensuring enforcement of these provisions will be key for the effective elimination of the payment of recruitment fees and costs.

Sri Lanka

Sri Lanka has ratified Convention No. 96 and incorporated the Convention's provisions on fee-charging into the Sri Lanka Bureau of Foreign Employment (SLBFE) Act. The latest Circular on recruitment fees and costs was passed in 2019 (Circular No. 14/2019) and specifies that licensed recruitment agents are not allowed to charge any fees related to components such as trade testing, training, obtaining the police clearance certificate, medical testing, and document attestation by the Ministry of Foreign Affairs. However, it allows a maximum chargeable fee for other costs from a migrant worker, including job advertisement expenses, communication, courier, translation, visa endorsement charges, and airfare. These maximum fees are calculated based on the worker's monthly salary, the duration of the employment contract, and the exchange rate (ILO 2020d).

Fees and costs associated with the recruitment of workers for foreign employment from Sri Lanka consist of a web of formal and informal costs and fees incurred by recruitment agents, which are then paid to multiple stakeholders by migrant workers. This complex recruitment ecosystem creates opportunities for vague and exploitative recruitment cost systems that have unfavourable outcomes for migrant workers exist, particularly because there is no follow-up action or monitoring done by the authorities (ILO 2019e). As agencies can easily ignore regulations, these include recruitment costs higher than the maximum costs that agents could charge from migrant workers, as stipulated by the SLBFE (ILO 2020d).

To address the challenges posed by different recruitment modalities in Sri Lanka, the country has responded positively to expert recommendations (Weeraratne 2018), and has initiated the process of formalizing and regulating subagents. The licensing of subagents is envisioned to increase transparency and improve the consistency of recruitment processes and is viewed as an important step to minimizing the exploitation of migrant

workers through fee-charging outside the criteria mandated by the SLBFE. In September 2023, the Cabinet of Ministers of the Government of Sri Lanka approved the National Policy on Migration for Employment, including an Action Plan for the period 2023–27, which commits to ensuring fair and ethical recruitment. In November 2023, the Association of Licensed Foreign Employment Agencies (ALFEA) in Sri Lanka officially joined the Employers' Federation of Ceylon (EFC), which represents the interest of employers.

4.4.2.2 Other developments

Technical assistance

Many changes in legislation at the national level in South-East and East Asia were facilitated by ILO technical support. In Thailand, the ILO, with support from its TRIANGLE in ASEAN programme, provided three rounds of comments on the revision of the Royal Ordinance, advocating for revisions in line with ILO standards and guidelines. Further, in the Lao People's Democratic Republic, TRIANGLE in ASEAN has been engaged in advocating for closing the considerable legislative gaps in migration frameworks for over ten years. Concerning Agreement No. 1050, in 2021, TRIANGLE provided two sets of technical comments and supported two tripartite workshops before its finalization. In Viet Nam, during the 2018–20 period, the ILO's Legislative Reform on Labour Migration in Viet Nam project, contributed significantly to the review process that led to the adoption of Law No. 69 in November 2020. Further, in 2022, the ILO's regional migration programmes – including TRIANGLE in ASEAN, Ship to Shore Rights Southeast Asia, and Safe and Fair – provided technical support to the Communist Party of Viet Nam to update its new Party Directive on Migration. ILO support in this instance included the following:

- ▶ inputs to several internal working papers focused on the protection of migrant workers;
- ▶ participation in meetings of technical experts discussing various aspects of labour migration;
- ▶ field visits to provinces known for high rates of outmigration; and
- ▶ exchanges with Japan and the Philippines.



The Safe and Fair initiative – a joint project of the ILO and UN Women together with the UN Office on Drugs and Crime – supported a tripartite plus consultative dialogue in Indonesia that brought forward the Recommendation to the Strategic Implementation Plan on BP2MI Decree No.09/2020 on the Abolishment of Migrant Worker Placement Fees (ILO 2022c).

With the support of the ILO, other countries in Asia, including Bangladesh and Sri Lanka, are in the process of revising their national migration legislation and policies with specific provisions on fair recruitment practices. In Bangladesh, the Government has drafted and validated a Reintegration Policy for Migrant Workers, which is currently awaiting cabinet approval. The 8th Five-Year Plan of Bangladesh covering fiscal years 2021–25 also includes strong labour migration components, including undertaking a five-year programme targeting “low recruitment cost migration”. In 2019, the ILO conducted a Review of the Law, Policy and Practice of Recruitment of Migrant Workers in Sri Lanka, and found partial alignment with Principle 7 (on fee-charging) of the ILO General Principles and Operational Guidelines for Fair Recruitment (ILO 2019e).⁵⁶

In South Asia, some private recruitment associations in Nepal, Pakistan, and Sri Lanka are currently working with the ILO to draft codes of conduct that integrate fair recruitment practices. Since 2018, codes of conduct and implementing mechanisms have been adopted by private recruitment agencies in Cambodia⁵⁷, and are in the final stages of development in the Philippines.

Bilateral labour migration agreements

The governments of Indonesia and Malaysia signed an MOU in April 2022 on the Placement and Protection of Indonesian Migrant Workers in the Domestic Work Sector in Malaysia. Among other provisions, the MOU contains provisions for recruitment costs to be paid by the employer, including costs arising in Malaysia (security deposits, processing fees, work pass, insurance costs,

⁵⁶ A similar review has been done in Nepal with a similar outcome of mostly partial compliance. For more details, please see: ILO, *Recruitment of Migrant Workers from Nepal: Country Profile*, 2021.

⁵⁷ Association of Cambodian Recruitment Agencies and Manpower Association of Cambodia, *Code of Conduct for Cambodian Private Recruitment Agencies*, 2020.

medical examinations, annual levy, COVID-19 testing and quarantine cost) and costs arising in Indonesia (costs arising in case the worker qualifies for the biomedical test in Indonesia, as well as costs related to passport, social security, health certificate, medical check-up, psychology test, local transport work visa, work training, certificate of competence, Indonesian placement agency fee, airfare and accommodation). The MOU further regulates the use of a one-channel system that creates a single mechanism for the employment of Indonesian domestic workers in Malaysia, including the placing, monitoring, and return of Indonesian domestic workers (Cabinet Secretariat of the Republic of Indonesia).

As already noted in the first Global Study, with the view to support fair recruitment, the Government of Bangladesh established national-level monitoring committees, and through its Ministry of Expatriates' Welfare and Overseas Employment, signed bilateral MOUs with receiving countries, including Libya, Qatar, Oman, Malaysia, the Republic of Korea, Kuwait, and the United Arab Emirates (ILO 2014).

Malaysia and Bangladesh signed an MOU on the employment of workers in December 2021, and while this MOU illustrates progress, it still falls short of international standards. As per the MOU, the employer is responsible for the recruitment-related costs in Malaysia and for return airfare, including medical examination in Malaysia, immigration security clearance, biomedical test, overseas visa system (visa processing), single entry visa/multiple entry visa, air ticket for the first-time entry, air ticket for exit after completion of the contract of employment, attestation fee by High Commission of Bangladesh and Malaysia, service charges by the Malaysia Recruitment Agency, COVID-19 test and quarantine cost (if required), as listed under Responsibilities of the Employer in Appendix B. The costs related to the Immigration Security Clearance, biomedical test and quarantine cost (if required) should only be paid by the employer in the event the worker qualifies for the Immigration Security Clearance process and biomedical test in Bangladesh. The worker is responsible for recruitment costs incurred in Bangladesh, as stated under the Responsibilities of the Worker in Appendix B.

4.4.3 Stakeholder initiatives

CSOs, trade unions, employers and agency associations, and other partners are very active in Asia and the Pacific, promoting fair recruitment practices and the rights and overall well-being of migrant workers. During the COVID-19 pandemic, Migrant Forum in Asia, the South Asian Regional Trade Union Council (SARTUC), the Solidarity Center, the Cross Regional Centre for Migrants and Refugees, and Lawyers Beyond Borders, for example, appealed to employers to prevent repatriated migrant workers from being forced to pay off recruitment fees and costs to prevent them from returning to their countries of origin empty-handed (Justice for Wage Theft, n.d.).

The first Global Study highlighted that recruitment agencies in the region, including the Viet Nam Association of Manpower Supply and the Myanmar Overseas Employment Agencies Federation, had adopted codes of conduct that urge their members to be transparent and to comply with legislation regarding the collection of fees from migrant workers. In the Philippines, several recruitment associations – including the Association for Professionalism in Overseas Employment and the Philippine Association of Service Exporters, Inc. – have adopted a “no placement fee” policy in their operations. Their member agencies do not levy placement fees and processing fees on applicants, and they do not make salary deductions from recruits sent overseas for employment.

Industry associations have also been engaged in regulating recruitment fees and costs, and a notable example is the Malaysian Rubber Glove Manufacturers Association (MARGMA). Since April 2019, MARGMA and its members have adopted a “zero-recruitment fee” policy. Despite this development, numerous reports have called attention to indicators of forced labour in the country's large-scale glove manufacturing industry. This prompted US Customs and Border Protection to issue withhold release orders against six manufacturers from October 2019 to January 2022, effectively blocking shipments from entering the United States. By January 2023, the order had been lifted for two of the companies. In response to the US withhold release orders, several large manufacturers were compelled to implement significant labour management improvements and to reimburse recruitment fees amounting

to 350–400 million Malaysia ringgit, or roughly US\$77–88 million (ILO 2023b). MARGMA and its members continue to support the freeing of their foreign workers from debts via the association’s Remediation Fees programme (Mardhiah 2022). What remains a challenge for the Malaysian rubber glove industry is how to establish and implement a system of accountability that will ensure agents adhere to the recruitment policies in place (ILO 2023b).

Other international private organizations of employers, such as the Responsible Business Alliance and the Sustainable Hospitality Alliance, also maintain an active presence in the region. Chapter 5 of this report discusses their activities and advocacies regarding the prohibition of fee-charging and the advancement of the employer pays principle.

4.4.4 Conclusions and areas for further research

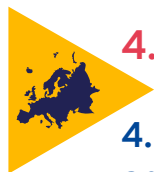
While there are long-standing challenges in terms of implementation and mainstreaming to cover all sectors, both formal and informal, the expert interviews point to “a real appetite” in the region to integrate international labour standards into national policies. Regional coherence of policies is yet to be achieved. Still, countries in Asia and the Pacific recognize the importance of regional and multilateral cooperation, and they remain committed to promoting fair recruitment practices and adopting policies to regulate or prohibit the payment of recruitment fees and related costs. The ILO has implemented various capacity-building and technical cooperation projects aimed at integrating the Definition of Recruitment Fees and Related Costs and the General Principles and Operational Guidelines for Fair Recruitment into national policies and legislation. (ILO 2022c). In most of the reviewed countries in the region, recruitment fees and related costs are not yet totally prohibited, and many countries are in the process

of revising their national legislation to regulate or work toward the elimination of worker-paid recruitment fees. Of course, this is just the first step as after laws are adopted, they need to be translated into rules on the ground, implemented, enforced, and monitored.

It was mentioned during the interviews that countries in Asia and the Pacific have also been “most active” in making efforts to systematically collect data and quantify actual migration and recruitment costs, as in the case of Bangladesh, the Republic of Korea, the Maldives and Nepal, albeit at different scales and with different target populations. This is of particular importance, not only for monitoring purposes but also to aid the development of evidence-based policies.

In addition to the limited information available on monitoring and effective enforcement, another area that needs attention in the region pertains to information asymmetry, whereby recruitment agencies limit disclosure of pertinent facts and (potential) migrant workers are not fully aware of the rules and regulations with regard to the payment or non-payment of recruitment fees and costs. In line with what is observed in other regions, the experts interviewed for this report also highlighted that it is also quite common for migrant workers “to be willing to pay beyond the costs allowed” because of the “promise of a job abroad”, and to be reluctant to report violations so as not to jeopardize the opportunity for over-seas employment.

The interviewees recognized Asia and the Pacific as a “vibrant” hub for private sector and multi-stakeholder initiatives. However, they also underscored the challenge of enlisting enterprises, including small and medium-sized enterprises (SMEs), to adopt due diligence and incorporate fair recruitment practices in line with international standards into their operations. Cascading these practices into all levels and layers of the supply chain also needs more work and commitment.



4.5 Europe and Central Asia

4.5.1 General landscape and key trends

Of the total 27 countries in the first Global Study found to have comprehensively or in part defined recruitment fees and related costs in their policies and legislation, two countries were from the Europe and Central Asia region – Poland and the United Kingdom of Great Britain and Northern Ireland. This finding was based on the first regional study which focused on 28 countries in Europe and Central Asia and included a notable analysis of the European Union (EU) Directive on Temporary Agency Work (2008/104/EC). This Directive aims to provide a minimum level of protection for temporary workers in the EU by recognizing temporary work agencies as employers. Article 6(3) of the Directive explicitly states that temporary work agencies cannot charge workers any fees for arranging recruitment or concluding employment contracts. Given that it was required for EU countries to transpose this Directive into their national legislative frameworks, it is unsurprising to find that most Member States have a law in place to prohibit the charging of recruitment fees by temporary employment agencies, which apply to national and international recruitment processes. The same trend is also evident in non-EU European countries and in Central Asia.

In terms of ratification of relevant ILO Conventions, the region has seen 13 new ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, since the first Global Study. As listed in table 8 below, 20 countries in the region have ratified Convention No. 181; 4 have ratified Convention No. 96; 36 have ratified Convention No. 88; 22 have ratified Convention No. 97; and 30 have ratified Convention No. 95.

Of the 29 countries reviewed for the second Global Study,⁵⁸ 26 had at least one policy prohibiting fee

charging – with 25 applying this prohibition to both national and international recruitment, and 1 (Uzbekistan) to only international recruitment. For the majority of these countries, the legislation only contains a general statement relating to the prohibition of recruitment fees, making it difficult to assess the alignment of the legislation with the ILO Definition. Only five countries provided detailed information on what these costs included – Finland, Hungary, the United Kingdom, Israel and Poland. For example, the United Kingdom's Gangmasters (Licensing) Act 2004 provides a detailed breakdown of the various costs that are prohibited. In Poland, employment agencies may levy costs for return transportation (for international recruitment), visas, medical examinations, and the translation of documents.⁵⁹

In two countries – Israel and Switzerland – recruitment fees are regulated (as opposed to prohibited) for both national and international recruitment. In Switzerland, public employment services are free of charge;⁶⁰ however, private employment services are allowed to charge fees under certain circumstances (one being that recruitment has been successful) and with a prescribed maximum ceiling of 45 Swiss francs plus up to 5 per cent of the worker's annual salary – and for some artists and models, up to 12 per cent can be charged.⁶¹ In Israel, the Employment Service Law, 1959 (as amended in 2019), caps the allowable recruitment fees to the equivalent of (approximately US\$1,000⁶²). In addition, a new sector-specific regulation on Foreign Agricultural Workers seems to apply a specific cap to recruitment fees.⁶³

In terms of sanctions, all but two countries (Hungary and Uzbekistan) outlined the sanctions that governments may impose should a violation occur. The most commonly identified sanction, observed in almost 80 per cent of the reviewed countries in Europe and Central Asia, was fines and penalties (n=23). In just under half of the countries (n=13), the licence to recruit could be

58 Only Uzbekistan is the only country that has been added for this region in the second Global Study.

59 Act of 20 April 2004 on Promotion of Employment and on Labour Market Institutions, article 85(2)(7).

60 Loi fédérale sur le service de l'emploi et la location de services, article 27.

61 Loi fédérale sur le service de l'emploi et la location de services, article 9.

62 As at 10 December 2023.

63 See: <https://ktalegal.com/new-regulations-on-foreign-agricultural-workers/>.

► **Table 8. Europe and Central Asia: Ratification of international labour standards relevant to recruitment fees and related costs**

	Convention No. 181	Convention No. 96	Convention No. 88	Convention No. 97	Convention No. 95	Protocol No. 29
 <p>Countries</p>	<ul style="list-style-type: none"> • Albania • Belgium • Bosnia and Herzegovina • Bulgaria • Czechia • Finland • France • Georgia • Hungary • Israel • Italy • Lithuania • Netherlands • North Macedonia • Poland • Portugal • Republic of Moldova • Serbia • Slovakia • Spain 	<ul style="list-style-type: none"> • Ireland • Luxembourg • Malta • Türkiye 	<ul style="list-style-type: none"> • Albania • Austria • Azerbaijan • Belarus • Belgium • Bosnia and Herzegovina • Cyprus • Czechia • Denmark • Finland • France • Georgia • Germany • Greece • Hungary • Ireland • Israel • Kazakhstan • Lithuania • Luxembourg • Malta • Montenegro • Netherlands • Norway • North Macedonia • Portugal • Republic of Moldova • Romania • San Marino • Serbia • Slovakia • Slovenia • Spain • Sweden • Switzerland • Türkiye 	<ul style="list-style-type: none"> • Albania • Armenia • Belgium • Bosnia and Herzegovina • Cyprus • France • Germany • Israel • Italy • Kyrgyzstan • Montenegro • Netherlands • North Macedonia • Norway • Portugal • Republic of Moldova • Serbia • Slovenia • Spain • Tajikistan • United Kingdom 	<ul style="list-style-type: none"> • Albania • Armenia • Austria • Azerbaijan • Belarus • Belgium • Bulgaria • Cyprus • Czechia • France • Greece • Hungary • Israel • Italy • Kazakhstan • Kyrgyzstan • Malta • Netherlands • Norway • Poland • Portugal • Republic of Moldova • Romania • Russian Federation • Slovakia • Slovenia • Spain • Tajikistan • Türkiye • Ukraine 	<ul style="list-style-type: none"> • <i>Austria</i> • <i>Belgium</i> • <i>Bosnia and Herzegovina</i> • <i>Cyprus</i> • <i>Czechia</i> • <i>Denmark</i> • <i>Estonia</i> • <i>Finland</i> • <i>France</i> • <i>Germany</i> • <i>Iceland</i> • <i>Ireland</i> • <i>Israel</i> • <i>Kyrgyzstan</i> • <i>Latvia</i> • <i>Lithuania</i> • <i>Luxembourg</i> • <i>Malta</i> • <i>Netherlands</i> • <i>Norway</i> • <i>Poland</i> • <i>Portugal</i> • <i>Russian Federation</i> • <i>Spain</i> • <i>Sweden</i> • <i>Switzerland</i> • <i>Tajikistan</i> • <i>United Kingdom</i> • <i>Uzbekistan</i>
Total	20	4	36	22	30	29 (13 new ratifications since 2019)

Note: Italics denote countries that have ratified the instrument since 2019.

suspended or revoked. Penal sanctions, notably imprisonment, were less common, but outlined in seven countries. In just two countries (Germany and Sweden), refunding the migrant worker and providing compensation were also listed as possible sanctions.

4.5.2 Key changes in national legislation and policies from 2018 to 2023

4.5.2.1 Changes in national legislation

As in the other regions covered in this report, very few examples of concrete changes in law and policy since 2018 were identified in Europe and Central Asia. The only concrete change concerning recruitment fees and related costs was identified in Uzbekistan.

Uzbekistan

In Uzbekistan, the [Law on Private Employment Agencies](#) (amended in 2020) prohibits recruitment agencies from charging fees to jobseekers for placement into work abroad. Instead, employers are responsible for paying these fees. The Law also grants the Ministry of Employment and Labour Relations the authority to supervise and monitor the activities of PEAs through licensing and inspections. Additionally, Uzbekistan has established the [Agency of External Labour Migration](#) under the Ministry of Employment and Labour Relations to assist its citizens in exercising their right to work abroad. One of the Agency's main tasks is to provide assistance to citizens by managing and monitoring the processes of organized recruitment, training, adaptation measures and employment abroad. The agency also collaborates with licensed PEAs and employers from various countries, including the Russian Federation, the Republic of Korea, Japan, Germany, the United Arab Emirates, Kazakhstan, Israel, and EU countries, to facilitate temporary work opportunities for citizens of Uzbekistan through organized employment processes (Uzbekistan, Government of Uzbekistan 2022).

4.5.2.2 Other developments

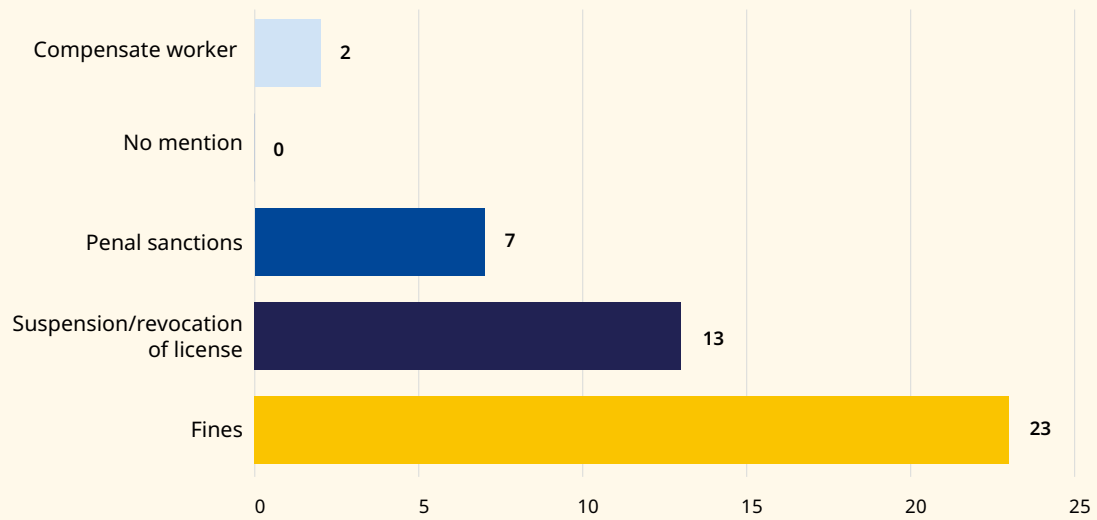
Despite limited evidence of legislative change specifically related to recruitment fees and related costs in Europe and Central Asia in the past five years, some key observations have been identified through the desk review and key-stakeholder interview process.

Supply chain and due diligence legislation and their relevance for recruitment fees and related costs

Germany

Numerous interviewees highlighted the significance of the new Supply Chain Due Diligence Act in Germany. Enacted on 1 January 2023, the Act aims to enhance human rights protection within global supply chains. Corporations employing more than 3,000 individuals are required to identify and evaluate risks in their supply chain and must issue a policy statement detailing their approach to safeguarding human rights. As of January 2024, the Act will apply to companies with more than 1,000 employees, which will significantly extend its scope and will apply to 4,800 companies instead of the roughly 900 under its remit so far. The Act also extends its reach to indirect suppliers, should the company become aware of any human rights infringements. As a result, affected companies must establish channels for complaints from supply chain workers – which may include violations with respect to the charging of recruitment fees and related costs – and provide regular reports on their supply chain management. Failure to comply may lead to fines ranging from €100,000 to 2 per cent of the company's average annual turnover. There is reference in the Act to the need to ensure adequate wages, which should be equal to at least applicable minimum wages, as well as reference to the prohibition of forced labour caused, for example, by economic exploitation, making reference to the ILO Forced Labour Convention, 1930 (No. 29). However, to date there is no specific references to recruitment fees or related costs in the Act, the addition of which could enhance the potential of such legislation to address challenges associated with forced labour and modern slavery.

► **Figure 6. Sanctions for violating laws and policies relating to recruitment fees and related costs in Europe and Central Asia (no. of countries)**



Note: Countries may utilize more than one type of sanction.

Source: Compiled by the authors from the law and policy review.

Legislative developments at the EU level

Several interviewees pointed to the proposed EU Supply Chain Law as a noteworthy development. The European Commission proposed the law, formally known as the Corporate Sustainability Due Diligence Directive, on 23 February 2022. Both the European Parliament and the Council of the EU have adopted their respective positions and are in negotiations to reach an agreement on the final text. The primary goal of this prospective EU law is to impose obligations on companies to manage the social and environmental impacts throughout their entire supply chain, which includes respect for fundamental principles and rights at work. This may give impetus to efforts to eliminate recruitment costs; however, at present, the draft legislation does not include any references to – or definitions of – recruitment fees and related costs.

Challenges regarding enforcement

Where sufficient time is not allocated to ensuring that recruitment practices can be adequately investigated, violations can occur. The Russian invasion of Ukraine has led to a substantial change in the profile of workers coming through

the Seasonal Worker Visa route to the United Kingdom. In 2019, 91 per cent of applicants were Ukrainian; however, in 2022, this number had decreased to just 21 per cent. Accordingly, the number of workers recruited from other countries increased, with significant increases coming from Kyrgyzstan, Uzbekistan, Tajikistan, Nepal, Kazakhstan and Indonesia. Labour shortages meant a sense of urgency to recruit workers, which did not leave adequate time to ensure that recruited workers were not incurring costs for their recruitment in their countries of origin. The result of this has been that many workers have reported that they have incurred debt to come to the United Kingdom, which is in clear contradiction to UK legislation and ILO principles (McAndrew et al., 2023).

4.5.3 Conclusions and areas for further research

Of the 29 countries in Europe and Central Asia reviewed for this study, 26 had at least one policy prohibiting fee charging, with such policies

applying to both national and international recruitment in 25 countries, and to only international recruitment in 1 country (Uzbekistan). In two countries – Israel and Switzerland – recruitment fees are regulated for both national and international recruitment. In terms of sanctions, all but two countries – Hungary and Uzbekistan – outlined the sanctions that governments may impose should a violation occur, with the most common sanctions being fines and penalties (n=23), followed by the suspension or withdrawal of a recruiter’s licence (n=13) and penal sanctions, notably imprisonment (n=7). In two countries – Germany and Sweden – refunding the migrant worker and providing compensation were also listed as possible sanctions. The only relevant legislative change concerning recruitment fees and related costs was identified in Uzbekistan.

The major challenges identified in the region related to having general policies in place, but without breaking down or specifying costs. Among the five countries where costs are defined – Finland, Hungary, the United Kingdom, Israel and Poland – there are exceptions in place in Israel and Poland. Another challenge concerns the need for further strengthening of monitoring and enforcement efforts relating to recruitment fees and related costs. Future research should systematically explore the legislative landscape as it relates to the monitoring and enforcement of legislation governing the recruitment process more broadly, a task that was beyond the scope of the present study.





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▶ 5

Review of business-led, trade union and multi-stakeholder initiatives



Findings from the first Global Study underscored the vital role of social partners, CSOs, and the private sector in the development, implementation, and monitoring of national policies aimed at prohibiting or regulating worker-paid recruitment fees and related costs. The active involvement of employers, industry associations, workers' representatives and other stakeholders is crucial in social dialogue aimed at addressing the common interest in promoting effective policies to eradicate human trafficking and forced labour during recruitment. Over the past decade, various actors in the private sector, including private employment agencies (PEAs) and their associations, buyers and brands, as well as workers' organizations, have actively championed the principle of no fees being paid by workers. This advocacy emerged in response to global and local calls to combat debt bondage, human trafficking and forced labour. This momentum has also continued in the period since the publication of the first Global Study, as this chapter will demonstrate.

The first Global Study examined ten voluntary guidance documents that addressed the risks of forced labour in global supply chains, as well as two surveys on recruitment fees and related costs. The guidance documents advocated for increased government involvement in ensuring fair and ethical recruitment practices. Among the ten documents, six specifically addressed international recruitment, while the other four did not clearly distinguish between national and international recruitment. Alongside promoting self-regulation in ethical standards for employing both national and migrant workers, these voluntary guidelines also emphasized the need for transparent disclosure of recruitment services and costs. The guidance documents provided valuable information on the recruitment fees and associated expenses that workers should not pay for.

Since the publication of the first Global Study, all the platforms and initiatives reviewed have continued their advocacy of promoting fair recruitment practices. They have endorsed the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs and incorporated them into their guidance documents, memos and/or standards of practice. Furthermore, some platforms and business initiatives have explicitly

adopted and integrated the ILO's Definition into their work. Examples include:

- ▶ Electronics Watch, with its [Guidelines for Public Recruitment](#);
- ▶ Stronger Together, through its [Responsible Recruitment Toolkit](#) (RRT);
- ▶ the ITUC's [Recruitment Advisor](#);
- ▶ the Responsible Business Alliance's (RBA's) [Trafficked and Forced Labour – Definition of Fees](#); and
- ▶ the International Organization for Migration (IOM), through the *IRIS Handbook for Governments on Ethical Recruitment and Migrant Worker Protection*.

The World Employment Confederation (WEC), together with the International Organisation for Employers (IOE), also hosted events to brief their members and partners about the ILO Definition and why it is important for their business operations (IOE 2019)

In 2019, the ILO Global Business Network on Forced Labour undertook a [review of definitions of recruitment fees and related costs](#) by nine selected industry initiatives and the US Federal Acquisition Regulation (FAR) and compared them to the ILO Definition (ILO Global Business Network on Forced Labour 2019) While the majority of initiatives were found to be mostly in alignment with the ILO Definition regarding recruitment fees, there is noticeably more variation and limited alignment of policies regarding related costs.

This report includes a new review similar to the 2019 ILO Global Business Network on Forced Labour review to assess any changes and developments that have occurred since then. In addition to the original nine selected industry initiatives and FAR, other relevant initiatives have also been included. The results of this new review are presented in Annex 7.

The ILO also started a systematic review of its progress since the launch of the Fair Recruitment Initiative five years earlier. In 2021, the ILO launched a [Compendium of Promising Practices to Advance Fair Recruitment of \(Migrant\) Workers](#), which also highlighted the work of the WEC, ITUC, IHRB, Stronger Together's RRT, and Verité

as examples of prominent voluntary initiatives promoting fair recruitment practices (ILO 2021d). More recently, some of these organizations have affirmed their endorsement of the ILO Definition. For example, the ITUC's *Mini Guide for Trade Unions – Ensuring Fair Recruitment for Decent Work, and IHRB's explainer on recruitment fees* – both introduced in 2022 – express continued support and promotion of the ILO's General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs. Walk Free's *Modern Slavery Response & Remedy Framework* also refers to the ILO Definition, as it reiterates the core principle that no worker should pay for a job.

Overall, the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs are key documents that provide stakeholders with a framework from which to work. They have prompted changes in industry definitions and updates in audit protocols and shaped the focus of subsequent initiatives, including repayment guidelines—all indications of a significant step forward.

5.1 The relevance of the ILO Definition according to stakeholders

The various stakeholders consulted for this report consistently recognize that since the introduction of the ILO Definition, there has been an **increased visibility and awareness** among actors involved in recruitment of recruitment-related abuses and the need to address them effectively. The ILO Definition has provided stakeholders with a clear reference point to an internationally accepted standard. In the last five years, there has also been an increase in company policies and codes of conduct, explicitly including provisions on recruitment fees and human rights due diligence. The IHRB's [Responsible Recruitment Register](#) now includes 204 companies and 31 associations that have a publicly available policy on recruitment that prohibits recruitment fees, costs, and associated charges being paid by workers in direct operations and extended supply chains. The register

also provides information on relevant implementation guidance, where available. For its part, the Responsible Business Alliance, counts more than 200 electronics, retail, auto and toy companies among its [members](#).

There has also been growing interest in capacity-building, and many companies are keen to provide training courses to educate employees and partners on the importance of aligning practices with international standards. The impetus provided by companies is vital, as they can potentially leverage their influence to promote legal compliance and responsible business conduct among their suppliers.

While fair recruitment practices are undoubtedly firmly on the business agenda of more companies, there is also greater recognition of the recruitment process's complexity. More awareness of the issue has, in turn, brought more awareness of what needs to be done—in terms of taking concrete actions, going beyond voluntary principles, promulgating stronger legislation, ensuring implementation, and so on.

There is also consistent recognition that despite all of the legislation, self-regulation efforts, rules of conduct and guidelines in place, **workers still pay**. Some do it knowingly, on the belief that paying recruitment fees is a precondition to getting a job overseas and that not paying will only jeopardize their chance at economic mobility. Others pay unwittingly or unwillingly because of abusive and deceptive practices still commonly perpetuated by recruitment agents and sub-agents left largely unchecked by governments. There are also instances of recruitment fees and costs taking a different guise – such as payments to relatives and neighbours for “introductions”, charges for passport and visa “facilitation”, or “surcharges” for expedited processing of a job application.

The foregoing discussion touches upon some issues raised by interview participants regarding the ILO Definition. The first one relates to **practical interpretation**.⁶⁴ Section 13 of the Definition states that the “enumeration of related costs ... is generalized and not exhaustive”. Thus, while it

64 This refers to how stakeholders make sense of the Definition in practical terms to be able to incorporate it into their practices. It does not refer to the formal interpretation of ILO instruments, which is usually overseen by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).

provides a baseline sample of fees and costs that should not be charged to workers, in practice, most countries still permit the charging of a wide range of costs to workers. Nefarious actors can also take advantage and conceal the costs they charge. Indeed, many recruitment agencies are known not to provide a transparent breakdown of the costs involved in recruitment. While the ILO Definition does, in fact, include a stipulation on illegitimate, unreasonable and undisclosed costs and mandates transparent recruitment procedures, the very nature of such costs makes for a significant challenge during monitoring and implementation.

A second issue is on **operationalization**. The ILO Definition clearly defines recruitment fees or related costs not being collected from workers, directly or indirectly, by an employer, their subsidiaries, labour recruiters, or other third parties providing related services. It is also clear about what recruitment fees and related costs may include, again, while underscoring that the list provided is not exhaustive. What the ILO Definition does not provide is guidance on who exactly should pay for each cost item. The interviewees point out the fact that recruitment costs money, and what is missing from the ILO Definition is the specification of who should bear those costs – if not the workers, should it then be the employers, governments, or recruiters? The generally accepted view is that it is the employer that needs to pay, but this is not explicit in the ILO Definition. It is thus important to address this question in order to better ensure transparency, fairness and accountability throughout the recruitment process.

On a more practical note, clarity on who is to pay for recruitment fees and related costs will be useful to stakeholders – employers in particular – when incorporating anticipated recruitment expenses into their operating budgets. This, of course, represents an enormous undertaking, as it would be next to impossible without taking into account each specific country and their different requirements. However, any step in this direction will be useful, as it will also facilitate the monitoring of guidelines and due diligence efforts. Despite a wealth of resources and toolkits, companies still often struggle for clear answers

to certain questions, so more specific information will go a long way. Further, it is essential to design tools that support compliance and that are built on a business case model, as compliance is not only a matter of observing the law but also of supporting sustainable business models.

A suggestion was made to update the ILO Definition and to append guidance on “what needs to happen if something has not happened”. That is, if workers are still being charged costs, it should be clear who should take responsibility for rectifying the situation. Making this “logic” explicit will minimize loopholes in implementation. In other words, specifying which party is responsible for each cost item as well as the corresponding sanctions for non-compliance will bring significant improvements. This is worth pointing out, even if the Definition itself may not be the most appropriate channel for such an approach⁶⁵ (see section below on recruitment reimbursement).

Finally, there is also an issue pertaining to **measurement and monitoring**. Reliable data is essential for evidence-based policymaking. However, varying interpretations of what constitutes recruitment fees and related costs lead to discrepancies in data collection and reporting. Moreover, the fact that workers are still paying such fees and costs, even in settings where they are ostensibly prohibited, demonstrates that diverse payment arrangements with recruitment agencies and other intermediaries make it difficult to standardize the assessment of recruitment fees and costs and to what extent regulations are being enforced. Further, as highlighted in the first Global Study, there are hidden costs resulting from corruption, such as kickback payments and bribes to a number of different actors in order to secure access to employment. Migrant workers might also be hesitant to report actual costs due to fear of retaliation or the desire to protect their job opportunities.

Moreover, collaboration between countries of origin and destination is crucial for comprehensive data collection. However, such collaboration is often limited due to political, logistical or administrative challenges. Different countries also have different regulations – some allow fees for certain countries and for certain sectors and some

⁶⁵ This suggestion goes straight to the issue of remediation, upon which the [UN Guiding Principles on Business and Human Rights](#) are clear.

do not. The alignment of data collection efforts is another challenge. Different auditing schemes are generating substantial amounts of data, but there is currently limited ability for data harmonization and exchange. Standardization, to the extent possible, is thus essential to enable meaningful

comparisons with regard to recruitment fees and related costs. Until these challenges can be sufficiently addressed, reliable data is likely to remain in short supply. Beyond measuring costs, there is also a need for a stronger focus on monitoring compliance and enforcement mechanisms.

► Box 2. Collecting data on recruitment fees and related costs

Organizations also recognize the importance of systematically collecting data for evidence-based policymaking. Accurate data on recruitment fees and costs are critical to designing and implementing more effective self-regulation policies and guidelines that protect the rights and welfare of migrant workers. The transparent measurement of recruitment fees and costs also enhances accountability and helps hold relevant actors accountable for any unethical practices or exploitation in the migration process.

Walk Free is an international human rights group dedicated to eradicating modern slavery in all its forms. Its flagship report – the [Global Slavery Index](#) (GSI) – first launched in 2014 and provides national estimates of modern slavery for 160 countries. The GSI relies on thousands of interviews with survivors from 75 countries, gathered through nationally representative household surveys, along with an assessment of national-level vulnerability to modern slavery. The GSI includes a government response assessment, which provides a comparative look at the legal, policy and programmatic actions that governments are taking to respond to modern slavery. This includes an indicator specifically on **laws or policies stating that private recruitment fees are paid by the employer, not the employee**. The raw data was generously provided to the research team by Walk Free, and while there have been some developments – 64 out of 184 countries and territories assessed in 2023 have policies in place, compared to just 35 in 2018 – there remains a big gap with regards to implementation. This is particularly the case in countries of origin, where recruitment agencies flaunt regulations and continue with deceptive practices. A complementary indicator used in the GSI is the **registration and monitoring of recruitment agencies by governments**. The data collected points to only a very small amount of this activity, and thus Walk Free makes a strong point about the need to strengthen monitoring and regulation – for example, through unannounced labour inspections and more accessible worker whistle-blowing platforms.

5.2 “Promising practices”

The ILO Definition has spurred many employers, industry/recruiter associations, trade unions, CSOs and other stakeholders to make a collective effort to promote fair recruitment practices. For this report, we highlight two initiatives that many interview participants mentioned as having made a “significant impact” and that many describe as “promising practices”.

5.2.1 Repayment of recruitment fees and costs

In the last couple of years, many multi-stakeholder initiatives have shifted focus to the repayment or reimbursement of migrant worker-paid recruitment fees and related costs.⁶⁶ This is in accordance with the principle that businesses have the responsibility to provide remedies when any harm or wrongdoing towards their workers is identified. Impactt Limited, for example, has developed [guidelines on repayment](#), and points out

⁶⁶ This links to the earlier point made on specifying who exactly should pay for each cost item covered in the ILO Definition. It establishes clear liability, and in a situation where reimbursement is required, such a specification could serve as a general benchmark.

that repayment of recruitment fees and costs is crucial for sustainable ethical recruitment for two key reasons:

1. Repayment directly benefits workers by alleviating or eliminating severe debt bondage, which can lead to forced labour and similar exploitative situations.
2. Repayment serves as a catalyst for increased commitment to ethical recruitment practices in the future. The financial impact on companies, employers and supply chain actors prompts more focused and serious efforts to achieve ethical recruitment. It also drives a deeper understanding of the actual processes and true costs involved in ensuring ethical recruitment, and closing loopholes that enable unethical and costly practices.

However, many employers do not have the necessary funds for worker repayments. To address this

issue, Impactt has also proposed [the Remediation Bond](#). This innovative social impact finance mechanism leverages the involvement of the finance sector to drive positive human rights outcomes. It provides loans to employers, enabling them to swiftly repay workers and liberate them from debt bondage, thus facilitating market access. The Remediation Bond attracts investments from both equity and bond investors, potentially including lead companies' treasuries. Impactt ensures that loans are utilized for worker repayment according to the Impactt and CGF/AIM Progress Guidelines. This bond expedites the remediation process for workers at an affordable cost for employers. Variable interest rates will also provide an economic incentive for employers to reduce their fees in the future. Impactt is preparing for at least two pilots in 2024, including one with the palm oil industry in Malaysia.

► **Box 3. Spotlight on the “Principles and Guidelines for the Repayment of Migrant Worker Recruitment Fees and Related Costs” by Impactt Limited and the Consumer Goods Forum**

Impactt Limited, an award-winning employee-owned consultancy, specializes in human rights, labour standards and ethical trade. Among other services, Impactt provides assistance to businesses to carry out reimbursement payments to workers who have been charged recruitment fees. By effectively remediating these recruitment fees, workers are liberated from debt bondage, effectively eliminating a significant forced labour concern from company supply chains. This addresses a crucial issue faced by many companies.

In October 2021, Impactt introduced a set of *Principles and Guidelines for Repayment of Recruitment Fees and Related Costs*, which adopts the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs and outlines a clear and simple process for the calculation and repayment of recruitment fees charged to workers.

Exactly a year later, in October 2022, Impactt's Principles and Guidelines were largely mirrored by the Consumer Goods Forum (CGF) Human Rights Coalition – Working to End Forced Labour, which, in partnership with AIM-Progress, launched its *Guidance on the Repayment of Worker-paid Recruitment Fees and Related Costs*.

The Impactt and CGF guidelines underscores that repayment does not in itself amount to full remediation of and elimination of the risk of debt bondage and forced labour situations, as there may be other unscrupulous practices and labour code violations arising in workplaces and supply chains. But repayment nonetheless matters to workers and sharpens the focus on more ethical recruitment in the future.

The Impactt and CGF guidelines offer “good practice” options for the repayment of recruitment fees and costs. Both refer to the ILO Definition explicitly and provide a listing of common cost items, with the important qualifying statement, in line with the ILO’s original formulation, that the list is not exhaustive and other costs required as a condition of recruitment should not be collected from workers or deducted from wages and benefits.

Both Impactt and CGF do not only work with employers; they also recognize the importance of engaging with governments to push for systematic change. Both organizations actively collaborate with governments to address not just the issue of recruitment fees and costs, but also forced labour and modern slavery more generally. In June 2023, for example, [CGF convened with the Japanese Government](#) to strengthen collaboration on responsible business practices and accelerating human rights due diligence in Japan’s consumer goods value chains. For its part, Impactt has since 2016 been working with Qatar’s Supreme Committee for Delivery and Legacy (SC), the entity responsible for all construction and infrastructure projects for the 2022 FIFA World Cup. The SC appointed Impactt as an External Monitor, and in March 2023, Impactt published its [seventh and final annual report](#) outlining its findings on the SC’s Workers’ Welfare Programme. The report covers an assessment of the SC’s programme for reimbursing workers for recruitment fees and related costs they may have paid, and calls attention to persistent gaps regarding the implementation of the legislation prohibiting the charging of recruitment fees and costs to migrant workers.

5.2.2 Withhold release orders

Another option that can help drive momentum on the need to address human rights violations is a suspension of goods orders and imports in case of violations. For example, US Customs and Border Protection (CBP) has the authority to issue a [withhold release order](#) (WRO) for specific goods. WROs result in the detention of imports from locations and businesses suspected of utilizing forced labour. WROs can also be issued after identifying violations related to the payment of recruitment fees and other costs by workers. Consequently, these goods are held at the port of entry upon importation. In order for the goods to be released, documentation needs to be supplied that traces the supply chain from the goods’ origin, production and processing of materials, as well as other products derived from those materials, up to the time the merchandise was imported to the United States. The CBP has issued WROs for a variety of different issues not necessarily related to recruitment fees and costs towards enterprises from at least 12 countries, namely, China, the Democratic Republic of the Congo, the Dominican Republic, India, Japan, Malawi, Malaysia, Mexico, Nepal, Turkmenistan, Vanuatu, and Zimbabwe.

To provide an example of how WROs have spurred a positive change, let us take Malaysia as a case. As discussed in the regional review for Asia and

the Pacific above (section 4.4.3), numerous reports have called attention to indicators of forced labour in Malaysia’s large-scale glove manufacturing industry despite industry associations like the Malaysian Rubber Glove Manufacturers Association (MARGMA) adopting a “zero-recruitment fee” policy. This prompted the CBP to issue a WRO against six manufacturers across the period from October 2019 to January 2022. One of those was the Top Glove Corporation, which was issued a WRO in July 2020.

In response, Top Glove hired Impactt as an independent consultant to conduct a thorough forced labour investigation, propose corrective actions and monitor their implementation (see box 4 for details)²⁰²². In September 2021, the CBP lifted the WRO for Top Glove, acknowledging that the manufacturer’s actions, including issuing more than US\$30 million in remediation payments to workers, had sufficiently addressed all indicators of forced labour identified at its facilities (United States, CBP 2021).

In response to the blocking of glove shipments to the United States, several large manufacturers were compelled to implement significant labour management improvements and to reimburse recruitment fees amounting to 350–400 million Malaysia ringgit, or roughly US\$77–88 million (ILO 2023c). As reported by Mardhiah (2022),

MARGMA and its members continue to support the freeing of their foreign workers from debts via the association's Remediation Fees programme. Members checked with all their existing workers to find out the amount of money each of them owed, and then they drew up a payment schedule to fully reimburse the workers for the costs they had incurred. They have also decided that going forward, all recruitment will be done on a "zero-recruitment fee basis", and supported the 1,500 ringgit minimum wage announced by the Malaysian Government in January 2023.

It is important to note that while WROs have driven momentum, some point out that the use of this instrument could. Critics suggest, for example, that WROs may make companies more inclined to follow disengagement strategies rather than promote corrective action and remediation, risking workers being left in worse situations such as without an income and in debt due to worker borne recruitment fees and related costs. Similarly, some also suggest that WROs may also limit the scope for improvement of employment practices, knowledge transfer, growth and development in certain contexts where there is risk of unfair recruitment.

► Box 4. Spotlight on the Top Glove corporation's response to the withhold release order issued by US Customs and Border Protection

Founded in 1991 in Malaysia, Top Glove has grown to become the largest global manufacturer of gloves. Beginning as a local business with just one factory and production line, it now operates manufacturing facilities in Malaysia, Thailand, Viet Nam and China. The company has established marketing offices in these countries, as well as in the United States, Germany and Brazil. Top Glove exports its products to over 2,000 customers across 195 countries worldwide.

On 15 July 2020, US Customs and Border Protection (CBP) imposed a withhold release order (WRO) prohibiting the import of rubber gloves produced by Top Glove into the United States due to forced labour concerns, including excessive working hours, withheld passports, withheld wages, restrictions on workers' movements and high levels of recruitment-related debt. As a result, CBP actively seized multiple shipments of disposable gloves originating from Malaysia under the WRO.

Shortly after the issuance of the WRO, Top Glove enlisted the services of Impactt as an independent consultant to conduct a thorough forced labour investigation, propose corrective actions and monitor their implementation. In particular, Top Glove tasked Impactt with evaluating the presence of forced labour indicators outlined by the ILO within their operations. Between August 2020 and August 2021, Impactt monitored the implementation of corrective actions on a quarterly basis. This included the disbursement of remediation payments to migrant workers who had incurred recruitment fees through third-party agents in order to work at Top Glove.

On 9 September 2021, CBP modified its findings on forced labour concerning Top Glove, allowing the resumption of imports. In the press release, CBP confirmed that Top Glove had disbursed more than US\$30 million in remediation payments to about 10,000 migrant workers. This was done over a ten-month period and payments ranged from US\$1,500 to US\$4,800. Top Glove has also initiated steps at improving labour and living conditions at the company's facilities. The transparency exhibited in Top Glove's remediation process, characterized by the prompt adoption of Impactt's recommendations – such as direct payments to migrant workers, the establishment of an independent grievance mechanism, and consistent and effective public reporting of corrective actions – played a crucial role in addressing the identified forced labour issues. Top Glove, like other manufacturers that are members of the Malaysian Rubber Glove Manufacturers Association (MARGMA), has also expressed commitment to a "zero-recruitment fee" policy going forward.

Source: Impactt 2022.

5.3 Conclusions

The ILO Definition of Recruitment Fees and Related Costs together with the General Principles and Operational Guidelines for Fair Recruitment are cornerstone documents that have furnished stakeholders with a comprehensive framework for their endeavours related to recruitment. Since the publication of the first Global Study, the ILO Definition has played a pivotal role in shaping fair recruitment practices. Stakeholders across various sectors have adopted the Definition's principles, leading to positive changes in industry definitions, updated audit protocols, and the inception of initiatives aimed at redressing

worker-paid fees and costs, including repayment guidelines.

At the same time, there is a growing acknowledgment of the multiple layers and overall complex nature of the recruitment process. More awareness of the issue has brought more awareness of what needs to be done – in terms of needing to take concrete actions, go beyond voluntary principles, and promulgate stronger legislation and implementation. Still, the collective developments outlined here underscore a noteworthy stride forward in addressing and rectifying issues pertinent to fair and ethical recruitment practices.

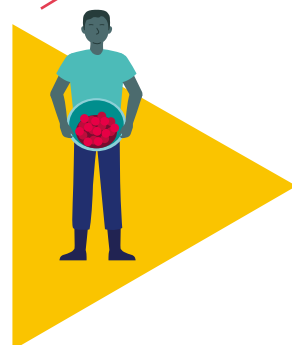




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Key findings and recommendations



Despite some noteworthy new legislative provisions in selected countries, this study reveals that legislative changes on the regulation of fees and costs have not been drastic since the first study was released in 2018. This is not particularly surprising, as legislative changes are usually the result of lengthy processes that can be difficult to measure over a period of just five years.

Yet, this is by no means a sign that progress has not been made over the last half-decade.

On the contrary, as demonstrated throughout the report, awareness of the risks associated with worker-paid recruitment fees and related costs has never been as high, and action to address those risks is happening in law and practice across regions. Evidence shows that the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs have inspired new laws, policies and practices that demonstrate commitment to addressing challenges in recruitment processes. In the realm of practice, there has been some positive development, particularly in terms of awareness of the ILO Definition and steps taken to promote its integration into national regulatory and/or policy frameworks, as well as private sector-led and multi-stakeholder initiatives. It is essential for national governments and social partners to build on these initial successes and continue working together for better implementation, improved due diligence, and stronger monitoring and enforcement of fair recruitment practices.

Collaboration among governments, social partners, international organizations, civil society groups, and the private sector is essential to designing and implementing comprehensive policies that not only address recruitment fees and related costs but also promote fair migration practices and human rights more broadly. The changing nature of the labour migration and mobility landscape, the emergence of new migration corridors and sectors of employment for migrant workers, and the recognition that recruitment of workers is a multibillion-dollar business that remains poorly regulated and hardly monitored in many parts of the world highlights the urgent need for coordinated and incisive policy response at all levels. The engagement of international or multinational enterprises operating in countries that lack adequate regulation and implementation

regimes is, therefore, vital, as their influence and leverage can be key to promoting and ensuring fair recruitment in these locales. Strengthening the business case for adopting fair recruitment practices is fundamental, as is ensuring that such practices are incorporated throughout the entire supply chain. Ultimately, achieving compliance with fair recruitment practices is a complex task that necessitates ongoing dialogue and cooperation among all stakeholders in both origin and destination countries.

Going forward, there are a number of important considerations:

- 1. Decent work and human rights.** The issue of recruitment fees and related costs cannot be disassociated from the broader issue of forced labour and modern slavery, which demands a more holistic approach to decent working conditions for all workers, including migrants. The COVID-19 pandemic highlighted the multiple vulnerabilities faced by migrant workers everywhere. It is essential to continue raising awareness on the linkages between recruitment fees paid by workers and fundamental rights, including non-discrimination and freedom from forced labour, as a first step to upholding human and labour rights in law and in practice. Governments and social partners should continue to work together to fully empower and protect migrant workers.
- 2. Adopting a flexible approach to recognize emerging realities and challenges related to new migration corridors and sectors.** It is important to remain vigilant to changing migration dynamics to ensure that the adoption of laws and policies prohibiting recruitment fees and related costs does not lead to the recruitment of migrant workers from countries where the regulatory framework is less developed or its enforcement weaker. Particular attention should be given to sectors of the economy where labour protection tends to be more limited in law and practice and where migrant workers tend to often concentrate.
- 3. Strengthening national legislation and its enforcement in line with ILO principles and the ILO Definition.** National regulatory frameworks are the main means through which governments can fulfil their responsibilities to protect (migrant) workers' rights, including at

the recruitment stage. The design, adoption and effective enforcement of legislative provisions aligned with ILO standards and guidance, including the ILO Definition, should be promoted and accelerated. While many global brands require their suppliers to comply with due diligence efforts and codes of conduct that are in alignment with the ILO Definition, implementation can be challenging, particularly when companies are based in countries where national legislation permits or fails to regulate the charging of recruitment fees and related costs to migrant workers.

4. Strengthening the monitoring and enforcement capacities of relevant authorities.

The study highlights that even when relevant regulatory provisions are in place, challenges remain widespread with regard to their practical application and enforcement. In line with the ILO General Principles and Operational Guidelines for Fair Recruitment, capacities – both in terms of the relevant expertise and operational capacity – of enforcement authorities, particularly labour inspectorates, should be enhanced to detect and appropriately address recruitment-related abuses. Development of practical tools, such as “checklists” for the identification of recruitment-related risks and abuses, should be developed, in line with the ILO forced labour indicators and the General Principles and Operational Guidelines for Fair Recruitment.

5. Fostering more proactive and less reactive private sector practices to prevent abuses.

Many companies adopt policies or implement remediation efforts, including large-scale repayment processes, in response to violations that put them in the public eye. Yet, more work is required to take a proactive position by strengthening the inclusion of fair recruitment into due diligence processes, particularly in countries where government regulations and enforcement mechanisms are weak.

6. Taking advantage of digital capabilities. As many migrant workers now have access to mobile internet, the use of technology or digital platforms may be useful in addressing the issue of information asymmetry, and in supporting and monitoring grievance and redress procedures. The utilization of technology can

streamline recruitment processes, reduce costs and enhance transparency. Governments can build and share databases that can facilitate fair recruitment with functionalities that can reduce dependence on intermediaries, provide information on available jobs, check contracts and wages, and enable workers to connect with authorities to report abuses and violations (ILO 2022c). Online platforms and digital tools can connect employers and workers directly, reducing both reliance on intermediaries and the information asymmetry between workers and recruiters. Mobile phones in particular can play a significant role in providing migrant workers with critical information and access to helplines when needed. There are also opportunities to enhance the information available to companies to better understand risks in recruitment and to respond accordingly. However, there is also a need for adequate awareness about the potential for misinformation and the current proliferation of online recruitment fraud.

7. Promoting data collection for evidence-based policy decisions.

Enhanced data collection efforts (including by supporting the collection of data for measuring SDG indicator 10.7.1), improved data collection methods, and greater dissemination of available data are all necessary steps to gain a comprehensive understanding of recruitment fees and costs, allow for their measurement over time, and design appropriate policy responses. Robust data can inform evidence-based policy decisions and monitor progress towards addressing the issue effectively. Standardization of methodologies and definitions to the extent possible will also facilitate the comparison of data and the exchange of information among stakeholders.

8. Adopting and implementing anticorruption laws and policies and increasing transparency of processes.

Corruption still poses a significant problem when promoting the non-payment of recruitment fees and costs by migrant workers. Government and non-government entities, particularly in countries of origin, still demand bribes or kickbacks or charge extra for certain services. Corruption erodes trust among migrant workers, employers and recruitment agencies, creating a climate of suspicion and hindering collaboration.

Improving public accessibility to relevant information concerning licensed recruitment agencies, recruitment procedures and applicable regulations is an essential first step to reducing opacity and limiting the opportunities for corrupt actors to engage in illegal acts with impunity.

9. Conducting further research. This report was mostly aimed at documenting laws and policies specifically on recruitment fees and costs in line with the first Global Study report of 2018. For this reason the extent to which it also analyses the practical implementation of such legislative and policy measures is limited. There is therefore a need for future research to go deeper into the analysis of the institutional and capacity-related challenges that impact the implementation, monitoring and enforcement

of existing law and policies. Selected impact assessment studies of relevant practices would also be beneficial (among others) to explore the “business case” for eliminating recruitment fees and costs for workers. Similarly, this study, due to time limitations, has only identified a few examples, in different regions, of recent bilateral labour migration agreements (BLMAs) with concrete reference to recruitment fees and costs. Hence a general analysis of the content and use in practice of such agreement to regulate and improve recruitment practices could not be done. It would therefore be relevant in the future to specifically analyse these agreements in relation to their coverage of recruitment issues and to their practical impact on recruitment fees and related costs.

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► Annexes

Annex 1. Countries included in the updated Global Study^{67*}

Region	Country	Region	Country
 Africa	Algeria*	 Americas	Antigua and Barbuda
	Botswana*		Argentina
	Burkina Faso*		Bolivia (Plurinational State of)
	Cote d'Ivoire*		Brazil
	Djibouti*		Canada
	Egypt*		Chile
	Eswatini*		Colombia
	Ethiopia		Cuba*
	Gabon*		Ecuador
	Ghana		El Salvador
	Guinea*		Guatemala
	Kenya		Guyana
	Libya*		Honduras
	Madagascar*		Jamaica
	Mali		Mexico
	Mauritania*		Nicaragua
	Morocco		Panama
	Namibia		Paraguay
	Niger		Peru
	Nigeria		Suriname
	Senegal*		Uruguay
	Sierra Leone*		Venezuela (Bolivarian Republic of)
	South Africa		
	South Sudan*		
	Tanzania (United Republic of)*		
	Togo		
	Tunisia		
	Uganda		
	Zambia		
	Zimbabwe		

67 * Countries added in the second study.

Region	Country
 Asia and the Pacific	Afghanistan
	Australia
	Bangladesh
	Cambodia*
	China
	Hong Kong (China)
	India
	Indonesia
	Japan
	Lao People's Democratic Republic
	Malaysia
	Mongolia
	Nepal
	New Zealand
	Pakistan
	Philippines
	Republic of Korea
	Singapore
	Sri Lanka
	Thailand
Vanuatu	
Viet Nam	

Region	Country
 Europe and Central Asia	Albania
	Belgium
	Bosnia and Herzegovina
	Bulgaria
	Cyprus
	Czechia
	Denmark
	Estonia
	Finland
	Germany
	Hungary
	Ireland
	Israel
	Italy
	Lithuania
	Luxembourg
	Malta
	Montenegro
	Netherlands
	Norway
	Poland
	Portugal
	Republic of Moldova
Slovakia	
Spain	
Sweden	
Switzerland	
United Kingdom	
Uzbekistan*	
 Arab States	Bahrain
	Jordan
	Kuwait
	Lebanon*
	Qatar
	Saudi Arabia
United Arab Emirates	

Annex 2. Interview guide

The interviews were semi-structured to allow follow-up questions as required and broadly covered the following questions.

1. Please introduce yourself and explain your role within your organization.
2. Over the past 5 years, what would you say have been the main developments relating to recruitment fees and related costs in your region/country? Are there any differences by gender? Sector? By migratory status? By recruitment type?
3. What have been the main challenges you have encountered of relevance to recruitment fees and related costs?
4. What impact has COVID-19 had on recruitment fees and related costs in your region/country?
5. Do you anticipate any new challenges in the future? (e.g., platforms)
6. Are there any noteworthy examples of new policy changes (since Sep 2018) related to recruitment fees and related costs in your region/country (e.g. new legislation or regulations; new bilateral labour agreements; new (labour) migration policies etc?)
7. Are there any noteworthy examples of private sector / civil society / multi-stakeholder initiatives related to recruitment fees and related costs in your region/country?
8. Is there anything we have not covered that you would like to add?
9. Is there anyone else you think we should speak to regarding the matters we have discussed today?

Annex 3. Interview participant list

Name	Organization
Aida Awel	ILO
Akhator Joel Odigie	African Organization of the International Trade Union Confederation
Alix Nasri	ILO
Amish Karki	ILO
Anna Pienaar	Responsible Labour Initiative/Responsible Business Alliance
Ben Bostock	Impactt
Bilesha Weeraratne	Institute of Policy Studies of Sri Lanka
Coumba Diop	ILO
Dino Corell	ILO
Donna Cabrera	ILO
Elisa Benes	ILO
Emma van Dam	Impactt
Francesco Carella	ILO
Gaëla Roudy Fraser	ILO
Georgina Vázquez De los Reyes	Verite
Gloria Moreno Fontes	ILO
Hannah Newcomb	Stronger Together
Ira Rachmawati	International Trade Union Confederation
Isabelle Kronisch	ILO
Jon Pitoniak	Verite
Katharine Bryant	Walk Free
Kenza Dimechkie	ILO
Laura Greene	ILO
Maria Galotti	ILO
Maria Payet	ILO
Mariana Gomezgil Gabriel	Stronger Together
Mattias Carlson	IOM
Mirela Stoia	International Organisation of Employers
Neha Misra	Solidarity Center
Neill Wilkins	IHRB
Nilim Baruah	ILO
Noortje Denkers	ILO
Pawel Szalus	IOM
Quinn Kepes	Verite
Rakesh Ranjan	IHRB

Name	Organization
Rosey Hirst	Impactt
Ryszard Cholewinski	ILO
Sarah McGregor	IOM
Shannon Lederer	AFL-CIO
Shannon Tenney	Verite
Silvia Bianco	Stronger Together
Sophia Kagan	ILO
Stephanie Sepulveda	AFL-CIO
Stéphanie Winet	International Organisation of Employers
Theo Sparreboom	ILO
Yamila Irizarry-Gerould	Verite

Annex 4. Trends from the comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Within the context of promoting fair recruitment for migrant workers and eliminating the charging of recruitment fees and related costs to workers, it is imperative to recognise the contributions of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). The CEACR examines reports received from governments and comments received from workers' and employers' organizations on the application of ratified Conventions in law and practice (every three years for fundamental and governance Conventions and every six years for all other Conventions). The CEACR's work in this field shows that challenges to implementing fair recruitment remain a global concern affecting different sectors, including the agricultural sector and the maritime sector, and certain groups of workers. From 2018 to May 2023, the CEACR addressed concerns relating to recruitment fees and related costs in 52 countries across five regions (see figure A4.1 Countries by region) and issued one general observation.

In its comments, the CEACR has raised questions on the application of various Conventions relevant to the recruitment of migrant workers, in law and practice. Recruitment fees and related costs are a concern in comments across 11 different ILO Conventions, with 62 comments, including 14 Observations and 48 Direct Requests. This shows that a wide range of ILO standards are relevant in addressing recruitment fees and related costs even though such fees and costs are not explicitly mentioned in the provisions of all relevant Conventions. The following Conventions are being reviewed in this section (by number of Comments issued under the respective Convention – see figure A4.2):

- Forced Labour Convention, 1930 (No. 29) and Protocol of 2014 to the Forced Labour Convention, 1930
- Protection of Wages Convention, 1949 (No. 95).

- Migration for Employment Convention (Revised), 1949 (No. 97);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Employment Policy Convention, 1964 (No. 122);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172);
- Private Employment Agencies Convention, 1997 (No. 181);
- Maritime Labour Convention (MLC) 2006;
- Work in Fishing Convention, 2007 (No. 188);
- Domestic Workers Convention, 2011 (No. 189);

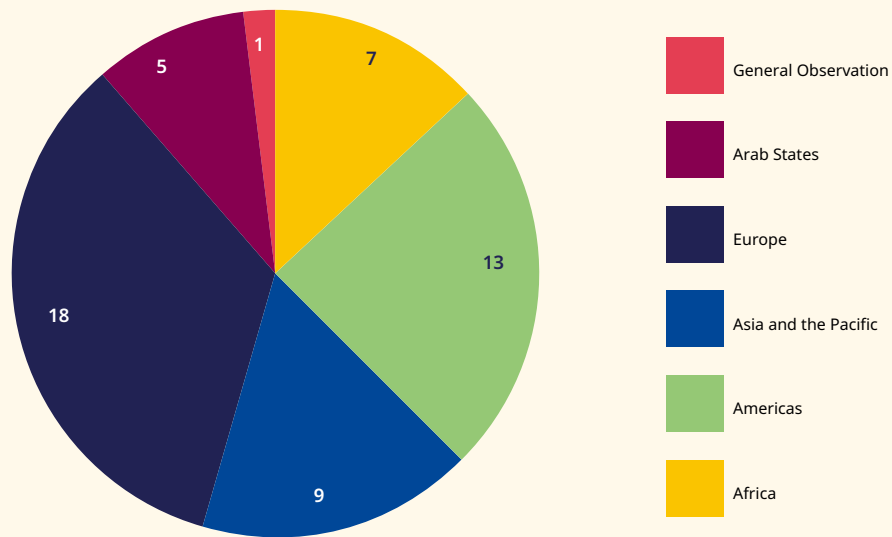
Recurrent topics include payment of recruitment fees and related costs, increasing vulnerability to the exaction of forced labour, and concerns regarding the payment of fees and related costs by particular groups of workers (domestic workers) and in certain sectors (maritime and agricultural sector). Most comments are made regarding countries Europe and Central Asia, followed by Asia and the Pacific, and Africa (see figure A4.3). However, it should be noted that the higher number of comments may reflect a high number of ratifications of some of these Conventions and does not necessarily indicate that concerns are more widespread in a certain region.

Comments on the relationship between recruitment fees and related costs and forced labour are predominantly made under Convention No. 29 (12 comments in total), while the CEACR also notes the payment of recruitment fees by migrant workers under Convention No. 143 in the case of Sweden⁶⁸ and under Convention No. 122 in the case of Sri Lanka.⁶⁹ Under Convention

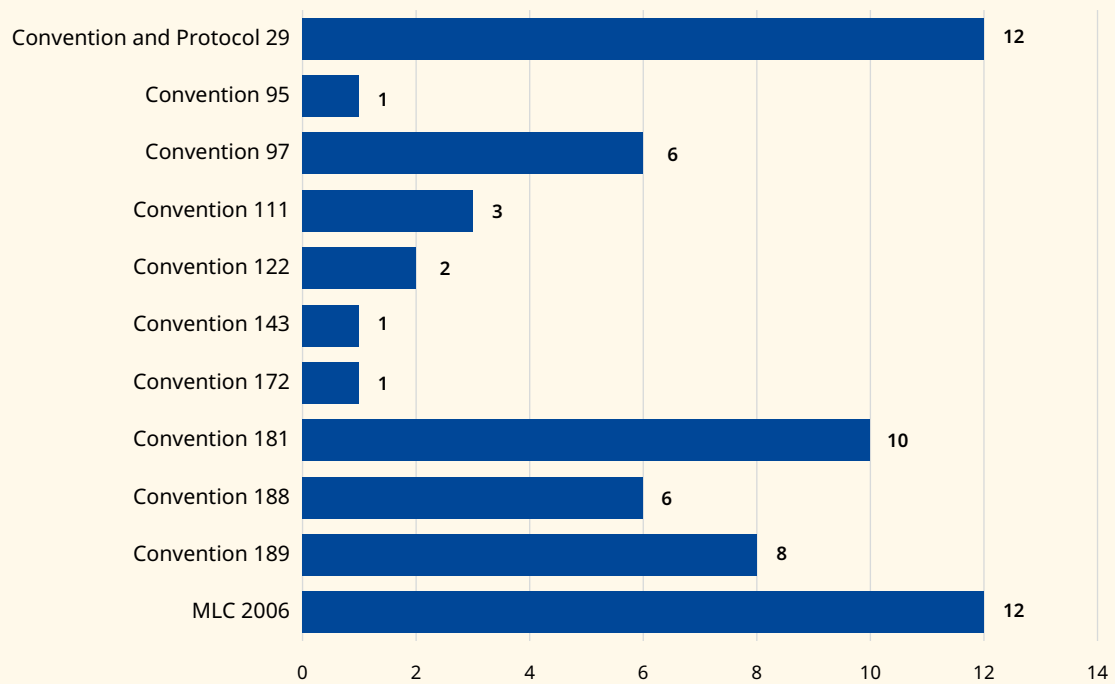
68 C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 [Direct Request](#) (CEACR) – adopted 2021, published 110th ILC session (2022).

69 C122 – Employment Policy Convention [Direct Request](#) (CEACR) – adopted 2022, published 111th ILC session (2023).

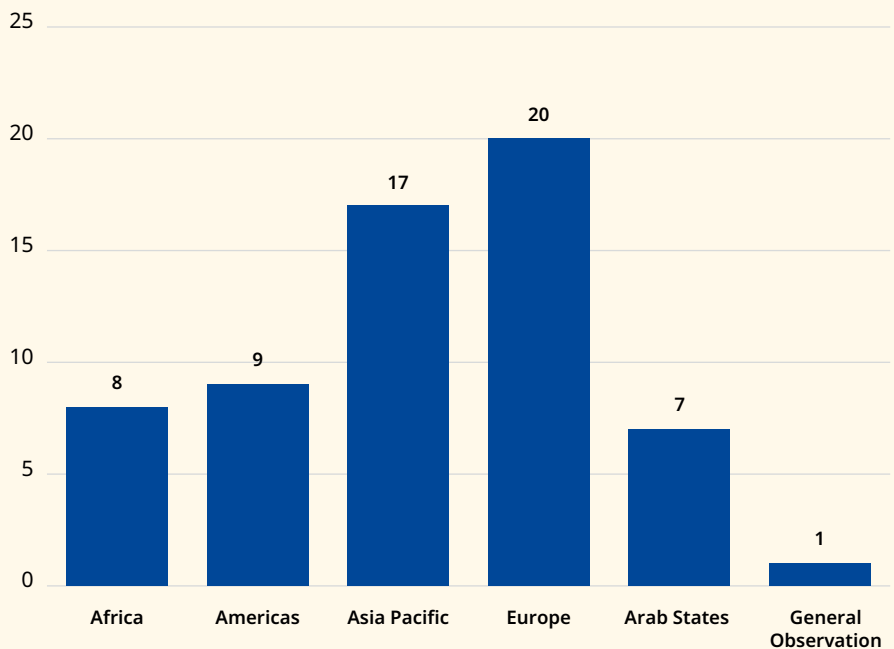
► Figure A4.1. Number of countries per region as represented in the comments



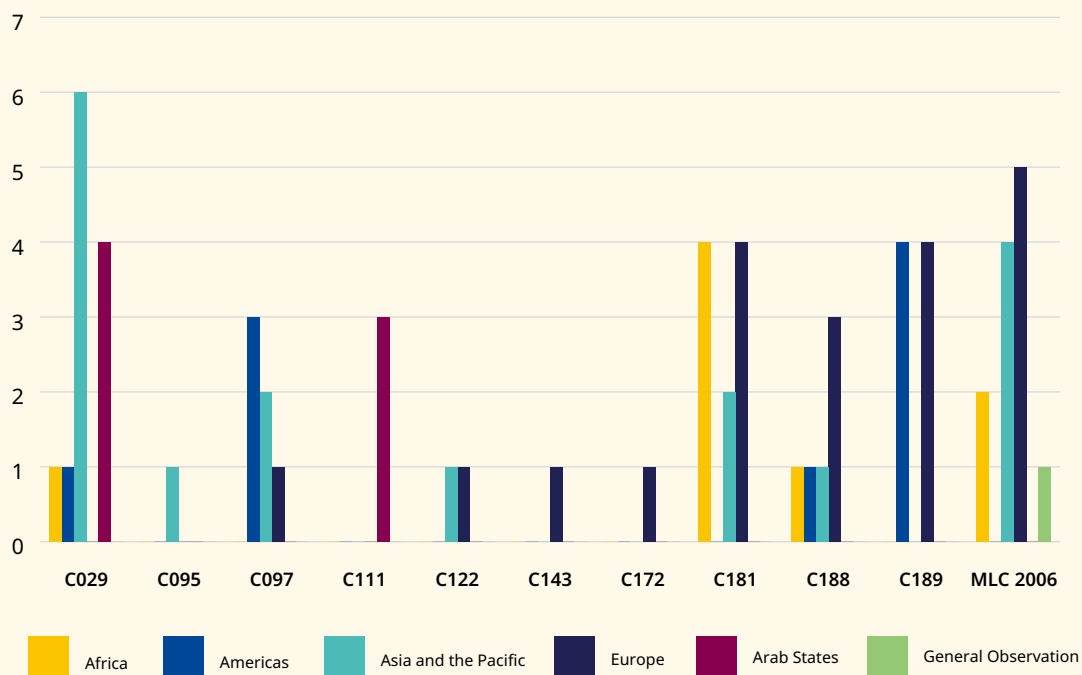
► Figure A4.2. Number of fees and costs related comments



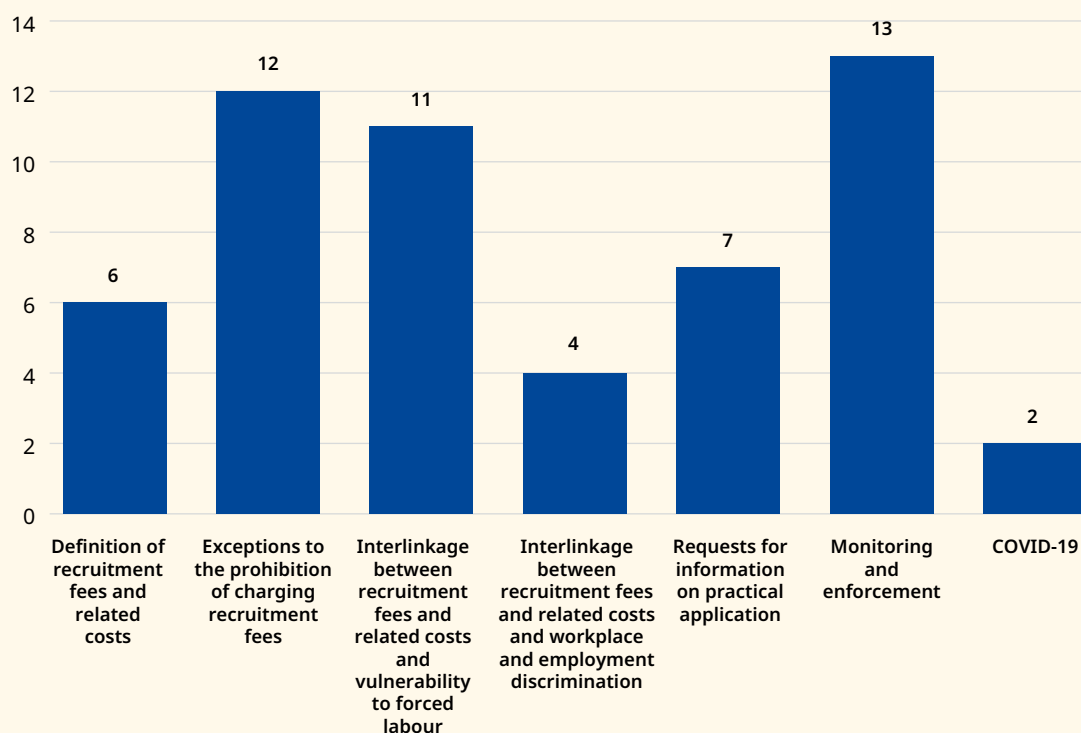
► Figure A4.3. Relevant comments by region



► Figure A4.4. Relevant comments by region and convention



► Figure A4.5. Number of comments per thematic area



No. 189, the CEACR issued 8 comments, four in the Americas and four in Europe requesting further information on the operation of private employment agencies recruiting or placing domestic workers. The comments of the Committee under Convention No. 189 included requests for information on measures taken to ensure that private employment agencies ensure equal treatment of all migrant domestic workers and to ensure that fees charged by private employment agencies are not deducted directly or indirectly from the remuneration of domestic workers.

The Committee's comments also show that certain sectors, especially the maritime sector, including fishing, deserves attention. Together, the MLC, 2006 and Convention No. 188 garner 18 comments, 8 in Europe, 5 in the Asia Pacific, 3 in Africa and one in the Americas, and one General Observation. The agricultural sector is mentioned

in relation to seasonal agricultural workers migrating from Barbados to Canada and the need for monitoring and enforcement of prohibitions on charging fees and costs to workers.⁷⁰

Further, the Committee's comments also raise specific concerns regarding the payment of recruitment fees and costs. Comments can be categorized into thematic areas relevant to migrant workers:

1. Definition of recruitment fees and related costs;
2. Exceptions to the prohibition of charging recruitment fees;
3. Interlinkage between recruitment fees and related costs and vulnerability to forced labour;

⁷⁰ C97 –Migration for Employment Convention (Revised), 1949 [Observation \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

4. Interlinkage between recruitment fees and related costs and workplace and employment discrimination;
5. Requests for information on practical application;
6. Monitoring and enforcement; and
7. COVID-19.

1. Definition of recruitment fees and related costs

In its comments, the CEACR has identified different types of recruitment costs which workers bear. These include wage deductions or salary remittances to cover administrative costs,⁷¹ transportation costs⁷² and work permit fees,⁷³ recruitment fees to illegal brokers,⁷⁴ administrative fees,⁷⁵ registration fees,⁷⁶ and document fees⁷⁷.

2. Exceptions to the prohibition of charging recruitment fees

Unjustified exception to the prohibition of charging of recruitment fees

Article 7(1) of Convention No. 181 contains a general prohibition on the charging of fees or other costs, directly or indirectly, in whole or in part, to workers. However, article 7(2) of Convention No. 181 permits exceptions through which member States may allow private agencies to charge fees or related costs for certain categories of workers, as well as specified types of services. In its General Survey concerning employment instruments, the Committee noted that making

use of article 7(2) is subject to consultation, transparency and reporting. This prohibition is reiterated in Regulation A 1.4 paragraph 5 (b) of the MLC, 2006, article 22 (3) (b) of Convention No. 188. article 15(1)(e) of Convention No. 189 states that member states shall take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. The MLC specifies that exceptions to the prohibition of charging recruitment fees or other charges concern the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner.

In Niger, the CEACR noted, on the application of Convention No. 181, that although the Private Mediation Agency Decree prohibits private employment agencies from charging fees and costs to workers, Section 41 of the Labour Code limits the prohibition to employment relationships within the country or in a cross-border context if at least three months' worth of work is done in Niger. The Committee also noted that the Temporary Work Agency Decree does not prohibit the charging of fees to job seekers. Hence, it asked the Government to provide detailed information on the measures taken or envisaged to ensure that no private employment agencies placing or recruiting persons in the Republic of Niger charge directly or indirectly for their services. It also requests the Government to provide information on the mechanisms and procedures in place to enforce prohibitions against fee charging (Article 7).⁷⁸

71 Grenada: C097 – Migration for Employment Convention, 1949, [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

72 Ibid.

73 Anguilla: C097 – Migration for Employment Convention (Revised), 1949 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019).

74 Thailand: C029 – Forced Labour Convention, 1930 and P029 2014 [Observation \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

75 Albania: C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019).

76 The Philippines: C097 – Migration for Employment Convention (Revised), 1949 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

77 Thailand: C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

78 Niger: C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019).

The CEACR has also noted where legislation is clear on its prohibition. Under the MLC, 2006, the Committee noted in the case of Latvia that costs allowed under Cabinet Regulation No. 364 of May 2011 are costs associated with obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, which are in line with the Standard A1.4 paragraph 5b.⁷⁹

Unclear exception to the prohibition of charging of recruitment fees

On Convention No. 181, the CEACR noted a lack of clarity regarding the exceptions contemplated in article 7(2) of Convention No. 181 in seven countries.⁸⁰ For example, in Ethiopia, the Committee noted that the types of fees that can be charged are laid down in section 10(2) of the 2016 Overseas Employment Proclamation No. 923/2016. The CEACR reiterated its request that the Government provides information on the reasons authorizing the exception, in the interest of the workers concerned, as contemplated in Article 7(2) of the Convention, to the principle that agencies should not charge fees or costs to workers, which would permit charging for the items set out under section 10(2) of the Overseas Employment Proclamation No. 923/2016, as well as information on the corresponding measures of protection. In addition, it requests the Government to indicate which employers' and workers' organizations were consulted in the interests of the migrant workers concerned.⁸¹

Under the MLC, the Committee identified similar problems with exceptions of 'other fees' allowed

to be charged to workers, which may be outside those contemplated by Standard A1.4b paragraph 5 of the MLC in China⁸² and Thailand.⁸³ Likewise, the CEACR, on Convention No. 188, requested that the United Kingdom clarify whether provisions of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 that contain circumstances in which fees may be charged to work-seekers apply to fishers.⁸⁴

3. Interlinkage between recruitment fees and related costs and vulnerability to forced labour

Under article 2 (d) of the Forced Labour Protocol, States have an obligation to protect persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process. The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) requires that Members should take the most effective preventive measures, such as the promotion of coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion (Para 4(i)). In terms of protection measures, it calls upon Members to take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as eliminating the charging of recruitment fees to workers (Para 8(a)).

In its comments on Convention No. 29, the CEACR noted that payment of fees remained an abusive practice that could increase vulnerability to

79 Latvia: Maritime Labour Convention 2006 [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

80 *Albania*, C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019); *Belgium*, C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2016, published 106th ILC session (2017); *Ethiopia*, C181 – Private Employment Agencies Convention, 1997 [Observation \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022); *Fiji*, Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022); *North Macedonia*, C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021); *Serbia*, C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019); and *Zambia*, C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

81 Ethiopia: C181 – Private Employment Agencies Convention, 1997 [Observation \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

82 China: Maritime Labour Convention, 2006 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019).

83 Thailand: Maritime Labour Convention, [Observation \(CEACR\)](#) – adopted 2023, published 112th ILC session (2024).

84 United Kingdom: C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

forced labour in 9 cases.⁸⁵ In its Observation on Thailand, noting the alarmingly high level of debt bondage among fisher members in the [Fishers Rights Networks], the Committee urged the Government to continue to strengthen its efforts to ensure that migrant workers in the fishing sector are not exposed to practices that would increase their vulnerability to forced labour or debt bondage, in particular in matters related to the payment of recruitment fees and the recruitment by illegal brokers; and to report in detail on results in this respect.⁸⁶

In its Observation concerning the United Arab Emirates, the Committee requested the Government to pursue its efforts to ensure that migrant workers are protected from abusive practices linked to [...] the imposition of recruitment fees.⁸⁷ As mentioned above, in its comments on Convention No. 122 concerning Sri Lanka the committee requested information on the impact of the measures undertaken to ensure that Sri Lankan nationals recruited to work abroad are protected from practices that might increase their vulnerability to the exaction of forced labour.⁸⁸ Likewise, in a Direct Request to Sweden, the Committee on Convention No. 143 requested further information from the Government of Sweden on measures taken to detect, prevent and address trafficking in persons for forced labour purposes, in particular of migrants in an irregular situation and asylum seekers under Convention No. 143.⁸⁹

4. Interlinkage between recruitment fees and related costs and workplace and employment discrimination

The CEACR has further noted that the payment of fees can contravene the principle of non-discrimination between migrant and national workers as enshrined in Convention Nos. 97 and 111, under article 6 and article 1 respectively. With regard to the application of Convention No. 97 in Anguilla, the Committee noted that the draft Labour Code prevented the charging of fees and costs to workers, except for work permit fees, up to fifty per cent of which is deductible from the workers' wages if the employer incurs the original cost. The Committee recalled that article 6(1)(a)(i) of the Convention prohibits unequal treatment between nationals and migrant workers with respect to remuneration and requested the Government to provide information on the amount of the work permit fee incurred, and to clarify whether the work permit fee is charged to the worker or the employer and for what purpose (including costs covered).⁹⁰ Likewise, on Convention No. 181, the CEACR held that the Mongolian Employment Promotion Law, which emphasises the delivery of employment promotion services to Mongolian citizens free of charge, could be interpreted as permitting private employment agencies to charge fees to non-Mongolian jobseekers.⁹¹ With regard to the application of Convention No. 111, the CEACR, requested the Government of Kuwait to ensure genuine protection for migrant domestic workers, in law and practice, against direct and

85 *Australia*, C029 and P029 – Forced Labour Convention and Protocol, 1930 and 2014 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019); *Bahrain*, C029 – Forced Labour Convention, 1930 [Observation \(CEACR\)](#) – adopted 2017, published 107th ILC session (2018); *Lebanon*, C029 – Forced Labour Convention, 1930 [Observation \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022); *Malaysia*, C029 and P029 – Forced Labour Convention and Protocol [Observation \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023); *Maldives*, C029 – Forced Labour Convention, 1930 [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021); *Philippines*, C029 – Forced Labour Convention, 1930 [Observation \(CEACR\)](#) – adopted 2016, published 106th ILC session (2017); *Sri Lanka*, C029 – Forced Labour Convention, 1930 and P029 2014 [Observation \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021); *Thailand*, C029 – Forced Labour Convention, 1930 and P029 2014 [Observation \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021), and *Uganda*, C029 – Forced Labour Convention, 1930 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

86 C029 – Forced Labour Convention, 1930 and P029 2014 [Observation \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

87 C029 – Forced Labour Convention, 1930 [Observation \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

88 C122 – Employment Policy Convention [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

89 C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 [Direct Request \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

90 C097 – Migration for Employment Convention (Revised), 1949 [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019).

91 C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 110th ILC session (2019).

indirect discrimination on all of the grounds set out in the Convention.⁹² The Committee, in its Observation on Qatar on Convention No. 111, noted attempts by employers of domestic workers to recover fees paid to recruitment agencies from workers themselves and requested the Government to ensure that domestic workers benefit from the same legal and practical protections against discrimination as other categories of workers, including with respect to disbursement of wages.⁹³

5. Requests for information on practical application

The CEACR noted a lack of information regarding the practical application of the prohibition of charging of recruitment fees and related costs to workers, as laid down in article 7(1) of Convention No. 181, Regulation A 1.4 paragraph (5) (b) of the MLC, 2006, article 22 (3) (b) of Convention No. 188 or article 15(1)(e) of Convention No. 189. For example, the CEACR requested the Government of Malta, in its comments on the application of the MLC 2006, to provide further information on how it was ensured that no fees or other charges for recruitment or placement be borne by the fishers concerned.⁹⁴ Similarly, the Committee requested the Government of Lithuania to provide information on how it gives effect to the prohibition of charging fees to the seafarer.⁹⁵ Regarding Angola,⁹⁶ Argentina,⁹⁷ Lithuania,⁹⁸ Thailand⁹⁹ the CEACR, on the application of Convention No. 188,

requested the respective Governments to provide further information on how it was ensured that no fees or other charges for recruitment or placement were borne directly or indirectly, in whole or in part, by the fishers concerned.

6. Monitoring and enforcement

The CEACR has noted the importance of strengthened legislative, policy and monitoring mechanisms to prevent the charging of recruitment fees and costs to workers. For example, with regard to Convention No. 29, the CEACR noted, in the case of Canada, the amendments to the Immigration and Refugee Protection Regulations, which seek to prohibit employers and recruiters operating on their behalf from charging or recovering recruitment fees from the worker. Under Convention No. 181, the Committee requested further information on the mechanisms and procedures in place to enforce the prohibition against fee charging in the case of Niger¹⁰⁰ and Rwanda¹⁰¹. On the application of the MLC, 2006, the CEACR requested that the Government of Viet Nam adopt measures to bring its laws into compliance with the obligation to ensure that recruitment and placement of seafarers are free of charge for seafarers.¹⁰² Likewise, for Mauritius, the Committee requested that the Government adopt measures to implement the requirements of the Convention. This also included the minimum requirements for the operation of private seafarer recruitment and placement services pursuant to Standard A1.4,

92 Kuwait: C111 – Discrimination (Employment and Occupation) Convention, 1958) – [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

93 Qatar: C111 – Discrimination (Employment and Occupation) Convention, [Observation \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

94 Malta: Maritime Labour Convention 2006 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

95 Lithuania: Maritime Labour Convention 2006 [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

96 Angola: C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

97 Argentina: C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

98 Lithuania: C188 – Work in Fishing Convention, 2007 – [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

99 Thailand: C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

100 Niger: C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2018, published 111th ILC session (2019).

101 Rwanda: C181 – Private Employment Agencies Convention, 1997 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

102 Viet Nam; Maritime Labour Convention, 2006 [Direct Request \(CEACR\)](#) – adopted 2020, published 110th ILC session (2022).

paragraph 5 (prohibition of blacklists, no fees or charges for the seafarer, ...).¹⁰³ In the case of Poland,¹⁰⁴ the Committee on the application of Convention No. 188, noted that employment agencies placing Polish citizens with foreign employers may charge fees for medical examination, translation of documents, issuance of visa, travel and other undefined parties' obligations. It asked the Government to take necessary measures to ensure that no fees or other charges for recruitment and placement are borne directly or indirectly, in whole or in part, by the fisher for their recruitment or placement. On Convention No. 189, the CEACR requested the Government of Jamaica to take measures to ensure that domestic workers are not charged (directly or indirectly) placement fees by private employment agencies.¹⁰⁵ Similarly, the CEACR requested several Governments to indicate the measures adopted or envisaged to ensure that the fees charged by private employment agencies were not deducted directly or indirectly from the remuneration of domestic workers.¹⁰⁶ On Convention No. 97, the CEACR also requested that China – (Hong Kong Special Administrative Region) adopt measures

to ensure that recruitment fees or related costs are not collected from workers.¹⁰⁷

7. COVID-19

The CEACR further noted the impact of the COVID-19 pandemic on the prohibition of charging fees as well as approaches implemented by Governments to better protect migrant workers during the pandemic. In its 2020 General Observation on the MLC, 2006, the Committee noted with deep concern the challenges and the impact that restrictions and other measures adopted by governments around the world to contain the spread of the COVID-19 pandemic has had on the protection of seafarers' rights as laid out in the Convention.¹⁰⁸ In this light, the Committee urged ratifying countries to ensure that fees and other costs were not charged to seafarers, except those permitted under Standard MLC, 2006 A1.4 paragraph 5 (b).¹⁰⁹ On Convention No. 111, the CEACR noted the steps taken by the Government of Bahrain to protect migrant workers during the pandemic, including freezing all fees related to the renewal of work permits.¹¹⁰

103 Mauritius: Maritime Labour Convention, 2006 [Direct Request \(CEACR\)](#) – adopted 2021, published 110th ILC session (2022).

104 **Poland:** C188 – Work in Fishing Convention, 2007 [Direct Request \(CEACR\)](#) – adopted 2022, published 109th ILC session (2023).

105 Jamaica: C189 – Domestic Workers Convention, 2011 [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

106 Dominican Republic: [Direct Request \(CEACR\)](#) – adopted 2018, published 108th ILC session (2019), Germany: [Direct Request \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021), Guyana: [Direct Request \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023), Paraguay: [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021), Switzerland: [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

107 China (Hong King SAR): C097 – Migration for Employment Convention (Revised) 1949, [Direct Request \(CEACR\)](#) – adopted 2019, published 109th ILC session (2021).

108 Maritime Labour Convention, 2006 (MLC, 2006) – [General Observation \(CEACR\)](#) – adopted 2020, published 109th ILC session (2021).

109 Ibid.

110 Bahrain: C111 – Discrimination (Employment and Occupation) Convention, 1958 [Observation \(CEACR\)](#) – adopted 2022, published 111th ILC session (2023).

Annex 5. Comments of the Committees on the Application of the Conventions and Recommendations regarding recruitment fees and costs 2017–2023

S.N.	Country	Convention	Themes
Africa			
1	Angola	C188 – Work in Fishing Convention, 2007 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	▶ Provide particulars of policies to operationalise the prohibition on payment of fees.
2	Benin	Maritime Labour Convention, 2006 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	▶ Requests to view new legislation operationalising the provisions of Regulation 1.4 of MLC 2006.
3	Ethiopia	C181 – Private Employment Agencies Convention, 1997 Observation (CEACR) – adopted 2021, published 110th ILC session (2022)	▶ Unclear exceptions under Article 7(2)
4	Niger	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	▶ More information on operational measures to enforce the prohibition under Article 7(1)
5	Rwanda	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ More information on operational measures to enforce the prohibition under Article 7(1)
6	Mauritius	Maritime Labour Convention, 2006 Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)	▶ Requests the Government to adopt measures to operationalise Regulation 1.4 of MLC 2006
7	Uganda	C029 – Forced Labour Convention, 1930 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Strengthen efforts to fully protect migrant workers from abusive working conditions, increasing their vulnerability to forced labour and providing information on such measures.
9	Zambia	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Unclear exceptions under Article 7(2)
Americas			
10	Anguilla	C097 – Migration for Employment Convention (Revised), 1949 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	▶ Unclear exceptions to the prohibition of fees. ▶ Constituting nationality-based discrimination. ▶ Wage deductions.
11	Argentina	C188 – Work in Fishing Convention, 2007 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	▶ Provide details on how to operationalise the provisions of Standard A1.4 para 5. (this time through trade union recruiting).
12	Barbados	C097 – Migration for Employment Convention (Revised), 1949 Observation (CEACR) – adopted 2021, published 110th ILC session (2022)	▶ Part-salary remittance or deduction, part of which to pay for admin costs of the programme.
13	Canada	C029 and P029 – Forced Labour Convention and Protocol, 1930 and 2014 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Welcomes new developments prohibiting charging and recovering fees from the worker and calls on the government to provide information on the amendments.

S.N.	Country	Convention	Themes
14	Dominican Republic	C189 Domestic Workers Convention 2011 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	► Unclear measures to prevent the charging of fees to recruitment workers.
15	Grenada	C097 – Migration for Employment Convention, 1949, Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	► Part-salary remittance or deduction, part of which will cover the employer's transportation and work permit costs related to the programme.
16	Guyana	C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	► Unclear measures to ensure that domestic workers are not charged.
17	Jamaica	C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	► Fees not prohibited but regulated. Should provide that they are prohibited.
18	Paraguay	C189 Domestic Workers Convention Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Indicate measures taken to operationalise Art 15 of C189
Asia and the Pacific			
19	Afghanistan	C095 Protection of Wages Convention Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Prohibition of recruitment fees through wage deduction.
20	Australia	C029 and P029 – Forced Labour Convention and Protocol, 1930 and 2014 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	► Recruitment fees as a form of migrant worker vulnerability to exploitation.
21	Bangladesh	Maritime Labour Convention, 2006 Direct Request (CEACR) adopted 2018, published 108th ILC session (2019)	► Requests more information on the operationalisation of the requirements of Standard A1.5 para 5.
22	China	Maritime Labour Convention, 2006 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	► Unclear exceptions under Standard A1. 4 para 5(b)
23	China – Hong Kong Special Administrative Region	C097 – Migration for Employment Convention (Revised) 1949, Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Adopt measures protecting migrant workers from paying recruitment fees and costs.
24	Fiji	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)	► Unclear exceptions under Article 7(2)
25	Malaysia	C029 and P029 – Forced Labour Convention and Protocol Observation (CEACR) – adopted 2022, published 111th ILC session (2023)	► Payment of high recruitment fees can amount to forced labour Take measures to fully protect workers against abusive practices amounting to forced labour.
26	Maldives	C029 – Forced Labour Convention, 1930 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	► Payment of fees can amount to forced labour. Request full implementation of measures to protect workers from abusive practices.
27	Mongolia	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2018, published 110th ILC session (2019)	► Measures to ensure non-discrimination between national and non-national workers regarding payment of recruitment fees and costs.

S.N.	Country	Convention	Themes
28	Philippines	C097 – Migration for Employment Convention (Revised), 1949 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023).	▶ Lift registration fees and free information by accredited service providers
		C097 – Migration for Employment Convention (Revised), 1949 Direct Request (CEACR) – adopted 2012, published 102nd ILC session (2013) (listed as background to comment from 2022)	▶ Adopt measures to ensure that public employment agencies do not charge recruitment fees and other related costs to migrant workers.
		C029 – Forced Labour Convention, 1930 Observation (CEACR) – adopted 2016, published 106th ILC session (2017)	▶ Adopt measures to ensure that migrant workers are protected from abusive practices
29	Sri Lanka	C122 – Employment Policy Convention Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Adopt measures to protect migrant workers from paying exorbitant recruitment fees, which leaves them vulnerable to exploitation through forced labour.
		C029 – Forced Labour Convention, 1930 and P029 2014 Observation (CEACR) – adopted 2019, published 109th ILC session (2021)	▶ Exorbitant recruitment fees are a means of increased vulnerability to exploitation through forced labour.
30	Thailand	C188 – Work in Fishing Convention, 2007 Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)	▶ Measures to ensure that fishers do not bear fees.
		Maritime Labour Convention, 2006 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	▶ Unclear exceptions under Standard A1.4 para 5(b)
		C029 – Forced Labour Convention, 1930 and P029 2014 Observation (CEACR) – adopted 2019, published 109th ILC session (2021)	▶ Recruitment fees lead to debt bondage and exacerbate the risk of exploitation through forced labour.
		C029 – Forced Labour Convention, 1930 and P029 2014 (follow-up to the recommendations of the tripartite Committee (representation made under article 24 of the ILO Constitution) Observation (CEACR) – adopted 2017, published 107th ILC session (2018) (listed as background to observation from 2021)	▶ Strengthen measures to protect migrant workers in fishing from payment of recruitment fees and recruitment by illegal brokers
31	Viet Nam	Maritime Labour Convention, 2006 Direct Request (CEACR) – adopted 2020, published 110th ILC session (2022)	▶ Adopt measures to bring the regulation of seafarers recruitment into compliance with Standard A1.4 of MLC 2006.
Europe and Central Asia			
32	Albania	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	▶ Unclear exceptions under Article 7(2)
33	Belgium	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2016, published 106th ILC session (2017)	▶ Unclear exceptions under Article 7(2)
34	France	C097 – Migration for Employment Convention (Revised), 1949 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	▶ Charging migrants for the renewal of their residence permits that authorise employment.

S.N.	Country	Convention	Themes
35	Germany	C122 – Employment Policy Convention, 1964 Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)	► Regulation of private recruitment agencies in Germany.
		C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	► Measures to ensure that domestic workers do not bear fees.
36	Ireland	C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2017, published 107th ILC session (2018)	► Provide information on the operationalisation of domestic worker regulations.
37	Latvia	Maritime Labour Convention 2006 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Provisions prohibiting direct and indirect fees and access to information.
38	Lithuania	Maritime Labour Convention 2006 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Poor implementation of regulations, including the prohibition of recruitment fees.
		C188 – Work in Fishing Convention, 2007 – Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	► Provide information on steps taken to prevent the charging of recruitment fees to fishers.
39	Malta	Maritime Labour Convention 2006 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	► Provide details on how Standard A1.4 para 5's provisions (this time through trade union recruiting) are operationalised for recruitment agencies.
40	Montenegro	Maritime Labour Convention 2006 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	► Reforms of maritime laws with prohibitions for prohibiting legal persons charging recruitment fees to seafarers.
41	North Macedonia	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	► Unclear provisions prohibiting recruitment fees.
42	Poland	C188 – Work in fishing Convention 2007 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	► Unclear provisions for the party responsible for paying recruitment fees.
43	Portugal	C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	► Provide information on means engaged in operationalising Art 15 of C189
44	Serbia	C181 – Private Employment Agencies Convention, 1997 Direct Request (CEACR) – adopted 2018, published 108th ILC session (2019)	► Unclear exceptions under Article 7(2)
45	Slovenia	Maritime Labour Convention 2006 Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	► Provide details on how to operationalise the provisions of Standard A1.4 para 5.
46	Spain	C172 – Working Conditions (Hotels and Restaurants) Convention, 1991 Observation (CEACR) – adopted 2019, published 109th ILC session (2021) (and Observation – CEACR, adopted in 2021, published 110th session ILC 2022)	► Vulnerability of workers in the hospitality sector to being made to pay for jobs owing to allegations of the sale and purchase of housekeeping jobs.
47	Sweden	C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022)	► Payment of recruitment fees could be an indicator of the trafficking of persons for forced labour.

S.N.	Country	Convention	Themes
48	Switzerland	C189 – Domestic Workers Convention, 2011 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021)	▶ Take measures to ensure that fees charged by private agencies are not charged to the worker.
49	The United Kingdom	C188 – Work in Fishing Convention, 2007 Direct Request (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Unclear exceptions to the prohibition of fees.
Arab States			
50	Bahrain	C029 – Forced Labour Convention, 1930 Observation (CEACR) – adopted 2017, published 107th ILC session (2018)	▶ Adopt measures to ensure that migrant workers are protected from abusive practices.
		C111 – Discrimination (Employment and Occupation) Convention, 1958 Observation (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Reduce the fees required by migrant workers in to enable greater access to the FLEXI permit.
51	Lebanon	C029 – Forced Labour Convention, 1930 Observation (CEACR) – adopted 2021, published 110th ILC session (2022)	▶ Recruitment fees could contribute to abusive practices leading to forced labour.
52	Kuwait	C111 – Discrimination (Employment and Occupation) Convention, 1958) – Direct Request (CEACR) – adopted 2020, published 109th ILC session (2021)	▶ Charging of recruitment fees could constitute discrimination in employment and occupation.
53	Qatar	C029 – Forced Labour Convention, 1930 Observation (CEACR) – adopted 2020, published 109th ILC session (2021)	▶ Compensation for change of employers to be paid by the former employer to the new employer.
		C111 – Discrimination (Employment and Occupation) Convention, Observation (CEACR) – adopted 2022, published 111th ILC session (2023)	▶ Discrimination in legal protection for domestic workers regarding payment of recruitment fees.
54	United Arab Emirates	C029 – Forced Labour Convention, 1930 Observation (CEACR) – adopted 2020, published 109th ILC session (2021)	<ul style="list-style-type: none"> ▶ Practical application of the prohibition of fees in the new legislation. ▶ Continue efforts to prohibit the charging of recruitment fees. ▶ Request more information on the number of employment transfers.
General			
55	Global	Maritime Labour Convention, 2006 (MLC, 2006) – General Observation (CEACR) – adopted 2020, published 109th ILC session (2021)	▶ Impact of COVID-19 on the protection of seafarers, including on the prohibition of fees.

Annex 6. Key national legislation relevant to recruitment fees and related costs

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Africa							
Algeria	1	n/a	1	Loi n° 04-19 du 25 décembre 2004 relative au placement des travailleurs et au contrôle de l'emploi Décret exécutif n° 07-123 du 24 avril 2007 déterminant les conditions et les modalités d'octroi et de retrait d'agrément aux organismes privés de placement des travailleurs et fixant le cahier des charges-type relatif à l'exercice du service public de placement as amended by Décret exécutif n° 18-193 du 22 juillet 2018	Both	Prohibited	No
Botswana	0	0	0	Employment Act 1982 (Cap 47:01) (Act 29, 1982) as amended in 2010	Both	Prohibited	No
Burkina Faso	0	0	0	Loi n° 028-2008-AN du 13 mai 2008 portant Code du Travail	Both	Prohibited	No
Cote d'Ivoire	0	1	0	Loi n°2015-532 du 20 juillet 2015 Code du Travail (dans sa teneur modifiée en 2021)	Both	Prohibited	No
Djibouti	1	1	0	Décret n°2004-0054/PR/MESN du 1er avril 2004	Both	Prohibited	Yes
Egypt	1	1	0	Decree of the Ministry of Manpower and Migration No. 135 of 2003 Promulgating the Regulations for Engaging in Recruiting Egyptians for Work Abroad and Domestically Still to be identified – interviewees indication a law allowing fees up to 2 per cent	Both	Regulated	No
Eswatini	0	1	0	Employment Act 1981	Both	Prohibited	No
Ethiopia	1	n/a	1	Ethiopia's Overseas Employment Proclamation No. 923/2016 Employment Exchange Services Proclamation No. 632/2009 // Labour Relations Proclamation No. 377/2003 , as amended by the Employment Exchange Services Proclamation No. 632/2009	Both	Regulated	Yes

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Gabon	0	1	0	Loi n° 3/94 du 21 novembre 1994 portant Code du travail (dans sa teneur modifiée au 8 février 2019) Code du Travail (dans sa teneur modifiée au 8 février 2019)	Both	Prohibited	Yes
Ghana	1	1	0	The Labour Act, 2003 (Act 651) Labour Regulations, 2007, (L.I. 1833) Code of Conduct of the "Ghana Association of Private Employment Agencies" (GHAPEA)	Both	Regulated	Yes
Guinea	0	0	0	Loi n° L/2014/072/CNT du 10 janvier 2014 portant Code du travail de la République de Guinée.	Both	Prohibited	No
Kenya	1	0	0	Labour Institutions Act of 2007 (No. 12 of 2007) [revised 2012]	International recruitment	Regulated	No
Libya	1	1	0	Decision of the Secretariat of the General Popular Committee No. 77 of 1370 (A.D. 2002) concerning provisions on the placement of jobseekers.	Both	Regulated	No
Madagascar	1	n/a	1	Loi n°2018-034 autorisant la ratification de la Convention n°181 concernant les agences d'emploi privées, 1997 Décision n°38-HCC/D1 du 21 décembre 2018 Relative à la loi n°2018-034 autorisant Loi n° 2003-044 du 28 juillet 2004 portant Code du travail.	Both	Prohibited	No
Mali	1	n/a	1	La Loi n° 92-020 du 23 septembre 1992 portant Code du travail en République du Mali, as amended by Loi n° 2017-021 du 12 juin 2017	Both	Prohibited	No
Mauritania	0	1	0	Loi N° 2004-017 portant code du travail	Both	Regulated	No
Morocco	0	n/a	1	Livre IV of the Labour Code, No. 5210, 2004, as amended up to 2017	Both	Prohibited	No
Namibia	0	0	0	Employment Service Act, 2011, No. 8 of 2011 (as amended by Labour Amendment Act 2 of 2012)	Both	Prohibited	No
Niger	0	n/a	1	Loi n° 2012-45 du 25 septembre 2012 portant Code du travail Décret n° 2017-682 du 10 août 2017 portant partie réglementaire du Code du Travail	Both	Prohibited	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Nigeria	1	n/a	1	The Labour Act Chapter 198, Laws of the Federation of Nigeria 1990 Nigeria Code of Conduct for Private Employment Agencies (NCCPEA)	Both	Regulated	No
Senegal	0	1	0	Loi n° 97-17 du 1er décembre 1997 portant Code du Travail.	Both	Prohibited	No
Sierra Leone	1	n/a	1	Overseas Employment and Migrant Workers Act, 2023 The Employment Act 2023	Both	Regulated	Yes
South Africa	0	0	0	Employment Services Act, 2014, No. 4 of 2014	Both	Prohibited	No
South Sudan	0	0	0	Labour Act 2017	Both	Prohibited	No
Tanzania (United Republic of)	1	0	0	National Employment Promotion Service Act, 1999 (No. 9 of 1999). Non-Citizens (Employment Regulation) Regulations, 2016 (No. 49 of 2016).	Both	Regulated	No
Togo	0	0	0	La loi n° 2006-010 du 13 décembre 2006 portant Code du travail.	Both	Prohibited	No
Tunisia	1	0	0	Employment policy, promotion of employment and employment services, Decree No. 2010/2948, as amended by Decree No. 2011/456	International recruitment	Prohibited	No
Uganda	0	0	0	Rules and regulations Governing the Recruitment and employment of Ugandan migrant workers abroad, 2006	International recruitment	Regulated	Yes
Zambia	0	n/a	1	Employment Act, 2017 Employment Regulations, as amended by Act 13 of 1994	Both	Prohibited	No
Zimbabwe	0	0	0	The Labour Act [Chapter 18:01]; 16/1985, 12/1992, 20/1994 (s. 19), 22/2001 (s. 4), 17/2002, 7/2005 ,	Both	Prohibited	No
Americas							
Antigua and Barbuda	0	n/a	1	Recruiting of Workers Act (Cap. 372 No. 41 of 1941)	Both	Regulated	No
Argentina	1	1	0	Ley 24.648/1996, de aprobación del Convenio OIT 96 sobre Agencias Retribuidas de Colocación Decreto 489/2001 Agencias retribuidas de colocación Ley 18.694/1970 Régimen uniforme de sanciones para las infracciones a las leyes nacionales reglamentarias del trabajo	Both	Regulated	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Bolivia (Plurinational State of)	1	1	0	Decree No. 1486, 2013. Ministerial Resolution No. 1321/2018 which enacts the "Regulation on the registration and functioning of private employment agencies", which regulates the registry and functions of PEAs	Both	Prohibited	No
Brazil	1	0	0	Law No. 6.019, 1974, as amended by Laws No. 13.429 and No. 13.467, 2017 Projeto de Lei 8772/2017	Both	Prohibited	Yes
Canada	1	0	0	Seasonal Agricultural Worker Program (SAWP), 1966 In addition: British Columbia Employment Standards Act, RSBC 1996 Ontario, Employment Standards Act LO 2000; Manitoba, The Worker Recruitment and Protection Act CCMcW197 Alberta, Employment Agency Business Licensing Regulation, Alta Reg 45/2012 The Saskatchewan Employment Act, 2014 Nova Scotia Labour Standards Code, 1989 Northwestern Territories Employment Standards Act, 2008; Quebec, Loi sur les normes du travail, as amended in 2018 Regulations Amending the Immigration and Refugee Protection Regulations (Temporary Foreign Workers): SOR/2022-142	Both	Prohibited	Yes
Chile	0	0	0	Código de Trabajo, as amended in 2017	Both	Prohibited	No
Colombia	1	0	0	Decree No. 722, 2013 Resolution 1481, 2014 (on Transnational Employment Agencies)	Both	Prohibited	No
Cuba	1	1	0	Ley núm. 116 por la que se dicta el Código del Trabajo, as amended up to 2020		Prohibited	No
Ecuador	1	0	0	Decree 2166, 2004 – Normas que deben observarse en la prestación de servicios de Intermediación Laboral conocida como Tercerización	Both	Prohibited	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
El Salvador	1	0	0	Decreto 682, 1996 – Ley de organización y funciones del sector trabajo y previsión social Decreto 914, 2018 – ley especial reguladora para la contratación y colocación de la gente de mar en buques de bandera extranjera	Both	Regulated	Yes
Guatemala	1	0	0	Decree No. 1441, Labor Code	Both	Regulated	Yes
Guyana	0	0	0	Recruitment of Worker Act (Cap. 98:06), 1943	Both	Regulated	No
Honduras	0	0	0	Acuerdo No. STSS-252-2008, (International recruitment)	Both	Prohibited	No
Jamaica	0	0	0	Law 43, 1956 – The Employment Agencies Regulation Act (last amended in 2007) Regulation 254, 1957 – The Employment Agencies Regulation (last amended in 2010)	Both	Regulated	No
Mexico	0	1	0	Federal Labor Law (last amended in 2019) Reglamento de agencias de colocación de trabajadores (DOF: 03/03/2006), as last amended in 2014	Both	Prohibited	No
Nicaragua	1	0	0	Ministerial Agreement JCHG-004-04-07, 2007 on the regulation of Private Employment Agencies	Both	Prohibited	No
Panama	1	n/a	1	Law No. 18, 1999 Executive Decree No. 32 2016	Both	Prohibited	No
Paraguay	0	0	0	Law No. 213, 1993, Código del Trabajo, as amended in 2007	Both	Prohibited	No
Peru	1	0	0	Decreto Supremo No. 020-2012-TR – Decreto Supremo que aprueba Normas Reglamentarias para el Funcionamiento de las Agencias Privadas de Empleo	Both	Prohibited	No
Suriname	1	n/a	1	Private Employment Agencies Act, 2017	Both	Prohibited	No
Uruguay	0	n/a	1	Decree No. 137, 2016 – Reglamentación del funcionamiento de las agencias de empleo privadas y derogación del decreto 384/979	Both	Prohibited	No
Venezuela (Bolivarian Republic of)	1	0	0	Labour Law, 2012, decree No. 8.938	International recruitment.	Regulated	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Asia Pacific							
Afghanistan	0	0	0	Regulation for Sending Afghan Workers Abroad, 2005	International recruitment	Regulated	No
Australia	1	0	0	Australia Pacific Seasonal Worker Pilot Scheme, 2008	International Recruitment	Regulated	Yes
Bangladesh	0	1	0	Overseas Employment and Migrants Act, Act No. VLVIII of 2013	International recruitment	Regulated	No
Cambodia	0	0	0	N/A	International recruitment	Regulated	No
China	0	0	0	Labour Law of the People's Republic of China, No. 28 of 1994	International recruitment	Regulated	No
Hong Kong (China)	0	0	0	Employment Ordinance, 1968, as amended in 2018, Part XII Employment Agencies	Both	Regulated	No
India	1	0	0	1) Emigration Act, 1983 (No. 31 of 1983) (international recruitment) 2) Chhattisgarh Private Placement Agencies (Regulation) Act, 2013	Both	Both	No
Indonesia	1	0	0	Law on Protection of Migrant Workers (No. 18/2017)	International recruitment	Regulated	Yes
Japan	1	n/a	1	Employment Security Act (Act No. 141 of 1947)	National recruitment	Regulated	No
Lao People's Democratic Republic	0	0	0	Operations Manual on the Protection and the Management of Migrant Workers for three Ministries of Lao PDR	International recruitment	Regulated	Yes
Malaysia	1	0	0	Private Employment Agencies Act 1981 (No. 246)	Both	Regulated	No
Mongolia	1	n/a	1	Law on Sending Labour Force Abroad and Receiving Labour Force and Specialists from Abroad, 2001, as amended in 2015	International recruitment	Regulated	Yes
Myanmar	0	0	0	Law Relating to Overseas Employment (The State Peace and Development Council Law No. 3/99), 1999	International recruitment	Regulated	No
Nepal	0	0	0	Foreign Employment Act, 2007 (Act No. 26 of the year 2042).	International recruitment	Regulated	No
New Zealand	1	0	0	Recognized Seasonal Employer Scheme, 2007	International recruitment	Regulated	No
Pakistan	0	1	0	Emigration Rules of 1979	International recruitment	Regulated	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Philippines	1	0	0	Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016	International recruitment	Regulated	No
Republic of Korea	1	0	0	Act on Foreign Workers Employment etc. (Act No. 6967)	International recruitment	Regulated	Yes
Singapore	1	0	0	Employment Agencies Act (Chapter 92), Ordinance 47 of 1958, revised edition 2012	Both	Regulated	No
Sri Lanka	0	1	0	(1) INTERNATIONAL REC. – Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985, as amended in 2009 (2) NATIONAL – Fee Charging Employment Agencies Act, 1958, as amended up to 2019	Both	Regulated	No
Thailand	1	0	0	Royal Ordinance Concerning the Management of Employment of Foreign Workers, B.E.2560 (2017)	International recruitment	Regulated	No
Vanuatu	0	0	0	Laws of the Republic of Vanuatu (Consolidated Edition 2006) Chapter 160 Employment, 2006	Both	Regulated	No
Viet Nam	1	0	0	Joint Circular on Guiding Brokerage Fees for Labour Export, 2006	International recruitment	Regulated	Yes
Europe and Central Asia							
Albania	1	n/a	1	Law 15/2019 on Employment Promotion Decision of the Council of Ministers No. 101 of 2018, "On the manner of organization and functioning of private employment agencies" – Labour Code of Albania, 1995	Both	Prohibited	No
Belgium – Flanders	1	n/a	1	Décret du 10 décembre 2010 relatif au placement privé, as amended in 2018 (applicable to Flanders) Décret du 3 Avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement, as amended in 2014 (applicable to Wallonia)	Both	Both	No
Bosnia and Herzegovina	1	n/a	1	DECREE on Private Agencies for Employment Mediation No. 293/2009 As amended in 2018 Law on Mediation in Employment and Social Security of Unemployed Persons of 2000	Both	Prohibited	No
Bulgaria	0	n/a	1	Employment Promotion Act of 2001,	Both	Prohibited	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Cyprus	1	0	0	Private Employment Agencies Law, No. 8(I)/97 as amended in 2012 and 2013	Both	Prohibited	No
Czechia	1	n/a	1	Employment Act 1991 as amended in 2018	Both	Prohibited	No
Denmark	1	0	0	Act on the legal rights of temporary agency workers, 2013 as amended in 2014	Both	Prohibited	No
Estonia	0	0	0	Labour Market Services and Benefits Act, 2005, as amended in 2014	Both	Prohibited	No
Finland	1	n/a	1	Act on public employment and business service, 2012, as amended up to 2015 (96/2012) Penal Code, as amended in 2016 Act on the enactment of the law on the organization of employment services and some related laws (383/2023) – law on the organization of employment services (380/2023)	Both	Prohibited	No
Germany	1	0	0	Temporary Employment Act, revised in 2017 Social Code, Book 3, as amended in 2019	Both	Both	No
Hungary	1	n/a	1	Labour Code as Amended in 2019	Both	Prohibited	No
Ireland	1	1	0	Temporary Agency Work Act of 2012, as amended in 2020	Both	Prohibited	No
Israel	1	n/a	1	Employment Service Law, 1959 as amended in 2019 Employment Service Regulations (Payments from a job seeker in connection with employment mediation), 2006, as amended up to 2019	Both	Regulated	No
Italy	0	n/a	1	Legislative Decree No. 276 of 2002	Both	Prohibited	No
Lithuania	1	n/a	1	Law on Employment, as amended in 2016 Labour Code, as amended in 2017	Both	Prohibited	No
Luxembourg	1	1	0	Code du Travail, as amended up to 2018 (Art. L.131-1–L.131-21)	Both	Prohibited	No
Malta	1	1	0	Temporary Agency Worker Regulation 2011 Employment Agencies Regulations, 1995, as amended in 2016	Both	Prohibited	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
Montenegro	1	0	0	Law on Employment and Exercising Rights from Unemployment Insurance, 2010, as amended in 2016	Both	Prohibited	No
Netherlands	1	n/a	1	Labour Allocation Act by Intermediaries (WAADI), 2008, as amended in 2018 –	Both	Prohibited	No
Norway	1	0	0	Working Environment Act, 2006, as amended in 2019 and its implementing regulations	Both	Prohibited	No
Poland	0	n/a	1	Act on the promotion of employment and labour market institutions, as amended in 2018	Both	Regulated	No
Portugal	1	n/a	1	Decree-Law No. 260/2009 on private employment agencies and temporary employment agencies, as amended up to 2019	Both	Prohibited	No
Republic of Moldova	1	n/a	1	Law 105 of 14 June 2018 on the Promotion of Employment and Employment Services	Both	Prohibited	No
Slovakia	1	n/a	1	Act No. 5/2004 Coll. of 4 December 2003 on employment services and on amendment of certain acts published in Chapter 4/2004 as amended in 2019	Both	Prohibited	No
Spain	1	n/a	1	1) Orden ESS/1/2012, de 5 de enero, por la que se regula la gestión colectiva de contrataciones en origen para 2012, as amended in 2017 2) Real Decreto 1796/2010, de 30 de diciembre, por el que se regulan las agencias de colocación, as amended in 2014 3) Ley 56/2003, de Empleo, as amended in 2018	Both	Prohibited	Yes
Sweden	1	0	0	Act on Private Job Placement and Hiring-Out of Labour No. 854 of 1993, as amended in 2016 Act on Private Employment Services No.440 of 1993, as amended in 2012	Both	Prohibited	No
Switzerland	1	0	0	Loi fédérale sur le service de l'emploi et la location de services, 1989, as amended in 2017 – Ordonnance sur les émoluments LSE, Oemol-LSE, 1991, as amended in 2014	Both	Regulated	No

Country	C88	C96	C181	Key legislation relevant to recruitment fees and related costs	Applies to national recruitment, international recruitment, or both	Provisions on fee charging to workers	Legislative change since 2018?
United Kingdom	0	0	0	Employment Agencies Act 1973 The Conduct of Employment Agencies and Employment Businesses Regulations 2003 Gangmasters and Labour Abuse Authority and Gangmasters and Labour Abuse GLA Brief, Issue 38 – June 2014: Job-Finding Fees and Providing Additional Services Gangmasters and Labour Abuse Authority	Both	Prohibited	No
Uzbekistan	0	0	0	Law of the Republic of Uzbekistan About Private Employment Agencies (amended 2020)	International recruitment	Prohibited	Yes
Arab States							
Bahrain	0	0	0	Act No. (19) With Regard to the Regulation of the Labour Market, 2006	Both	Prohibited	No
Jordan	0	0	0	Regulation No. 13 of 2015 regulating the Organization of Private Recruitment Agencies for the Recruitment of Non-Jordanian Domestic Workers (Official Gazette issue no. 5343 dated 1/6/2015)	International recruitment	Prohibited	Yes
Kuwait	0	0	0	Law No. 68 of 2015 on Employment of Domestic Workers	International recruitment	Prohibited	No
Lebanon	1	0	0	Unified Contract Decree No. 19/1, 2009 Order number 1/1, governing the work of placement agencies, 2011. Decree No. 8987/2012	Both	Prohibited	No
Qatar	0	0	0	Labour Law (Law No. 14 of 2004)	International recruitment	Prohibited	Yes
Saudi Arabia	0	0	0	1) Saudi Labour Law (private sectors) 2) Ministerial Decision No. 310/1434 (2013) regulating the employment of domestic workers	International Recruitment	Prohibited	Yes
United Arab Emirates	0	0	0	(1) United Arab Emirates Labour Law, 1980, as amended in 2007 (2) United Arab Emirates Domestic Workers Law, Federal Law No. 10 of 2017	Both	Prohibited	Yes

Annex 7. Definitions of recruitment fees and related costs by initiatives related to the adopted ILO definition of recruitment fees and related costs

This table is intended to provide an overview of current definitions of recruitment fees and related costs by selected industry initiatives (as well as US FAR) compared to the ILO definition of recruitment fees and related costs and to act as a supporting resource to those looking to adopt, adapt or implement a definition on recruitment fees and costs.




Please note this table is not intended to be exhaustive but is comprised of definitions of which we were already aware and can be expanded accordingly. In addition, it is made up of publicly

available information. Users should always refer to the original text of the definitions as some text here is shortened due to space restrictions and for ease of viewing.

In addition, the definition of recruitment fees and related costs should always be read in conjunction with the ILO Guiding Principles and Operational Guidelines for Fair Recruitment. For the full publication, please refer to this resource.

All organizations are invited to contact us at fl-businessnetwork@ilo.org should updates be required.

Legend

	Initiative policy is mostly aligned with the ILO definition
	Initiative policy is partially aligned with the ILO Definition with some aspects requiring further adjustment OR has no publicly available policy on this aspect.
	Initiative has no policy on this aspect of recruitment fees and related costs.

Organization

Template

Source page or document:

Link:

Changes since 2019:

II. Scope of Definition		II.A. Recruitment Fees					
The terms 'recruitment fees' or 'related costs' refer to any fees or related 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.	Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]	Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.	Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment	Payments made in the case of recruitment of workers with a view to performing work for a third party	Payments made in the case of direct recruitment by the employer	Payments required to recover recruitment fees from workers	These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]

IIB. Related Costs						
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	Medical costs (including medical examinations, tests or vaccinations)	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)	
IIC. Illegitimate, unreasonable, and undisclosed costs						
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	Other related costs as a condition of recruitment could also be prohibited	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...]	Examples include:	<ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain

Organization

Alliance to End Slavery and Trafficking

Source page or document: Recruitment Fees (2016)

Link: https://www.acq.osd.mil/dpap/dars/public_comments/Recruitment_Fees/ATEST.pdf

Changes since 2019: No

II. Scope of Definition		IIA. Recruitment Fees					
The terms 'recruitment fees' or 'related costs' refer to 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.	Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]	Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.	Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of employment and applications for	Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party	Payments made in the case of direct recruitment by the employer	Payments required to recover recruitment fees from workers	These fees may be one-time or recurring and cover recruiting and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]
Recruitment fees include any and all fees, charges, costs, assessments or other financial obligations associated with the recruiting process regardless of the manner or timing of their imposition or collection, including fees, charges, costs, assessments or other financial obligations assessed against workers in sending, receiving or transit countries.	Recruitment fees should not be collected from an employer or a third party including but not limited to agents, recruiters, staffing firms (including private employment and placement firms), subsidiaries/affiliates of the employer and any agent or employee of such entities.	Any fee, charge, or cost may be a recruitment fee regardless of whether it is deducted from wages, paid back in wage or benefit concessions, paid back as a kickback, bribe or tribute, remitted in connection with recruitment, or collected by an employer or a third party.	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

IIB. Related Costs						
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<input type="checkbox"/> Covered					
The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	<input type="checkbox"/> Not mentioned					
Medical costs (including medical examinations, tests or vaccinations)	<input type="checkbox"/> Covered					
Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	<input type="checkbox"/> Covered					
Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<input type="checkbox"/> Covered					
Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)	<input type="checkbox"/> Covered					

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs	
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Not mentioned		
Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered		
Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered		
Other related costs as a condition of recruitment could also be prohibited			
Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include:			
<ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain 			
Contract breach fees; legal fees; security deposits and bonds			
Bribes, tips or tributes, inclusion of collateral requirements, such as land deeds			

Organization

amfori

Source page or document: amfori Memo (ACs 2021/05 1) (2021)

Link: <https://www.amfori.org/sites/default/files/MEMO%202021-05-FAIR%20RECRUITMENT.pdf>

Changes since 2019: Yes

II. Scope of Definition		IIA. Recruitment Fees					
<p>The terms 'recruitment fees' or 'related costs' refer to 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.</p>	<p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment</p>	<p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p>Payments made in the case of direct recruitment by the employer</p>	<p>Payments required to recover recruitment fees from workers</p>	<p>These fees may be one- time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]</p>
<p>For the purpose of amfori Business Social Compliance Initiative (BSCI), auditors must use the ILO definition of recruitment fees and related costs.</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>

IIB. Related Costs					
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<input type="checkbox"/> Covered	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	<input type="checkbox"/> Covered	Medical costs (including medical examinations, tests or vaccinations)	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)	<input type="checkbox"/> Covered

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs	
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Covered	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered
Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered	Other related costs as a condition of recruitment could also be prohibited	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include: <ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain 	<input type="checkbox"/> Covered

IIB. Related Costs						
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<input type="checkbox"/> Covered	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	<input type="checkbox"/> Covered	Medical costs (including medical examinations, tests or vaccinations)	<input type="checkbox"/> Covered	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<input type="checkbox"/> Covered	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
IIC. Illegitimate, unreasonable, and undisclosed costs						
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Covered	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered	Other related costs as a condition of recruitment could also be prohibited
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include: <ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain 	<input type="checkbox"/> Covered	

Organization

Institute for Human Rights and Business (IHRB) / Leadership Group for Responsible Recruitment

Source page or document: Explainers – What Are Recruitment Fees? (2022)

Link: <https://www.ihrb.org/explainers/what-are-recruitment-fees>

Changes since 2019: Yes

II. Scope of Definition		IIA. Recruitment Fees					
<p>The terms 'recruitment fees' or 'related costs' refer to 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.</p>	<p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment</p>	<p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p>Payments made in the case of direct recruitment by the employer</p>	<p>Payments required to recover recruitment fees from workers</p>	<p>These fees may be one- time or recurring and cover recruiting and placement services which could include advertising, disseminating information, arranging inter-views, submitting documents for government clearances, confirming credentials [...]</p>
<p>The various charges, fees, and costs related to recruitment were clarified in the ILO definition of recruitment fees and related costs. This important definition, made clear that recruitment fees refer to: "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."</p>	<p>In addition to the ILO Definition, the Employer Pays Principle states that "No worker should pay for a job – the costs of recruitment should be borne not by the worker but by the employer."</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	

IIB. Related Costs						
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<input type="checkbox"/> Covered	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	<input type="checkbox"/> Covered	Medical costs (including medical examinations, tests or vaccinations)	<input type="checkbox"/> Covered	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)
				Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<input type="checkbox"/> Covered	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
					<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs				
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Covered	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered	Other related costs as a condition of recruitment could also be prohibited
						Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include:
						<ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain
						<input type="checkbox"/> Covered

Organization

IOM / IRIS

Source page or document: Factsheet 1: Overview of IRIS

Link: https://iris.iom.int/sites/g/files/tmzbdl201/files/documents/Factsheet1-Overview-of-IRIS_2020.pdf

Changes since 2019: No (the previous link has expired, so link is new, but contents have not changed i.e., in full alignment with the ILO Definition)

II. Scope of Definition		II.A. Recruitment Fees					
<p><input type="checkbox"/> Covered</p> <p>The terms 'recruitment fees' or 'related costs' refer to 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.</p>	<p><input type="checkbox"/> Covered</p> <p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p><input type="checkbox"/> Covered</p> <p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p><input type="checkbox"/> Covered</p> <p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of employment and applications for</p>	<p><input type="checkbox"/> Covered</p> <p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p><input type="checkbox"/> Covered</p> <p>Payments made in the case of direct recruitment by the employer</p>	<p><input type="checkbox"/> Covered</p> <p>Payments required to recover recruitment fees from workers</p>	<p><input type="checkbox"/> Covered</p> <p>These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]</p>

IIB. Related Costs						
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<input type="checkbox"/> Covered	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	<input type="checkbox"/> Covered	Medical costs (including medical examinations, tests or vaccinations)	<input type="checkbox"/> Covered	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<input type="checkbox"/> Covered	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)

IIB. Related Costs			IIC. Illegitimate, unreasonable, and undisclosed costs			
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Covered	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered	Other related costs as a condition of recruitment could also be prohibited
	<input type="checkbox"/> Covered		<input type="checkbox"/> Covered	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include: <ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain 	<input type="checkbox"/> Covered	

Organization

RBA

Source page or document: Responsible Business Alliance Code of Conduct (2018)

Link: https://www.responsiblebusiness.org/media/docs/RBACodeofConduct6.0_English.pdf

Changes since 2019: No

II. Scope of Definition			IIA. Recruitment Fees				
<p>The terms 'recruitment fees' or 'related costs' refer to 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.</p>	<p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment</p>	<p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p>Payments made in the case of direct recruitment by the employer</p>	<p>Payments required to recover recruitment fees from workers</p>	<p>These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]</p>
<p>Workers shall not be required to pay employers' or agents' recruitment fees for their employment. If any such fees are found to have been paid by workers, such fees shall be repaid to the worker.</p>	<p>Overarching Principle on fees is "Workers shall not be required to pay fees for their employment." Fees are paid by the employer or the labour recruiters.</p>	<p>In RBA Code of Conduct, under section A1: "Freely Chosen Employment", it's indicated that workers shall not be required to pay employers' or agents' recruitment fees or other related fees for their employment. If any such fees are found to have been paid by workers, such fees shall be repaid to the worker.</p>	<p><input type="checkbox"/> Covered</p>	<p>The following recruitment and service fees are not to be paid by any worker including temporary, migrant, student, contract, direct employees, and any other type of worker</p>	<p><input type="checkbox"/> Covered</p>	<p>Workers shall not be required to pay employers' or agents' recruitment fees or other related employment. If any such fees are found to have been paid by workers, such fees shall be repaid to the worker.</p>	<p>Application, recommendation, recruiting, hiring, placement, and processing fees, of any kind or at any stage, including agent, subagent, intermediary, or employer operating, administrative and overhead costs associated with the recruitment, selection, hiring, and placement of those workers.</p>

IIB. Related Costs	
<p>Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]</p>	<p>The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]</p>
<p>Medical costs (including medical examinations, tests or vaccinations)</p>	<p><input type="checkbox"/> Covered</p>
<p>Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)</p>	<p>In most countries, the law states the requirement of the employer to contribute a portion of worker's wages to national or private insurance schemes. These generally consist of retirement, unemployment, accident, medical and possibly others. These needs to be communicated to workers and reflected on worker wage receipts.</p>
<p>Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)</p>	<p><input type="checkbox"/> Covered</p>
<p>Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)</p>	<p><input type="checkbox"/> Covered</p>
<p><input type="checkbox"/> Covered</p>	<p>Following costs can be paid by the worker if noted in their contract and a receipt is provided; services must be provided without mark-up: basic expense item to prepare for interview, such as CV copies, photos, copies of existing documents and certificates, incidentals; Costs to meet minimum qualifications for the job such as degree or certification, passport replacement cost due to employee loss or fault. For replacing visas/permits this also includes photo(s), providing/photocopying any documents, etc; Dormitory and meals (must be fair market value and meet international health & safety standards); Costs for any legally-allowable levies may be charged but must be deducted in a pro-rata manner. At the end of employment, apart from situations where there is dismissal for gross misconduct, workers shall not be charged any remaining balance due on any levies; additionally, costs for transportation and lodging before a job has been made may be charged to the worker</p>

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs	
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	<input type="checkbox"/> Covered	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	<input type="checkbox"/> Covered
	<input type="checkbox"/> Covered	Other related costs as a condition of recruitment could also be prohibited	<input type="checkbox"/> Covered
		<p>Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...]</p> <p>Examples include:</p> <ul style="list-style-type: none"> ● bribes ● tributes ● extortion ● kick-back payments ● bonds ● illicit cost recovery fees ● collaterals required by any actor in the recruitment chain 	Partially covered – not recruitment specific

Organization

Responsible Recruitment Toolkit (RRT) (also used by the Association of Labour Providers)

Source page or document: Eliminating Recruitment and Employment Fees Charged to Workers (2018)

Link: <https://responsiblerecruitmenttoolkit.org/wp-content/uploads/2018/11/Eliminating-Recruitment-and-Employment-Fees-Charged-to-Workers-November-2018-second-edition-1.pdf>

Changes since 2019: No

II. Scope of Definition		IIA. Recruitment Fees					
The terms 'recruitment fees' or 'related costs' refer to 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.	Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]	Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.	Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of employment and applications for	Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party	Payments made in the case of direct recruitment by the employer	Payments required to recover recruitment fees from workers	These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]

II. Scope of Definition		IIA. Recruitment Fees					
ILO GP/OG Definition used	Costs and fees might be charged by direct employers, labour users or labour providers in the sending or receiving country, or by informal brokers and middlemen who may or may not be known to the labour providers/labour users/direct employers. Any fee may be a recruitment fee regardless of whether the payment is collected by an employer or a third party, including, but not limited to: labour providers providing recruitment and/or employment services; subsidiaries/affiliates of the employer; any agent or employee of such entities; and subcontractors, sub-agents and brokers at all tiers.	Any fee, charge, or cost, may be a recruitment fee regardless of whether the payment is in property or money, deducted from wages, paid back in wage or benefit concessions, paid back as a kickback, bribe, in-kind payment, free labour, tip, or tribute, remitted in connection with recruitment.	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

IIB. Related Costs	
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	<p>The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]</p> <p>Following costs can be paid by the worker if noted in their contract, a receipt or record of payment is provided, they reflect fair market value and conform to local legal requirements: Job qualifications to enter the job market; transportation and associated costs to and from the interview; documentation and transit costs before the employment offer has been made; documentation replacement when employee is at fault; accommodation and meals during employment; transportation to and from workplace; early return without providing full notice period and without good cause.</p>
Medical costs (including medical examinations, tests or vaccinations)	<p><input type="checkbox"/> Covered</p>
Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	<p>Partially covered -> in context of voluntary insurance coverage</p>
Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	<p><input type="checkbox"/> Covered</p>
Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)	<p><input type="checkbox"/> Covered</p>
Not separately defined	

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs	
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)		Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])
<input type="checkbox"/> Covered		Partially covered -> no explicit mentioning of coverage of travel costs in country of origin except to port of departure and interview with labour user.	<input type="checkbox"/> Covered
			Other related costs as a condition of recruitment could also be prohibited
			<p>Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...]</p> <p>Examples include:</p> <ul style="list-style-type: none"> ● bribes ● tributes ● extortion ● kick-back payments ● bonds ● illicit cost recovery fees ● collaterals required by any actor in the recruitment chain
			<input type="checkbox"/> Covered

Organization

Roundtable on Sustainable Palm Oil (RSPO)

Source page or document: RSPO Principles and Criteria for the Production of Sustainable Palm Oil (2018/2020)

Link: <https://rspo.org/resource/rspo-pc-for-the-production-of-sustainable-palm-oil-2018font-colorredfont/>

Changes since 2019: Yes, document was updated in 2020, but not the definition of fees and costs

II. Scope of Definition		IIA. Recruitment Fees					
The terms 'recruitment fees' or 'related costs' refer to any fees or related 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.	Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]	Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.	Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment	Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party	Payments made in the case of direct recruitment by the employer	Payments required to recover recruitment fees from workers	These fees may be one- time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]
Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e., recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	Partially defined – all expenses related to travel and recruitment should be paid by the employer	Prohibit the charging of recruitment fees to any worker	<input type="checkbox"/> Covered	Partially defined – covers agent service fees	<input type="checkbox"/> Covered	Covered – Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers'	Not separately defined

IIB. Related Costs	
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)
Medical costs (including medical examinations, tests or vaccinations)	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)
Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Other related costs as a condition of recruitment could also be prohibited
Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
Not separately defined	Not separately defined
<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Not mentioned
<input type="checkbox"/> Covered	<input type="checkbox"/> Covered
<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

IIC. Illegitimate, unreasonable, and undisclosed costs	
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...] Examples include: bribes tributes extortion kick-back payments bonds illicit cost recovery fees collaterals required by any actor in the recruitment chain
Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Other related costs as a condition of recruitment could also be prohibited
Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])
Partially covered – transportation to and from destination country	Partially covered – receiving gifts and commissions from labour intermediaries or suppliers
<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Not mentioned
<input type="checkbox"/> Covered	<input type="checkbox"/> Covered
<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

Organization

US Federal Acquisition Regulation (FAR)

Source page or document: FAR 22.1702 Definitions

Link: <https://www.acquisition.gov/far/22.1702>

Changes since 2019: Yes

II. Scope of Definition		IIA. Recruitment Fees					
<p>The terms 'recruitment fees' or 'related costs' refer to any fees or related 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.</p>	<p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment</p>	<p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p>Payments made in the case of direct recruitment by the employer</p>	<p>Payments required to recover recruitment fees from workers</p>	<p>These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials [...]</p>
<p>Government solicitations and contracts shall prohibit contractor employees, subcontractors, subcontractor employees, and their agents from charging employees or potential employees recruitment fees</p>	<p>A recruitment fee is a recruitment fee regardless of whether the payment is collected by an employer or a third party, whether licensed or unlicensed (including agents, labour brokers, recruiters, staffing firms, subsidiaries, any agent or employee of such entities and subcontractors at all tiers</p>	<p>A recruitment fee is a recruitment fee regardless of whether the payment is paid in property or money; deducted from wages; paid back in wage or benefit concessions; paid back as kickback, bribe, in-kind payment, free labour, tip, or tribute</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Covered</p>	

IIB. Related Costs					
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	Medical costs (including medical examinations, tests or vaccinations)	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualification, as well as for location-specific credentialing, certification or licensing)	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
<input type="checkbox"/> Not separately defined	<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered

IIB. Related Costs		IIC. Illegitimate, unreasonable, and undisclosed costs			
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	Other related costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualification, as well as for location-specific credentialing, certification or licensing)	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers)
<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered
		<p>Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...]</p> <p>Examples include:</p> <ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain 			
		<p>A recruitment fee, as described in the introductory text of this definition, is a recruitment fee, regardless of whether the payment is... Paid back as a kickback, bribe, in-kind payment, free labour, tip, or tribute.</p>			

Organization

Verité Fair Hiring Toolkit

Source page or document: Sample Code of Conduct Provisions (2011)

Link: <https://verite.org/help-wanted/fair-hiring-toolkit/for-brands/1-improving-codes-of-conduct-and-company-policies/>

Changes since 2019: No

II. Scope of Definition		IIA. Recruitment Fees					
<p>The terms 'recruitment fees' or 'related costs' refer to any fees or related 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.</p>	<p>Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services [...]</p>	<p>Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.</p>	<p>Payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment</p>	<p>Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party</p>	<p>Payments made in the case of direct recruitment by the employer</p>	<p>Payments required to recover recruitment fees from workers</p>	<p>These fees may be one-time or recurring and cover recruiting and placement and placement services which could include advertising, disseminating information, arranging inter-views, submitting documents for government clearances, confirming credentials [...]</p>
<p>Partially defined -> The company has a written policy declaring that workers shall not pay any amount to secure a job in their facility.</p>	<p>Partially defined -> No fee or cost for recruitment should be charged to workers, directly or indirectly, in whole and follow the principle of "employer pays," and accept the cost of recruitment as a business cost</p>	<p><input type="checkbox"/> Covered</p>	<p><input type="checkbox"/> Implicitly covered</p>	<p><input type="checkbox"/> Not mentioned</p>	<p><input type="checkbox"/> Implicitly covered</p>	<p>Partially defined -> Jobseekers, applicants or workers are not required to participate in any form of forced or mandatory savings in order to recoup costs associated with recruitment or other services.</p>	<p><input type="checkbox"/> Not mentioned</p>

IIB. Related Costs					
Related costs are expenses integral to recruitment and placement within or across national borders taking into account that the widest set of related costs are incurred for international recruitment [...]	The competent authority has flexibility to determine exceptions to their applicability [...] considered subject to the condition that they are in the interest of workers concerned; limited to certain categories of workers and specified [...]	Medical costs (including medical examinations, tests or vaccinations)	Insurance costs (including costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds)	Costs for skills and qualification tests (including costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing)	Costs for training and orientation (including expenses for required trainings, including on-site job orientation and pre- departure or post-arrival orientation of newly recruited workers)
<input type="checkbox"/> Not separately defined	<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Covered	<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Covered	<input type="checkbox"/> Not mentioned
IIC. Illegitimate, unreasonable, and undisclosed costs					
Equipment costs (including costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively)	Travel and lodging costs (including expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation)	Administrative costs (including application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' [...])	Other related costs as a condition of recruitment could also be prohibited	Extra contractual, undisclosed, inflated or illicit costs are never legitimate [...]	<p>Examples include:</p> <ul style="list-style-type: none"> • bribes • tributes • extortion • kick-back payments • bonds • illicit cost recovery fees • collaterals required by any actor in the recruitment chain
<input type="checkbox"/> Not mentioned	<input type="checkbox"/> Covered	Partially covered – processing fees, identity cards	<input type="checkbox"/> Covered	<input type="checkbox"/> Covered	<input type="checkbox"/> Not mentioned



**Fundamental Principles and Rights
at Work Branch (MIGRANT FUNDAMENTALS)**

Labour Migration Branch (MIGRANT)

International Labour Office
4, route des Morillons
CH-1211 Geneva 22 – Switzerland
T: +41 (0) 22 799 61 11
E: fairrecruitmentinitiative@ilo.org

▶ ilo.org/fairrecruitment

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