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# Alternative Approaches to the Governance of Transnational Labor Recruitment

## A Framework for Discussion

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## **Executive Summary**

As globalization advances, so too do the governance challenges that accompany cross-border business activity. The expanded reach of transnational companies and the ever increasing mobility of labor have diminished the effectiveness of regulation by single states, leading to a power imbalance between transnational corporations and the individuals and communities with whom they negotiate their transactions. This imbalance has led environmental degradation, human rights violations, and unfair labor practices.

The international labor recruitment industry, comprised of a range of different types of labor brokers, is a prime example of this. While individual sending and destination states have taken action to regulate recruitment, their jurisdiction is limited by the transnational nature of the phenomenon. Some states have developed bilateral agreements that attempt to harmonize their regulations. In addition, multilateral organizations have put forth a plethora of conventions, agreement, and soft laws in an effort to address the governance gap. As the presence of non-state actors has grown, non governmental organizations (NGOs), labor unions, and multi-stakeholder initiatives (MSI) have all also introduced new approaches to improving the governance of recruitment.

The purpose of this paper is to provide a framework for the discussion of the strengths and weakness of these different strategies, and to explore whether certain approaches work best in specific national contexts or industries. To do this, we ask the following questions: Does the strategy lay out an explicit pathway through which change will occur? How specific are the standards for change in each type of strategy? What is the extent of change being sought, i.e. how stringent are the standards? What is the capacity of the strategy to detect abuse and to verify adherence to standards? What is the enforcement capacity of the strategy and what types of penalties are available if non-compliance is detected? Does the strategy include positive market incentives to promote change? Lastly, how widely disseminated is the strategy and what portion of the target group is affected by the strategy?

In our review of the literature, we find that one of the most promising strategies among destination states is the creation of a public registry of recruitment companies and employers that sponsor foreign workers. Registries may help create transparency and accountability in a hiring chain that is often shrouded in secrecy. A few destination countries have even registered contracts and set up systems to monitor employers' bank deposits of domestic workers' wages. The creation of Migrant Resource Centers has also helped to support migrants so that they are more likely to report abuses when they occur.

Sending nations also license recruiters and are searching for ways to squeeze out the intermediary labor brokers by reducing transaction costs necessary to leave the country and, in some instances, by creating public sector recruiters.

In recent years, there has been a surge of interest in forging bilateral agreements between destinations and sending states in order to harmonize regulations and strengthen enforcement mechanisms. Evaluations of the effectiveness of such efforts in reducing recruitment abuses are still in an early stage, but the fact that they often focus on increasing migration as the primary goal, and relegate worker protection provisions to a secondary focus, has caused some experts to express caution. Proponents of such agreements, on the other hand, emphasize the importance of regular consultations among governments on the issue of migrant protections, and express hope

that over time the effectiveness will improve, especially in regard to the most vulnerable migrants, such as domestic and other low wage workers.

International organizations provide a platform for states to negotiate soft law agreements. These laws are non-binding, but provide an important framework for states and non state actors alike to move forward in the area of labor recruitment oversight.

NGOs play a vital role in exposing problems relating to transnational recruitment and in pressuring states, unions, MSIs, and international organizations to more actively address these issues. They also play a key role in bringing forth impact legislation in destination and sending countries.

While less prominent in certain Gulf and Asian nations, labor unions in the West are playing an increasingly important role in assisting migrants. They use many of the same strategies as NGOs, but bring to bear significant negotiating power in some sectors and countries.

Lastly, MSIs that offer voluntary third party certification systems have been used as a strategy to address transnational recruitment abuses. While constrained by market fluctuations that may diminish the pressure on recruiters and employers to defend their brands, the use of market based incentives is an important tool for regulation that, when supported by governments and with strong NGO participation, could help address governance gaps left by state-based oversight.

In visualizing the gamete of actors and strategies being used to modify transnational recruitment practices, NGOs emerge as the fundamental motor of change compelling all other actors to more adequately address this issue. The synergy among the strategies reviewed, however, is also bi-directional; each strategy may make the success of others more likely. Moreover, some strategies may be most appropriately taken up by certain types of countries, or used for certain sectors. For example, bilateral agreements may be most effective in the context of states with strong central governments and with industries over which the government has considerable control.

This suggests that the most robust scenario is one in which there is a constellation of strategies that include international, bilateral, and single state level programs, in coordination with the efforts by non-state actors, such as NGOs, unions, and MSIs. While some states may be reluctant to recognize the potential of non-state actors to contribute to global governance, until governments are able and willing to eliminate abuses in transnational labor recruitment, coordination across public and private spheres may be the key to improving existing efforts and envisioning new strategies.

## 1. Introduction

As globalization advances, so too do the governance challenges that accompany expanded cross-border business activity and labor mobility. Transnational companies have, over time, diminished the effectiveness of regulation by single states, leading in some instances to a power imbalance between the transnational corporations and the individuals and communities with whom they negotiate their transactions. Reduced government oversight and asymmetrical business arrangements have led to human rights violations and unfair labor practices (Utting, 2002; Conroy, 2007).

Following World War II, the primary strategy for building global governance focused on multilateral organizations charged with convening and leading negotiations among governments in pursuit of the principles of fairness and mutual benefit (Fidler, 1998). However, as multinational corporations and other non-state actors, such as non governmental organizations (NGOs) and unions, have grown, new approaches have emerged that seek to regulate the recruitment practices directly through market based mechanisms.

The notion that in an era of globalization governance is no longer simply the responsibility of governments was, to the consternation of many governments, timidly acknowledged first by the United Nations in 1995 with the Commission on Global Governance's call for "more inclusive and more participatory" mechanisms of global governance. The central idea was that complex global problems require the mobilization of a range of different types of civil society actors, but the central role of states in the UN system remains unquestioned (Richter, 2001) (Nelson and Zadek, 2000). Some have diverted this debate into a struggle for power within the structures of the United Nations and other multilateral organizations such as the World Bank and IMF, while others view this process of constituencies strengthening ties across national boundaries as a parallel and complementary phenomenon.

Transnational labor recruitment is one of the areas in which weak regulatory oversight of cross-border activities has led to a series of labor and human rights abuses. The use of a variety of formal and informal labor brokers as intermediaries in the process of transnational recruitment has resulted in a process described as "opaque, sometimes corrupt, and largely lacking in accountability" (Verite, 2010). The structural problem is the enormous asymmetry in information and power between the aspiring migrant, on the one hand, who when coming from low income sending countries are often desperate to leave their countries, and the employer, on the other, who holds the keys to migration. Labor brokers form "hiring chains" and at each level have the opportunity to misrepresent the process, extract fees and loans, and promote unfair labor practices at the expense of migrants. Domestic workers, particularly in Asian and the Gulf nations, have been the most notoriously abused in this process, resulting in the most egregious cases in human trafficking.

In response to the global governance gap in the regulation of labor recruitment a plethora of innovative strategies have been developed to strengthen standards and change recruitment behaviors. This paper lays the groundwork for a comparative analysis of the relative strengths and weakness of these different approaches and provides preliminary reflections on interactions among these strategies. In the spirit of building a shared agenda for research and collaboration among activists and academics, it concludes with a set of questions intended to spur discussion about how best to build on current models to advance their effectiveness.

It is important to acknowledge at least three limitations of this analysis. First, its purpose is not to

conduct an impact evaluation, but rather to offer a preliminary framework and a set of reflections for discussion. Second, my own involvement with efforts to prevent labor recruitment abuses undoubtedly colors the lens through which I view these issues. In particular, my interest in market-based strategies and ways in which they interact with state-based and NGO-based initiatives likely mean that I have not done justice to the complexity and promise of state-based regulatory strategies. Lastly, my expertise lies in the area of health care and my knowledge of recruitment practices among lower wage occupations, such as farm and domestic workers, is based exclusively on a review of the literature conducted for the purposes of this paper.

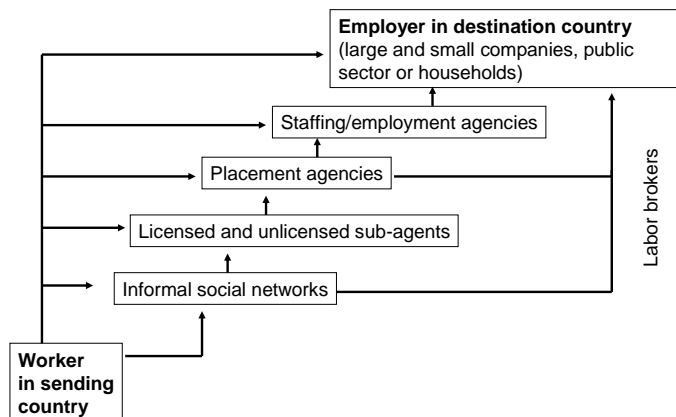
## 2. Framework

One way to organize a discussion of the strengths and weaknesses of different strategies being used to address transnational labor recruitment abuses is to consider categories of actors and interventions, on the one hand, and to identify a set of criteria by which to judge their relative effectiveness, on the other. By effectiveness I mean outcomes that can be plausibly related to the interventions in question. Given the nature of this preliminary exercise, however, the emphasis is on ‘plausible’ and on identifying the processes by which a given strategy *could* have an impact.

Transnational recruitment is conducted by a variety of actors, including large and small placement firms, staffing (sometimes called ‘employment’) agencies, and private and public employers themselves. Often there are multiple intermediary transactions comprising a labor supply chain, which may include sub agents, and even friends and family that are already abroad who assist in the process of matching workers with jobs. The conglomeration of intermediary actors are often referred to as labor brokers (Verite, 2010). Employers that use placement and staffing firms, and play a role that is similar to ‘retailers’ in a supply chain, also vary in their size and type, including large multinationals, small businesses, local governments, and individual households that hire domestic workers.

Figure 1:

Alternative Pathways in Transnational Labor Recruitment



Efforts to regulate transnational labor recruitment begin with states, which arguably have the primary responsibility for protecting workers from abuse. They face, however, the formidable challenge of tracking the hiring chain outside national borders, where enforcement capacity is necessarily diminished, and where another nations’ laws regarding the same practices may be different. Because of this structural limitation, international organizations have assumed

responsibility for another set of initiatives that attempt to guide states and to harmonize approaches across countries. Meanwhile, NGOs and unions, frustrated with the ineffectiveness of state and international policies have developed their own set of responses, which are varied and continuously evolving as new technologies and strategies emerge. Lastly, multi-stakeholder initiatives (MSIs) that include both transnational recruiters and their critics on the non governmental side are also being tested as yet another category of governance strategies.

In our review of the strategies used in each of these domains, we explore a similar set of questions with regard to their strengths and weaknesses. Is there a clear strategy that lays out the pathways through which change will occur? How specific are the standards for change? What is the extent of change being sought, i.e. how stringent are the standards? What is the capacity of the strategy to detect abuse and to verify adherence to standards? What are the enforcement capacity and types of penalties if non-compliance is detected? And, on the other side of the spectrum, are there any positive market incentives to promote change? Lastly, how widely disseminated is the strategy and to what extent is the target group affected by the strategy? We summarize these strategy domains and assessment criteria in Tables 1 and 2.

<b>Table 1: Regulatory Strategies</b>
<p>1. States</p> <ul style="list-style-type: none"> <li>• Immigration and labor laws</li> <li>• Codes</li> <li>• Public Registries</li> <li>• Migratory Resource Centers</li> <li>• Reduction of transaction costs</li> <li>• Bilateral agreements and memoranda of understanding</li> <li>• Government to government recruitment</li> <li>• Public recruitment agencies</li> <li>• Pre-departure orientations</li> </ul>
<p>2. International Organizations</p> <ul style="list-style-type: none"> <li>• Soft law</li> <li>• Convening and technical Assistance</li> </ul>
<p>3. NGOs</p> <ul style="list-style-type: none"> <li>• Advocacy at international organizations</li> <li>• International adjudication</li> <li>• Impact litigation</li> <li>• Legal services</li> <li>• Name and shame</li> <li>• Domestic advocacy for legal reforms</li> <li>• Migrants education and organizing</li> <li>• New Technologies</li> </ul>
<p>4. Unions</p> <ul style="list-style-type: none"> <li>• Membership</li> <li>• Advocacy for permanence</li> </ul>
<p>5. MSIs</p> <ul style="list-style-type: none"> <li>• Third party certification</li> <li>• Education and outreach</li> </ul>

<b>Table 2: Criteria</b>
<b>Strategic Clarity:</b> Is there an explicit change strategy that identifies the causal pathways?
<b>Stringency of Standards:</b> How specific are standards and how much change is required to meet standards?
<b>Detection Capacity:</b> Is there capacity to monitor adherence?
<b>Market Incentives to Change:</b> Are there any positive or negative market-based incentives for behavior change?
<b>Enforcement consequences:</b> Are there financial and criminal penalties for non-adherence?
<b>Reach:</b> How many people/sectors know about and are affected by the strategy?

In the sections that follow, I review the background leading to the development of the strategies used by different actors, and then, using examples, reflect on some of the inherent strengths and weaknesses of each. In the final section, I consider some of the interactions of these strategies, and suggest a set of questions for further consideration.

### 3. States

Destination and sending countries face different challenges with regard to the regulation of transnational labor recruitment labor, but both bear responsibility for the wellbeing of migrants. States must determine the standards regulating recruitment, including, for example, restrictions on fees recruiters may charge, requirements for payment of transportation and housing, minimum assets needed in order to sponsor a worker, etc. They must also determine the level of resources devoted to enforcement. In both types of countries, national and local governments must also decide how involved in the recruitment process they will be.

There are also policy levers that are specific to destination and sending nations. Among destination countries, the primary tools of regulation fall under immigration and labor laws, which to varying degrees establish the conditions under which recruiters may operate. This includes determining, for example, the *extent to which temporary guest worker programs are used*, and whether they allow for permanent residency and a path to citizenship. Guest worker programs are inherently more precarious, as they are usually tied to a single employer, and prevent spouses and children from working. It also includes determining *the extent to which data on recruitment is available and accessible* by the public. Without such data, all regulatory efforts, including those led by non-state actors, are constrained in the types of strategies they can use. Appendix A list additional state-based initiatives to protect migrant workers

- In the **United States**, for example, there is a vast array of employment based visa categories that vary radically in the degree of labor and recruitment oversight (International Labor Rights Working Group, 2013). Moreover, these visas are overseen by a variety of agencies (Department of Labor, Department of State, Homeland Security, and Department of Justice) uncoordinated amongst themselves in the stringency of their standards, their interest in detection of abuses, and the extent of their enforcement efforts. Over time, this complex bureaucracy has meant that migrant workers face enormous difficulties in accessing information about their rights, and almost always require the assistance of immigration lawyers (Sukthakar, 2012.) Current immigration reform proposals aim to simplify the visa system and introduce standard protections for migrant workers across all categories of employment visas (ILRWG, 2013), as well as better data to foster greater transparency and accountability.

One area in which the United States has made progress is in the prevention and prosecution of human trafficking. The Department of State produced educational materials for migrants available in eleven languages. It also established a hotline for victims and provides grants to NGOs around the world. Since the enactment of the U.S. Victims of Trafficking and Violence Protections Act of 2002, several cases have been brought against transnational recruiters, the most recent of which resulted in \$4.5 million dollars in damages being awarded to 350 Filipino teachers who were recruited to work in Louisiana (Espinosa, 2011).

- Among less developed destination countries, **Jordan** was the first Arab country to revise its Labor Code and provide labor protections to foreign domestic workers, cooks, gardeners and similar workers (d’Cunha, 2012). In 2009, they introduced a standard unified working contract for migrant a domestic worker that includes the following rights provisions: employers must cover the workers’ travel costs, work and residence permits, life and accident insurance (with workers paying for half the insurance premium), suitable accommodation, meals, clothing, and medical care. It also mandated a weekly holiday, a monthly salary with payment records kept by both parties, no restrictions on worker’s communications and correspondence, and a bonus equivalent to 15 days wages at the end of a 2 year contract. The government reports that it disseminates information nationally to raise employer and worker awareness of these protections. They also established a system to file complaints and established a mechanism to redress grievances.

## ***Public Registries of Recruiters***

Some destination countries and states/provinces within countries require foreign labor recruiters to register.

- This is the case in California (Justicia.com, 2010), Manitoba (Foreign Worker Recruitment Licence Information, 2013), and Nova Scotia (McKelvey and Baldwin, 2013). The Canadian government further restricts recruiters by only allowing registered lawyers and paralegals who are in good standing with the Immigration Consultants of Canada Regulatory Council (and notaries in good standing in Quebec) to represent foreign workers and to charge them a fee (Citizenship and Immigration Canada, 2012).
- Among destination countries attempting to regulate their recruiters overseas, the English have been pioneers. **The Gangmasters (Licensing) Act of 2004** was established in response to a call for labor supply regulation in the UK following the drowning of 23 Chinese workers in the UK. The Gangmasters Licensing Authority (GLA) is the special agency mandated to protect workers from exploitation in these sectors. It mandates licensing for labor providers and employment agencies within the agriculture, shellfish gathering, food processing and packaging sectors, even if they are located overseas. In 2006, companies became required to use only licensed gangmasters. A list of companies with revoked licenses is provided publically on the GLA website. In 2012, twenty licenses were revoked and as of April 2013, two have been revoked in 2013 (UK Dept. for Environment, Food & Rural Affairs, 2013).
- **Sri Lanka** is making progress in trying to track subagents in the transnational recruitment process and requiring them to be licensed. They are considering making the recruiters for whom they work jointly liable for violations (UAE Ministry of Labor, 2011; d’Cunha, 2012)
- **The UAE** also licenses recruitment agencies, and like the Philippines, requires that they be nationals, or have UAE partners (UAE Ministerial Resolution, 1998). Agencies must have assets (US\$27,000) in UAE bank and produce a certificate of good conduct issued by a competent authority. The law bans agencies from collecting placement and other fees from workers. The UAE Ministry of Labor inspects agencies twice a year. Grievance and complaints can be filed with the UAE Ministry of Immigration (Agunias, 2011). In January 2011, UAE-based recruiters were required to deposit \$270,000 (Dh1 million) plus \$540 (Dh2,000) per employee into a bank account that is used if the employer fails to pay workers’ wages (UAE, 2011). Under the Wage Protection System, the government has deployed a monitoring system for electronic direct-deposit of wages to workers’ bank accounts, which creates a paper trail to make it easier to resolve charges of unpaid wages.
- Recognizing that in certain sectors, such as agriculture and domestic work, enforcement of labor laws is particularly challenging, **Australia** has established **Migrant Resource Centers (MRCs)** that provide social support and legal aid to migrants. The MRCs may be operated by NGOs but are largely funded by the government. Providing opportunities for migrants to meet on their days off at these community centers may also help to build relationships and trust (Hugo, 2009).

Several destination nations also regulate recruiters through licensure and monitoring.

- For more than 20 years, the Philippines has licensed and monitored recruitment agencies with the dual intent of promoting labor export and protecting workers being recruited. The **Philippine Overseas Employment Agency (POEA)** licenses agencies that meet certain financial benchmarks and requires that international recruiters be represented by Filipino agents. Contracts are reviewed and registered, and the charging of fees to migrants is capped. Pre-departure seminars on worker rights are required and consular support is provided for migrants who face difficulties once in the destination country. Most observers view the Filipino effort as a work in progress that may improve over time, as more and better bilateral agreements are negotiated and the capacity of the state to identify abuses and to enforce laws grows (Mackenzie, 2005). Nevertheless, the inherent limitation of the Filipino effort is that, like all single state regulations, enforcement abroad is difficult. Enforcement of the Filipino labor standards for those who are recruited to Jordan and the UAE, for example, has not been possible.



### ***Reduction of transaction costs***

Another area in which sending countries are attempting to reduce recruitment abuses focuses on reducing costs incurred by migrants. The literature suggests that simplifying the emigration process and making services more local can help diminish the opportunities for recruiters to take advantage of workers seeking jobs abroad (Hugo, 2009).

- For example, in order to obtain a passport in **Nepal and Indonesia**, aspiring migrants must travel to large cities and wait for weeks. Brokers, who are often well connected with government officials, offer to represent the workers and to speed up the process for a fee. In countries that have decentralized and streamlined the paperwork needed to migrate, such as the Philippines, there is less opportunity for brokers to intervene (Hugo, 2009).

### ***Pre-departure Orientations***

Complementing these strategies, sending nations often implement mandatory pre-departure orientations.

- In a review of programs in **Indonesia, Nepal, and The Philippines**, Asis and Agunias describe orientations as lasting between 6 and 12 hours (2012). They are delivered by government and NGO partners, and in the case of Nepal, recruiters themselves may deliver the trainings. Hugo reports that some countries are considering providing pre-paid cell phones with emergency contact numbers for workers being deployed to jobs and countries that are at particularly high risk of fraud and exploitation. Asis and Agunias raise concerns about the quality of pre-departure programs, particularly with regard to the specific needs of different population groups, e.g., domestic workers, women and first time hires (2012). Other authors have suggested that they may be ‘too little too late,’ since at the time of the training, migrants have already signed contracts with recruiters and/or employers.

The International Organization for Migration (IOM), which for decades has provided pre-departure programs in support of sending nations, offers lessons to strengthen these trainings, including: (1) developing curricula and supporting activities with destination countries; (2) linking pre-departure and post-arrival activities; and (3) helping migrants teach one another (Asis and Agunias, 2012).

An inherent limitation of many of the sending country regulations is that, because their primary goal is to increase out-migration, they are reluctant to make recruitment oversight so stringent that it would deter migration. Indeed, Agunias suggests that sending countries face a balancing act with regard to the strictness of standards, since standards that are too high push recruiters and migrants to operate outside the legal sphere. She also posits that mistrust of the government on the part of the migrants has meant that the extensive bureaucratic processes are viewed as burdensome, rather than helpful to their interests. Agunias recommends that sending countries like the Philippines supplement their regulations with policies that empower migrants by creating mechanisms that engage them in policy development, implementation, and enforcement.

### ***Bilateral Agreements and Memoranda of Understanding***

Given the difficulties of enforcing national laws beyond a state’s border, improved cooperation between governments in the sending and destination countries is clearly a laudable goal. Bilateral agreements and memoranda of understanding are an increasingly popular strategy to achieve this, especially in Asia and Europe (Hugo, 2009; Dhillon, Clark, and Kapp, 2010). France has at least nine agreements (GFMD, 2010), Korea at least 14, and Indonesia has at least nine (Hugo, 2009). Such agreements may specify a target number of recruits acceptable to both countries (e.g., Philippine- Japan agreement), or may tend to be general and to avoid binding commitment. They are often between countries with a shared colonial past, such as Cape Verde and Portugal, Spain and Columbia (GFDM, 2010). While their primary intent is to increase, not restrict,

international recruitment for the benefit of destination country employers and source countries' remittances, worker protections are generally included.

Asian and Arab governments have also made progress with a series of consultations called the Colombo Process that began in 2003. These talks have focused primarily on promoting international labor recruitment, although they also discuss ways to ensure worker protection. These protections have remained at a theoretical level, with little government intervention planned. For example, one of their central recommendations for improving worker protections was to promote the migration of high skilled workers, rather than low skilled workers, in the hopes that professionals may be better able to defend themselves from unethical recruiters (IOM, 2008).

One advantage of bilateral agreements is that they expose the differences between single state regulatory regimes and allow for those differences to be addressed.

- For example, the agreement between the **UAE and the Philippines** led to recognition that there were differences in permissible recruitment fees and the two governments are now working on harmonizing such details (Agunias, 2012).
- A 2006 MOU between **Indonesia and Malaysia** has been cited in the literature as especially promising, because of the detail and stringency of the standards relating to the recruitment of more than 300,000 Indonesian domestic workers in Malaysia. The MOU includes: 1) a requirement that employers sign contracts that specify the rights of workers, minimum wages are established, the full salary must be deposited to a bank account in the name of the worker, and recruiters are banned from taking a share (Hugo, 2009; International Labour Office, 2013). As of 2009, the effectiveness of the MOU has yet to be evaluated.
- In the area of health care, the seminal effort of the **English Code** of Conduct on the Recruitment of Health Personnel barred recruitment from less developed nations unless a bilateral agreement was in place. Since then, the UK has signed agreements with South Africa, the Philippines, and India. Other agreements following suit include the France- Senegal and the Ghana-Netherlands agreements (Plotnikova, 2012). While assessments of these efforts are just beginning, preliminary results from an International Labor Organization (ILO) study report that only about 200 nurses were recruited under the MOU between England and the Philippines for the National Health Services, while the private sector health care employers recruited over 2,000 nurses outside the MOU during the same period (Makulec, 2013).
- **India and the UAE**, in the context of a broader bilateral agreement, have taken steps to developing an electronic contract validation system that aims to reduce contract substitution and ensure workers received expected wages and working conditions (UAE Ministry of Labor, 2011)
- City-to-city co-development partnerships have also been tested. **The Montreuil / France – Yelimané / Mali agreement** includes an effort to mobilize the Diaspora in development projects in both cities. As of 2010, 4 million Euros have been invested in these partnerships (GFMD, 2010). Such local efforts likely help to reduce the stigma of transnational labor recruitment, and in so doing help establish transparency and accountability for employers and recruiters in the community

The literature assessing the effectiveness of bilateral agreements in reducing recruitment abuse is still in its infancy. A recent summary study, however, which examined the many agreements held by India with Gulf states, Jordan and Malaysia, concluded that there is no evidence that they have contributed to improved governance of labor recruitment (Wickramasekara, 2012). The underlying challenge is that bilateral agreements are aspirational and driven by terms of agreement that are non-enforceable. Moreover, some agreements are restricted to public sector recruitment ignoring private sector activities. Concerns have also been raised about the fact that they may allow for preferential treatment of certain groups of workers rather than raising minimum standards for the (migrant) workforce as a whole (Cangiano, 2012). They also rely on

having good data systems to track migration, which unfortunately most countries have not developed.

On the other hand, these same authors suggest that bilaterals are ‘better than nothing’ (Wickramasekara, 2012; Go, 2007; Agunias, 2012). Proponents suggest that agreements may be most effective for low wage workers, because higher wage workers may have the means to go outside agreements and seek employment directly (Hugo, 2009). There has also been a suggestion that local agreement (e.g., **the Montreuil / France – Yelimané / Mali case**) that seek to promote co-development may provide increased transparency and accountability because they reduce the stigma of labor recruitment and the smaller geographic units make it harder to hide (GFMD, 2010). Others have emphasized that they allow governments to meet and review recruitment processes on a regular basis, a practice which over time could lead to better harmonization of state laws and effort at enforcement (GFDM, 2010).

### *Government to government recruiting and public sector agencies*

In the context of bilateral agreements, some governments have made an effort to cut out for-profit middlemen by establishing direct government to government recruitment processes. This idea is not new; the ILO has promoted public employment agencies for domestic recruitment since its inception in the early 20<sup>th</sup> Century (ILO, 2009). Such arrangements, however, have been most prevalent among governments with strong public sector services and state-owned industries.

In another variant of this idea, a few national and local governments have created their own international recruitment agencies that essentially compete with the private sector. Public agencies exist in China, Bangladesh, India, and at the level of some states within Mexico. Other examples include the following:

- The **U.S. -Jamaican H2A agreement** for the recruitment of farm workers involves the Jamaican Ministry of Labour serving the function of recruitment agency. While NGOs have criticized the Jamaican government for facilitating U.S. employer blacklisting of certain workers, the program does protect migrants against fraud and abuse (Sukthankar, 2012)
- The **Overseas Development and Employment Promotion Consultants (ODEPC) Limited**, which was created in 1977 and is owned by the state government of Kerala, India (Government of Kerala, n.d.). Like other sending nation public recruitment companies ODEPC’s primary objective is to promote Keralite labor recruitment, both domestically and internationally, but it also seeks to protect Keralite emigrants from abuse. One of its major areas of work continues to be the recruitment of nurses to work in Gulf States, with recent agreements signed with Saudi Arabia and Oman.
- Another variant on these State led initiatives have been programs in which the **International Organization for Migration (IOM) acts as a placement agency** in exchange for a fee paid by employers to the IOM to cover the cost of the service. For example, since 2003, in Guatemala the Temporary Foreign Workers Programme (TFWP) has placed some 6,000 workers with Canadian businesses (International Organization for Migration, 2012). Similarly, since March 2008, in collaboration with the Government of Mauritius, the IOM has implemented five labor migration projects with Canadian private companies. The main tasks have consisted in providing assistance for: (i) the short-listing; (ii) pre-selection and selection of applicants; (iii) health and psychological assessment of short-listed applicants; (iv) employment contracts, visas, and travel arrangements; (v) pre-departure orientation and training; and (vi) post-arrival and stay (GFDM, 2010).

These initiatives appear to have the dual intent of promoting more recruitment and protecting workers. Indeed, they seem to be located in sending nations that have a stated interest in increasing out-migration as a means of maximizing remittances. Whether the primary goal of these programs is to protect migrants, increase remittances, eliminate unscrupulous middlemen,

or to access the revenue generated by recruitment transactions is likely a matter of debate. Critics of the IOM program, for example, point to the potential conflict of interest in such functions, since the organization assumes a vested interest in expanding the number of migrant workers.

On the question of the effectiveness of public recruitment agencies, it seems reasonable to assume that they do reduce opportunities for abuse by middlemen. Their reach, however, is likely a function of their market share, since they essentially compete with private agencies. Their presence in contexts in which strong bilateral agreements exist would also presumably elevate their reach.

#### 4. International Law

Since World War II, governments have viewed multi-lateral organizations and the development of international law as the primary response to challenges of global governance. Faced with the imperative of state sovereignty, however, most international law is non-binding, or ‘soft.’ The deficit of these legal instruments is that they create no benchmark standards for enforcement. They do, however, allow for individual nations to take up the responsibility of enforcement internally, and may be viewed as an incentive to do so (Glendon, 2004).

Among the international agreements relating to labor migration specifically is the ILO’s “Multilateral Framework on Labour Migration.” Approved in 2006, the Framework includes nonbinding principles and guidelines for a rights-based approach to labor migration that emphasizes broad themes such as “decent work for all; management and governance of labor migration; promotion and protection of migrant rights; and migration and development.”

- Other relevant international agreements include the **ILO’s Convention 181** on private employment agencies, which has been ratified by 25 countries, but only one in Asia – Japan. Of note, the Convention prohibits the charging of recruitment fees to the job-seeker. Suggesting the structural weakness of such voluntary agreements, however, governments in Asia have ignored the agreement and opted instead to allow the charging of fees within a ceiling (Baruah, 2013).

ILO’s Maritime Labour Convention (MLC) covering seafarers, the International Convention on the Protection of the Rights of All Migrant Workers and their Families, and The ASEAN Declaration on Human Rights of Migrant Workers, also represent important international agreements relevant to this area. Within the EU: Article 19 of the revised European Social Charter also provides guidelines for some of the basic standards with respect to the right of migrant workers and their families to protection and assistance, including treatment in respect of remuneration and working conditions. Finally, there are certain human rights instruments which can be applied more specifically to the recruitment of labor migrants, such as Convention on the Reduction of Statelessness, Convention on Status of Stateless People, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women; and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations Human Rights, 2013).

- Another example of international soft law that focuses on a single industry is the **World Health Organization (WHO) Global Code of Practice on the International Recruitment of Health Personnel** (WHO, 2010). Like other soft laws, the Code is voluntary and lays out broad principals that seek to encourage national policies to protect the rights of migrant health workers and maximize the benefits of workforce migration to national health systems. To their credit, the authors developed guidelines on monitoring implementation, including the proposed creation of a National Authority in signature countries, and a national self-assessment tool that would form the basis for a voluntary report by states every three years. To date, 69 countries established a national

authority to promote implementation of the Code, including the United States, but fewer than half submitted reports. While there were statements that the reports would be publicly available through the WHO Web site as a means to increase accountability, as of March 2013, the WHO has not made any reports public.

Among the governments that submitted reports, there appears to be diplomatic support for the effort, although not necessarily a commitment to change policies. The U.S. government did make its report public, highlighting two areas of policy that have been signature policy areas for the Administration: 1) the increased emphasis on domestic workforce data collection and policy under the new health reform law and 2) the significant investment in health systems strengthening by the U.S. government in a sub-set of less developed nations (U.S. Health Resources and Services Administration, 2012). Signaling the limits of the Code, however, the report states that the U.S. government does not have a registry of recruiters, does not actively monitor recruitment and (despite the WHO recommendation to the contrary) does not plan to do so.

A few countries have been more inclined to make changes, including Norway, Ghana, and Thailand. Thailand created a national registry of recruiters (Taylor, Hwenda, Larsen, and Daulaire, 2011). The non-governmental Health Worker Migration Initiative awarded a prize to Ghana and Norway for their efforts to implement the WHO Code. Ghana, they reported, has made great strides in improving basic health infrastructure and collaborating with stakeholders to encourage the return of health workers. Norway has established ethical international recruitment standards, been especially active in reporting data to the WHO, and in ensuring fair treatment of migrant health personnel (Aspen Global Health and Development, 2012).

### *Convening and Technical Assistance*

Beyond providing a platform for the negotiation and dissemination of international agreements among states, multilateral organizations generally also provide opportunities for continued dialogue, as well as technical assistance projects designed to support specific regions or particularly vulnerable countries.

- The IOM, for example, has facilitated a series of regional consultations described as **Regional Consultative Processes** on migration (RCPs). It reports that there are 14 RCPs, covering nearly all regions of the world (IOM, n.d.). RCPs provide an opportunity for dialogue regarding new legislation and policies, but are non-binding.
- In another example, the ILO has organized the **ASEAN Forum on Migrant Labour (AFML)**, which since 2008 has provided a unique opportunity for governments and civil society to exchange best practices and ideas about how best to protect migrant workers in South East Asia, in the context of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

In summary, the inherent strength of international soft laws lies in their significant visibility and universal reach to governments. They incent governments to continue to develop and bring attention to innovative programs, and arguably also provide a framework for advocates to continue to push for reforms (Taylor and Dhillon, 2011). The weakness lies in the lack of stringent standards and their inability to use either enforcement mechanisms, or market based tools to incent behavior change. Like all soft law instruments, as it is being developed there is a fundamental trade off between state buy-in and the stringency of the proposed standards. Indeed, during the final negotiation of the WHO Code, the U.S. and Canada were successful in further diluting the language to make it even less binding, before agreeing to sign it (Taylor and Dhillon, 2011).

The exclusive focus on governments in soft law has led to questions of whether such international Codes could target multinational corporations directly, as opposed to through proposed State regulations. There were such attempts in the 1970s, including the OECD Guidelines for Multinational Enterprises<sup>14</sup> and the ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. Both, however, proved to be weak instruments (International Council on Human Rights Policy, 2002). Similarly, the long, drawn-

out efforts to design an international code of conduct for transnational corporations via the United Nations Centre on Transnational Corporations eventually ended without success in the early 1990s (Hansen, 2002). The only example of which we are aware in which transnational corporations have been directly addressed in international law was 1981 WHO International Code of Marketing Breast-milk Substitutes. While signed by state governments, the Code does directly hold manufacturers and distributors responsible directly (WHO,1981).

## 5. NGOs

Non-governmental organizations (NGOs) exist both to counter and to influence traditional governance models. In this context, the proliferation of NGOs in recent decades may be in part a result of the voids in international law, as well as the opportunities that international legal regimes foster. As NGOs have become more prominent in global governance debates, the concept of ‘transnational’ soft laws has emerged, suggesting a greater role for the private sector and NGOs as parties to agreements.

In the area of transnational labor recruitment, NGOs have varied focuses, particularly with regard to their interest in (or not) promoting migration for the purposes of economic development, and the extent to which they focus on human trafficking. Appendix B lists dozens of NGO initiatives focused on increasing migrant worker protections.

One way in which NGOs can operate in this space is to focus their advocacy on developing and strengthening international law.

- An example of this international focus is the **Health Worker Migration Initiative (HWMI)**, and its predecessor organization, Realizing Rights, which played a key role in bringing an NGO voice to the WHO deliberations leading up to the 2010 passage of the WHO Code, and since then in maintaining pressure on the WHO to continue implementation of the Code (Aspen Global Health and Development, n.d.). Their change strategy has been to identify leaders from public, private, and civil society sectors that have the strongest commitment to changing recruitment practices, and to provide a platform for this group (called the Health Worker Migration Council) to pressure WHO members into supporting the Code. At the broadest level, the passage of the Code would suggest that HWMI’s efforts in collaboration with other NGO allies were indeed effective.

A second NGO model is focused on domestic advocacy, often referred to as the ‘watch dog’ model.

**The Centro de los Derechos del Migrante (CDM)** is an example of such as model. Their change strategy operates at multiple levels, including the following:

- *Research:* Qualitative investigations of migrants’ experiences in Mexico and the U.S.
- *Naming and shaming:* Aggregation of data from reports and public sources to develop a geographic information system (GIS) to display their findings. The GIS locates recruiters, links them to each other and to employers that use their services, and posts reports of abuses in relation to specific companies.
- *Education and Organization:* Worker trainings in Mexico and development of a worker committee that advises prospective migrants on their rights and assists victims, including educational pamphlets that focus on relevant U.S. and Mexican laws and provide instructions on whom to contact if migrants face abuse.
- *Advocacy for legislative reform.* Convening of coalitions, such as the International Labor Recruitment Working group, a group of over 20 NGOs and unions to advocate for more stringent oversight of labor recruiters in the context of guest worker programs (ILRWG, 2013).

- *International Adjudication*: Filing complaints at the international level under North American Free Trade Agreement (NAFTA) worker protection provisions, and has conducted informational sessions for the Inter-American Human Rights Commission.
- *Impact Litigation*: Select legal action on high profile cases is a key strategy for many NGOs and unions, e.g., CDM and a coalition of other NGOs recently won the case of ‘Comité de Apoyo a los Trabajadores Agrícolas (CATA) v. Solis, et al., Civil No. 2:09-cv-240-LP, 2010 WL 3431761 (E.D. Pa.), which challenged the Department of Labor’s method of determining minimum wages for H2B visa workers.
- *Legal services*: Legal services for migrants that have experienced abuse in the U.S.

An assessment of the impact of each of these strategies is beyond the scope of this paper, but it is clear that NGOs use a broad range of strategies designed to negatively brand transnational corporations and empower migrants. Their structural weakness, if any, is that many of tactics are designed to affect change in indirect ways, i.e. influencing other actors to create regulatory schemes. Impact litigation and international adjudication, on the other hand, have the advantage of establishing legal precedent directly, without the need for continued advocacy.

Individual legal services to individual migrants, on the other hand, while helping to address the governance gap, may have less impact; most are settled out of court and do not even become a matter of public record. Education and empowerment of migrants is a similarly noble endeavor, but is a massive undertaking, that may only have impact over time and when many institutions collaborate with the same aim.

Perhaps the main strength of NGOs actions is that, unlike other actors reviewed in this paper, they have the luxury of creating highly stringent standards of change and using negative branding tactics to punish the industry as a whole, with without concern for a backlash that could result in countries or companies backing out of a regulatory negotiation.

The use of multiple strategies, in some cases by a single NGO, suggests that there may be important synergies when applied in conjunction with each other. On the other hand, it is also possible for an NGO to spread itself too thinly across different activities. Some specialization among NGOs working on the same issues may therefore be advantageous. In addition, collaboration across NGOs when advocating for legislative reform clearly increases their impact, as is being attempted by the International Labor Recruitment Working Group.

## **6. Unions**

Many unions are realizing that international labor recruitment is both a threat and an opportunity for their continued survival (Bronfenbrenner, 2007). As the proportion of migrant workers grows in destination nations, migrants provide an opportunity to expand membership (AFL-CIO, 2013). Internationally recruited workers, however, are likely to be socially isolated and out of contact with unions. They may be willing to accept lower wages and worse working conditions than native workers, potentially eroding years of hard earned progress by unions in these areas. They may also have been told by recruiters and staffing agencies that they are not permitted to talk to union leaders, and, indeed, in some countries they may not be legally allowed to join unions. As a result, some unions are realizing that they need to design specific strategies to reach these individuals, and that it is important to empower their international federation to engage in international governance discussions.

Unions use many of the same tools used by NGOs described above, but, in addition, they can establish special partnerships between unions in destination and sending nations. Examples include the following:

- The **United Food and Commercial Workers Union (UFCW) Canada Local 1118 in Alberta, Canada**, was able to negotiate with employers that any internationally recruited workers would be entered into the Alberta Immigrant Nominee Program, which allows migrants to gain permanent residency. Foreign workers are also protected under robust collective agreements that allow them to receive the same wage, benefits, working conditions, and protections as domestic unionized workers. Union representatives also inspect housing before new migrant workers arrive to ensure it meets minimum standards.
- The **Farm Labor's Organizing Committee (FLOC)** developed an agreement with the association of farmers in North Carolina in which they agreed to support migrant workers from Mexico with visa applications, while educating workers about their rights and the dangers of recruitment fraud and abuse in the workplace. They also monitor wage levels and working conditions in farms in North Carolina.
- The **American Federation of Teachers (AFT)** in the U.S., which represents 1.4 million teachers, nurses and public sector employees, and the **Public Sector Labor Independent Confederation (PSLINK)**, a Filipino union with a membership composition that roughly mirrors that of the AFT, have established a strong partnership. The partnership arose in 2006 out of a project at the global union federation level with **Public Service International (PSI)**. The unions work together to document migration trends for nurses and teachers, identify ethical recruitment practices, and establish best practices for organizing and serving migrant workers (Eyck, 2004). They further agreed to work together to help empower migrants to make informed decisions before they leave their home country, support migrant's networks in destination countries, create a "passport" agreement whereby workers have reciprocal union membership, and endorse ethical recruitment guidelines and lobby governments to adopt these proposals. They also developed a pre-decision (as opposed to a pre-departure) tool kit for aspiring migrants that provides guidance on how to negotiate with recruiters, information about employment laws in the US and contact information for local unions.

The change strategy implicit in this kind of union organizing focuses on the empowerment of migrants and advocating for MSIs, governments, and international organizations to develop and implement standards. Strengths of this model include the engagement of sending country representatives, and the notion of migrant empowerment as a core function of a union (as opposed to a one-off project). The relationship with sending country unions and migrants in the destination country also expands their capacity to detect cases of abuse.

On the other hand, cross-border union partnerships are only possible in highly unionized segments of the workforce, and with unions that have leadership interested in the issue. An additional difficulty may be the challenge of sustaining the focus, since union leaders have many competing issues to address.

### ***New Technologies***

NGOs, unions, and MSIs alike are exploring the power of new technologies and social media as a tool for education, organizing, naming and shaming and advocacy.

*Social Media:* Facebook and Twitter are now almost universally used by NGOs and unions. In addition to simply amassing followers who receive news, the key to these efforts is engaging followers in a dialogue. Such strategies could vastly expand the reach of NGOs and unions, and address concerns that the viewpoints of migrants are insufficiently represented in these organizations.

*Mobile apps:* Another area of promise that is being explored by several NGOs is the use of text messaging-based applications on mobile phones. For example, Labor Voices, a California based



for-profit company, has adapted open source programs and offered services to NGOs and unions. They advertise a service that allows “workers to seek and share information on employers and labor recruiters” by accessing call centers through mobile phone texting.<sup>1</sup> While the use of the app to sell other Labor Voice services, such as wire transfers by migrants back to home countries, has deterred some NGOs from testing this strategy, such technologies will likely become more widely available in the future.

*Consumer Rankings:* A number of NGOs and MSIs are considering creating a consumer ranking of recruitment companies modeled on “Trip Adviser” or “Angie’s List”. While in the early stages, such efforts could dramatically increase transparency and accountability of companies and help to empower migrants. The challenge will be to convince migrants to participate by building trust in the confidentiality of the site and by demonstrating the value of the service to those who could submit reviews.

The potential of these emerging strategies is as yet unknown. However, early lessons seem to suggest that one limitation is that they rely on migrants’ willingness to ‘engage’ on worker protection issues. Fear of reprisals, even when anonymity is assured, could be a major barrier to participation.

## **6. Multi-Stakeholder Initiatives (MSIs)**

In the context of the critique of Corporate Social Responsibility initiatives, in the late 1990s, a series of organizations described as Multi-Stakeholder Initiatives (MSIs) emerged. MSIs typically came about following a campaign by non-governmental organizations to “brand” a transnational company and its supply chain as violating labor and human rights standards. Transnational corporations and the advocacy organizations that previously engaged in ‘name and shame’ tactics would come together to negotiate a set of voluntary standards that could be used to judge to performance of corporations (O’Rourke, 2006). Standards have varied in their level of detail and stringency, but generally are far more specific than international soft law, and even state laws and regulations. Their goal is to go ‘over and above’ the legal thresholds to demonstrate high ethical standards.

The key idea of MSIs is to use market based incentives to change corporate practices through the use of a third party certification mechanism. They may also produce research on the nature of the problem, and in some cases provide direct outreach and education to workers. While many certifications focus on managerial processes (e.g., International Organization for Standardization (ISO) and Joint Commission), MSIs focus on performance, using methods such as random audits and direct contact with workers to verify compliance. Certified companies found to be out of compliance enter into a period of ‘remediation’. If the problem is corrected within a defined time period, companies remain certified. If it is not corrected, they are delisted.

MSI certification initiatives are governed by a multi-stakeholder board. Conroy suggests that corporations must participate in the initiative for it to be viable, and that standards must be acceptable to these companies, even if it means they are slightly lower than NGOs and unions would like (2007). At the same time, the participation of NGOs and/or unions is critical to establishing the legitimacy of the process. Board structures reflect a balance of power among the various sectors, and an explicit decision to leave those areas of policy disagreement that are not relevant to the standards outside the negotiating room. Governments do not form part of MSIs

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<sup>1</sup> See Labor Voices product at <http://laborvoices.com/products/>. [Accessed March 23, 2013]

except as observers and, in some cases, funders. In general, governments have been supportive of such efforts. In the case of the United States government, MSIs are generally welcomed as a private sector solution to problems that are either beyond its jurisdiction, or beyond its enforcement capacity due to limited resources.

- In the area of international nurse recruitment, the U.S.-based **Alliance for Ethical International Recruitment Practices (Alliance)** has followed in this tradition. The Alliance grew out of a two fold concern about the impact of recruitment on health systems in less developed countries, on the one hand, and the prevalence of immigration and labor abuses on the other. Hospital association leaders, professional nursing associations, labor unions, recruiters, and representatives from the Indian and Filipino communities in the United States came together in 2007 and negotiated a set of minimum ethical standards for the industry called the *Voluntary Code for the Ethical International Recruitment of Foreign-Educated Health Professionals to the United States* (Alliance, n.d.).<sup>2</sup>

The strength of the Alliance lies, first, in having convened the major stakeholders and achieved agreement on a detailed set of standards specific to the healthcare, and now education, sectors. It has also successfully developed a complex system of certification, monitoring and marketing. The weakness of the model lies in its reach. Although the largest recruitment companies in the healthcare industry participate, the majority (about 80 companies) have thus far declined to participate, in some cases explicitly responding that they view the Alliance as adversarial to their interests. One explanation for the limited acceptance by industry is that the economic decline alleviated their concerns about defending their brands.<sup>3</sup>

An interesting variant on this model is the state sanctioning of an MSI agreement as illustrated in the following example:

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<sup>2</sup> During this period, at least two factors facilitated a successful negotiation. First, there was a high level of recruitment occurring, and growing international criticism of the industry's practices. The criticisms were causing congressional leaders to question whether or not to acquiesce to hospitals' and recruiters' requests for additional visas, as they had several times in the previous years. Additionally, the rapid expansion of the industry between 2000 and 2007 led CEOs of some of the larger companies to worry about the 'unscrupulous' practices of smaller 'mom and pop' companies; they had become interested in finding a way to differentiate themselves from these 'other' companies (Pittman et al., 2007).

Subsequent to the launch of the voluntary Code, the same five sectors continued to work together to develop processes for (1) certifying companies, (2) monitoring adherence of these companies based on surveys of the health workers under contracts and an open complaint system, (3) remediation and delisting, and (4) a consensus-based governance structure that ensures balance among the sectors, permanent seats for national founding organizations, and an independent human rights leader as chair. A two year pilot of the certification system ended in 2013 with six certified companies, and as of 2013 certified companies are charged a fee based on a sliding scale (\$500 - \$2,000). In a parallel activity, major social media outreach to migrants and an educational webinar series are developed to help empower migrants in their interaction with recruiters. In addition, work is ongoing to expand the Alliance to develop a separate Code and certification for the international recruitment of teachers.

<sup>3</sup> The 2008 recession dramatically reduced the demand for international nurses and, as a result, about two thirds of recruiters active at that time went out of business. Most of those who remained were large staffing agencies. Staffing agencies are precisely the type of companies for which meeting the Code's standards requires the most behavior change. Meanwhile, as international nurses' visa priority dates have come due in the last two years, many direct employers have reneged on their offers, leaving migrants desperate to find a new sponsor. Staffing agencies have 'recaptured' these individuals and are offering contracts that are even more problematic than when the Alliance began. At the same time, public concerns about international recruitment of health workers have dissipated, leaving companies with little pressure to allow the Alliance to monitor their recruitment practices. Two factors could suddenly change the context in which this MSI operates. First, on the demand side it is likely that the expansion of health care coverage and the recovery of the economy will reignite international recruitment, reviving public awareness of the industry. Second, should immigration reform pass with some form of public registry of employers that recruit internationally, the additional transparency in the supply chain will allow the Alliance to target the main drivers of recruitment.

- Brazil has been a pioneer in engaging employers and NGOs. Following negotiations with the private sector and NGOs, a “*Pact for Decent Working Conditions in the Clothing Manufacturing Sector*” was adopted in 2008 in the state of Sao Paulo, Brazil, and signed by the government and the private sector as well as migrants’ associations (GFMD, 2010).

Similarly, in those contexts in which there are public registries of recruiters and of employers sponsoring foreign workers, the MSI certification strategy may have greater reach. The increased transparency creates the incentives for these actors (especially the large corporations) to demonstrate that they adhere to ethical principals.

In summary, the advantage of the MSI approach is that it engages a broad range of actors that are able to directly affect change and that it provides positive incentives for corporate behavior change (Utting, 2002). Moreover, MSIs are able to produce codes that are more detailed and have higher standards than international agreements or state regulations. Proponents of MSIs such as Conroy describe the ‘certification revolution’ as having achieved “nothing less than a profound transformation of the social and environmental practices of global corporations representing significant portions of the industry on which they focus” (2007). He further argues that these efforts are changing expectations of accountability.

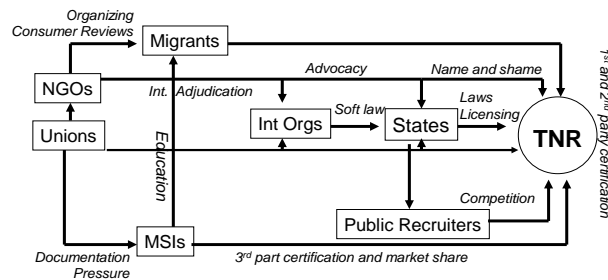
On the other hand, the case of the transnational labor recruitment may have special implications for MSIs. First, labor recruitment is highly sensitive to market changes, making the work of the MSI complex. Since demand for foreign workers is likely to be cyclical, sustaining the systems during periods of low recruitment may be difficult. Second, political pressure is critical to MSI’s success, and without NGOs, unions and even elected officials pressure on the recruitment companies and employers it is a challenge to convince them that they should allow third party monitoring. Third, evidence suggests that MSIs are most successful when large corporations are held responsible for the practices of all of the vendors across different countries in their supply chain (Conroy, 2007). Exposing those relationships in many industries is difficult, but transnational labor recruitment it is particularly reluctant to reveal their supply chain because of the stigma attached to the recruitment of foreign workers. Moreover, in some industries most of the employers are small (carnival, farms, etc) or even simply households in the case of domestic workers, making it difficult to use ‘branding’ as the market strategy. A final critique is offered by Utting, who warns of the danger of northern led initiatives being blind to southern nation’s perspectives (2002).

## 8. Discussion

Reflecting on the effectiveness of the strategies used by both state and non-state actors to advance the global governance of transnational labor recruitment, we have posited that it is important to understand the pathways through which change is sought. If we assume that the end goal for all of these efforts is to modify the behaviors of transnational recruitment, our analysis suggests that **NGOs play a central role in creating a cascade of conditions that move other actors into action.** This includes pressure on international organizations, which, in turn, influence states to improve their regulations. It also includes direct advocacy to states, campaigns that lay the groundwork for legal and regulatory change as well as for MSIs, and education and organizing to help migrants to play a more active role in defending their interests. In the flow chart below we trace some of these interactions (Figure 2).

Figure 2

Strategic Pathways for Changing Transnational Recruitment (TNR) Practices



**The influence of these strategies, however, is not unidirectional.** An interesting example of the back and forth that may occur relates to the relationship (and potential tensions) between market-based governance and traditional governmental modes of regulation. In countries with pro-business local and national governments that are unwilling to develop regulatory standards or invest the resources necessary to make them enforceable, NGO campaigns and MSI voluntary standards are the only option. As the possibility of state regulation increases, participating companies may see voluntary standards as a mean to stave off more burdensome state regulations. Yet paradoxically, **MSIs may make legislative and regulatory reform more likely** since recruiters and their critics have already agreed to standards, and to some extent have demonstrated that higher social standards are economically viable (Conroy, 2007). This, in turn, creates an incentive for participating companies to support improved regulatory oversight to reduce the dangers of being undercut by unscrupulous competitors.

Another example of the bi-directionality of these interactions concerns international soft law agreements like the WHO Code of Practice. Although broad and unspecific in their standards, and although the main goal of such agreements is to encourage states to take action, the existence of an **international codes provides legitimacy to the work of NGOs and MSIs**. In the case of the Alliance, for example, the WHO Code helped spur some of the employer organizations to renew their commitment to the MSI, in part, at least, because they saw it as an alternative to what was perceived to be a threat of international oversight and potential regulation down the road.

In looking across the various actors and types of strategies, two additional themes emerge that suggest the importance of examining the full range of strategies at play in a given country, and in a given industry. First, the **inexorable trade-off between the level of detail and stringency of standards, on the one hand, and the extent of buy-in to (or reach of) the strategy, on the other, is a constant for most of the strategies reviewed.** International soft law, for example, offers broad principles that lack detail and have no enforcement power, yet provide significant visibility for an issue like labor recruitment, reaching both destination and sending country governments. As discussed by Agunia, single states also face this trade off, since, at least in nations with limited enforcement resources, the more stringent and burdensome the standards, the more likely recruiters are to operate outside the regulatory system in the black market (2012). Similarly, MSIs must decide how high to set the bar, recognizing that higher stringency may drive companies away from the voluntary system. **NGOs and unions are the only actors that**

**do not face this balancing act, suggesting, again, that their role is critical to the process of establishing the negotiation parameters for other actors engaged in developing global regulatory strategies and enforcing standards once in place.**

The second theme relates to the issue of **consequences of compliance (and non compliance)** for transnational recruiters. Among the strategies reviewed, consequences were derived from (1) market-based positive incentives (certification and licensing), (2) market based negative incentives (shaming), and (3) financial and criminal penalties for the most egregious offenders. MSIs use the first, NGOs use the second and third types, and states may use both the first (e.g. licensing) and the third (fines, and prosecution). **The ideal situation for specific countries and/or industries may lie in the simultaneous use of all three strategies, since different corporate actors may be more or less influenced by different pressure points.**

### *The Way Forward*

In addition to the importance of looking at the spectrum of strategies at play in a given country or industry, it is clear from our analysis that no strategy is without weaknesses and that there are opportunities to strengthen existing initiatives. Moreover, certain strategies are undoubtedly more effective in the context of certain national contexts and specific industries.

Emerging questions and areas for further discussion include the following:

- *Lessons Learned on Public Registries:* Publicly accessible registries of transnational labor recruitment companies and better data on who is being recruited and where they are placed are key to efforts to increase the effectiveness of NGO advocacy, MSI third party certification, and even national and local laws and regulations. Are there lessons learned from those countries that have attempted to create public registries, e.g., Canada, Philippines, and Thailand, that could be useful to other countries? Could these registries be standardized across countries?
- *Research on Employers:* Information on both large and small employers that use labor brokers in the transnational recruitment process is imperative for a range of strategies, whether naming and shaming, MSIs or enforcement of national labor and immigration laws. Could NGOs in destination and sending countries partner to create a program of research, and potentially a system for displaying information publicly, such as GIS?
- *Testing new technologies:* How could NGOs, unions, MSIs, and potentially international organizations, partner to test new technologies that seek to empower migrants, e.g., mobile phone apps?
- *Building Social Media Presence:* Could these same sectors pool learning on how to engage Facebook and Twitter followers? Could there be a single portal for a consumer ranking initiative?
- *Economies of Scale for Third-Party Certification:* Certification, monitoring and marketing require significant expertise. Could there be economies of scale in third-party certification schemes across industries and across countries that would help create financial sustainability as well as political momentum?
- *Public Private Partnerships.* Could there be public-private initiatives that include governments, as well as NGOs, unions, or MSIs?

- *Differences among Types of Migrants:* As efforts to create economies of scale and greater collaboration across strategies advance, should there be a division between strategies to regulate the recruitment of low and middle wage workers? Are certain occupations, like domestic workers, so high risk that they should be managed separately?
- *Differences Among Types of Employers Recruiting Migrants:* How might strategies need to be adapted to respond to different employment relationships? What efforts would be most effective in influencing the public sector employers, or families bringing migrant workers into their homes?
- *Human Trafficking:* To what extent should the advocacy around migrant worker protection be include, or even be centered, on laws concerning the prevention of human trafficking?

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## Appendix A: Additional Examples of State-Based Initiatives to Protect Migrant Workers

Country	Description
Australia	<ul style="list-style-type: none"> <li>All migration agents must be registered with the government and are bound by a Code of Conduct.</li> <li>Since July 2009, the Office of the Migration Agents Registration Authority oversees recruitment agency practices and provides migrants a list of registered agencies, information on their rights, and a mechanism to submit complaints.</li> <li>Australia has also established Migrant Resource Centers (MRCs) that may be operated by NGOs but are largely funded by the government to provide social and legal support to migrants.<sup>1</sup></li> </ul>
Brazil	<ul style="list-style-type: none"> <li>Brazil's regularization program, implemented in 2009, uses both domestic (i.e., civil society) and international partnerships to create more regular migration that protects migrants from exploitation by employers and traffickers.<sup>2</sup></li> </ul>
Belgium	<ul style="list-style-type: none"> <li>Domestic workers employed by Belgian diplomats must sign an employment contract with their employer in accordance with Belgian legislation.</li> <li>The domestic worker is also required to complete an Embassy interview prior to receiving their visa, collect an identity card in-person once arriving to Belgium, and annually renew the identity card with the Protocol and Security service of the Ministry of Foreign Affairs.</li> <li>This gives the domestic worker various opportunities to talk about his or her work situation and get information or help if they are in an abusive situation.<sup>3</sup></li> </ul>
Canada	<p><u>The Manitoba Worker Recruitment and Protection Act (the "Manitoba Act"):</u></p> <ul style="list-style-type: none"> <li>Established in 2009 and prohibits migrant workers being recruited for employment from being charged any fees. It also requires individuals who engage in international recruitment to be licensed and employers interested in recruiting foreign workers to be registered by provincial authorities.<sup>4</sup></li> <li>Manitoba is the first Canadian jurisdiction with legislation that aims to penalize and filter out abusive employers and recruiters.<sup>5</sup></li> </ul> <p><u>Province of Ontario's Bill 210:</u></p> <ul style="list-style-type: none"> <li>Established on March 15, 2010 to provide protections to migrant live-in caregivers from recruiters. Protections include: 1) banning recruiters from charging recruitment fees, 2) preventing employers from recovering recruitment and placement costs or withholding personal documents, and 3) extending the time a caregiver can file a complaint from two to three and a half years.</li> </ul> <p><u>Immigration Refugee Protection Act (IRPA):</u></p>

<sup>1</sup> Hugo G. Best Practice in Temporary Labour Migration for Development: A Perspective from Asia and the Pacific. International Migration. 2009; 47(5):23-74.

<sup>2</sup> [http://www.gfmd.org/documents/switzerland/gfmd\\_swiss11\\_cluster\\_summary2.pdf](http://www.gfmd.org/documents/switzerland/gfmd_swiss11_cluster_summary2.pdf) Accessed April 15, 2013

<sup>3</sup> [http://www.gfmd.org/documents/mauritius/gfmd12\\_mauritius12\\_rt\\_3-3-background\\_paper\\_en.pdf](http://www.gfmd.org/documents/mauritius/gfmd12_mauritius12_rt_3-3-background_paper_en.pdf) Accessed April 15, 2013

<sup>4</sup> <http://www.gov.mb.ca/labour/standards/category.wrpa.factsheet.html> Accessed March 20, 2013

<sup>5</sup> <http://www.uncw.ca/templates/uncwcanada/images/Report-on-The-Status-of-Migrant-Workers-in-Canada-2011.pdf> Accessed March 20, 2013

	<ul style="list-style-type: none"> <li>Modified in October 2009 to include three additional measures to protect migrants in the Temporary Foreign Worker Program: <ol style="list-style-type: none"> <li>A more rigorous assessment of job offers</li> <li>Limits to the length of a worker's stay in Canada</li> <li>A two-year prohibition from hiring foreign workers by employers who are found to have exploitative or abuse practices.</li> </ol> </li> </ul>
Ireland	<ul style="list-style-type: none"> <li>Modified its Employment Agency Act of 1971 to also include a Code of Practice that sets standards for private employment companies. Companies must be in compliance with this Code to receive their license.<sup>6</sup></li> </ul>
Israel	<ul style="list-style-type: none"> <li>In May 2005, Israel eliminated its "binding policy" which tied a migrant worker to a single employer and began issuing permits to licensed employment agencies. Contractors then hire workers from these agencies, which serve as migrants' employers and allow workers to change agencies every four months. This has led to improvements in employment conditions and workers' wages.<sup>7</sup></li> </ul>
Italy	<ul style="list-style-type: none"> <li>Created an electronic profile system that lists job requirements and worker skills to improve skill recognition and worker selection. It also increases transparency in the process.<sup>8</sup></li> </ul>
Jamaica	<ul style="list-style-type: none"> <li>The U.S.-Jamaican H2-A agreement for the recruitment of farmworkers has the Jamaican Ministry of Labour serve as the recruitment agency, which helps to protect migrants from fraud and abuse.<sup>9</sup></li> </ul>
Jordan	<ul style="list-style-type: none"> <li>Jordan is the first Arab country to revise its Labor Code to provide protection to domestic workers and other low-skilled workers.</li> <li>In 2003, Jordan introduced a standard unified contract for migrant domestic workers with improved provisions on their rights, such as: work and residence permits, life and accident insurance, suitable accommodation, meals, clothing and medical care, weekly holidays, and salary payment records kept by both parties.<sup>10</sup></li> </ul>
Lebanon	<ul style="list-style-type: none"> <li>In 2009, Lebanon established a unified employment contract and draft law on domestic work. New anti-trafficking legislation was enacted in August 2011.<sup>10</sup></li> </ul>
Philippines	<ul style="list-style-type: none"> <li>The Philippine Overseas Employment Agency (POEA) licenses recruitment agencies that meet certain financial benchmarks and requires international recruiters to be represented by Filipino agents. The POEA registers and reviews contracts, caps the amount of fees migrants can be charged, requires pre-departure seminars on workers' rights, and provides consular support to migrant once in the destination country.<sup>11</sup></li> </ul>
Spain	<ul style="list-style-type: none"> <li>Spain is the first country to introduce new domestic worker regulations since the adoption of ILO Convention No. 189. These new regulations include anti-</li> </ul>

<sup>6</sup> <http://www.entemp.ie/publications/employment/2005/employmentagencyreview.pdf> Accessed April 19, 2013

<sup>7</sup> [http://search.oecd.org/officialdocuments/displaydocumentpdf/?doclanguage=en&cote=delsa/elsa/wd/sem\(2010\)3](http://search.oecd.org/officialdocuments/displaydocumentpdf/?doclanguage=en&cote=delsa/elsa/wd/sem(2010)3) Accessed April 15, 2013

<sup>8</sup> Summary Report for the GFMD, Dubai, January 18-19, 2011 Accessed April 15, 2013

<sup>9</sup> Sukthankar 2012

<sup>10</sup> [http://www.gfmd.org/documents/mauritius/gfmd12\\_mauritius12\\_rt\\_3-3-background\\_paper\\_en.pdf](http://www.gfmd.org/documents/mauritius/gfmd12_mauritius12_rt_3-3-background_paper_en.pdf) Accessed April 15, 2013

<sup>11</sup> IOM. Labor Migration in Asia: Protection of Migrant Workers, Support Services and Enhancing Development Benefits. 2005.

	discrimination protection and a right to a written contract, national minimum age, and social security. <sup>11</sup>
Sri Lanka	<ul style="list-style-type: none"> <li>• Currently considering issuing a requirement that subagents become licensed and that the recruiters for whom they work be jointly liable for any recruitment violations.<sup>12</sup></li> <li>• Sri Lanka is also developing a Web site to record employment demand and facilitate improved job matching.<sup>13</sup></li> </ul>
United Arab Emirates	<ul style="list-style-type: none"> <li>• Recruitment and employment agents can only be issued a license if they, and the agents of their partner organizations, are UAE nationals.<sup>14</sup></li> <li>• UAE agencies are banned from collecting placement and other fees from workers and must have assets of \$27,000 deposited in a UAE bank to prove financial competency.</li> <li>• The Wage Protection System requires workers' wages to be directly deposited electronically to workers' bank accounts, which allows easier monitoring of payments to workers.</li> <li>• Since January 2011, UAE-based recruiters who supply workers to third parties must deposit \$270,000 (Dh1 million) into a bank account, plus an additional \$540 (Dh2,000) per employee to be used if the employer fails to pay its workers.<sup>15</sup></li> <li>• The UAE Ministry of Labor inspects agencies twice a year.</li> <li>• UAE has also developed an electronic contract validation system with India to reduce contract substitution and ensure workers receive fair wages and good working conditions.<sup>16</sup></li> </ul>
United Kingdom	<ul style="list-style-type: none"> <li>• Employment agencies that breach the Employment Agencies Act (EAA) are issued demerit points that are valid for 12 months. If an agency accumulates 12 demerit points, they are placed on a surveillance list for 12 months and risk losing their licenses if they commit other offenses.</li> </ul> <p><u>Employment Agency Regulatory Framework:</u> Implemented on April 1, 2011 to tighten enforcement against unlicensed and exploitative employment agencies and help employment agencies improve their recruitment standards. The Framework requires that:<sup>17</sup></p> <ol style="list-style-type: none"> <li>1) All employment agency staff who perform employment agency-related work be registered with the Ministry of Manpower</li> <li>2) All employment agency managers and any staff who perform employment agency-related work get certification</li> </ol>

<sup>12</sup> Summary Report for the GFMD, Dubai, January 18-19, 2011 Accessed April 15, 2013

<sup>13</sup> A Report on the Workshop on Recruitment of Workers for Overseas Employment, Dubai January 18-19, 2011

<sup>14</sup> UAE Ministerial Resolution No. 233, for 1998, On Ruled of Licensing Employment and Expatriate Manpower Supply Agencies, Chapter 1, Article 2. Accessed March 30, 2013

<sup>15</sup> A Report on the Workshop on Recruitment of Workers for Overseas Employment, Dubai January 18-19, 2011 Accessed April 19, 2013

<sup>16</sup> Summary Report for the GFMD, Dubai, January 18-19, 2011 Accessed April 15, 2013

<sup>17</sup> <http://www.mom.gov.sg/Documents/foreign-manpower/Employment%20Agencies/Guide%20for%20employment%20agencies%20on%20new%20regulatory%20framework.pdf> Accessed April 15, 2013

	<p>3) Employment agencies that charge workers and employers a fee cannot exceed the fee caps stated in the Employment Agency Rules</p> <p><u>The Gangmasters (Licensing) Act of 2004:</u> Establishes a mandatory licensing mechanism for employment agencies working in the agriculture, shellfish gathering, food processing, and packaging sectors. Employers are required to use only licensed gangmasters.</p> <ul style="list-style-type: none"> <li>• The Gangmasters Licensing Authority (GLA) issues licenses, investigates potential violations of the Act, and provides a public list of companies with revoked licenses on the GLA Web site.<sup>18</sup></li> </ul>
United States	<ul style="list-style-type: none"> <li>• The Department of State provides educational materials for migrants that are available in eleven languages and also established a hotline for victims.</li> <li>• Since the enactment of the U.S. Victims of Trafficking and Violence Protections Act of 2002, several cases have been brought against transnational recruiters, the most recent of which resulted in \$4.5 million dollars in damages being awarded to 350 Filipino teachers who were recruited to work in Louisiana.<sup>19</sup></li> </ul>
Uruguay	<ul style="list-style-type: none"> <li>• All employers, including domestic worker employers, must register their employees with the Social Welfare Bank (Banco de Prevision Social), which ensures employers and employees are contributing to an employees' pension and health fund on a monthly basis.</li> <li>• In 2006, Uruguay adopted Law No. 19.065 which establishes minimum protections and rights for domestic workers such as paid time off, unemployment insurance, and social security coverage.</li> <li>• In 2009, Law No. 18566 provides domestic workers the right to collective bargaining, making Uruguay the only Latin American country where domestic workers have successfully established a collective bargaining agreement.<sup>20</sup></li> </ul>

<sup>18</sup> <https://www.gov.uk/gangmasters-licensing-authority> Accessed April 15, 2013

<sup>19</sup> [http://www.fairinternationalrecruitment.org/images/uploads/Case\\_Study\\_2\\_-\\_Louisiana\\_Teachers\\_04.08.13.pdf](http://www.fairinternationalrecruitment.org/images/uploads/Case_Study_2_-_Louisiana_Teachers_04.08.13.pdf)  
Accessed March 20, 2013

<sup>20</sup> [http://www.idwn.info/sites/default/files/uploads/NDWA\\_Report\\_CollectiveBargaining.pdf](http://www.idwn.info/sites/default/files/uploads/NDWA_Report_CollectiveBargaining.pdf) Accessed April 19, 2013

## Appendix B: Additional Examples of NGO Initiatives to Protect Migrant Workers

Name of NGO	Description
Asian Migrant Centre	<ul style="list-style-type: none"> <li>• A Hong Kong-based NGO that promotes human rights, dignity, and empowerment of migrant workers in Asia through four programs:<sup>21</sup></li> <li>• <u>Migrants Human Rights Programme (MHR)</u>: Collaborates with organizations such as the Migrant Forum in Asia (MFA) to strengthen monitoring and reporting of human rights standards and violations.</li> <li>• <u>Migrant Domestic Workers Programme (MDW)</u>: Promotes advocacy and unionization for migrant domestic workers.</li> <li>• <u>Mekong Migration Programme (MM)</u>: Monitors and analyzes migration-related standards, instruments, policies, and laws in the Greater Mekong region.</li> <li>• <u>Migration and Development Programme (MD)</u>: Educates migrants on investing savings and remittances for development and to improve wellbeing.</li> </ul>
CARAM Cambodia	<ul style="list-style-type: none"> <li>• A Cambodia-based NGO that advocates for national, regional, and international standard setting mechanisms to promote and protect the migrant rights. CARAM also provides pre-departure training and case management to domestic workers, as well as legal support to exploited or trafficked migrant workers.<sup>22</sup></li> </ul>
Centro de los Derechos del Migrant, Inc. (CDM)	<ul style="list-style-type: none"> <li>• The first Mexico-based transnational migrant workers' rights organization that addresses the geographic and legal barriers that prevent Mexican migrant workers from exercising their rights. CDM conducts outreach and education throughout Mexico on worker's rights; provides litigation and referral support; and advocates to Mexican and U.S. policymakers for reform to improve conditions for migrants.<sup>23</sup></li> </ul>
Coalition to Abolish Slavery and Trafficking (CAST)	<ul style="list-style-type: none"> <li>• A non-profit organization that educates and trains government and NGO officials to identify trafficked persons provides comprehensive shelter and social and legal services to trafficking victims. CAST also conducts community outreach and advocacy to end trafficking.<sup>24</sup></li> </ul>
Fair Labor Association	<ul style="list-style-type: none"> <li>• A multi-stakeholder group of universities, civil society, and socially responsible companies that conduct compliance assessments and investigations of companies that voluntarily adhere to the labor standards of the FLA Workplace Code of Conduct, which includes provisions on ethical recruitment.<sup>25</sup></li> </ul>
Farmworker Justice	<ul style="list-style-type: none"> <li>• A non-profit advocacy and education organization that empowers seasonal farmworkers by monitoring the H-2A program and advocating</li> </ul>

<sup>21</sup> [http://www.asian-migrants.org/index.php?option=com\\_frontpage&Itemid=1](http://www.asian-migrants.org/index.php?option=com_frontpage&Itemid=1) Accessed March 4, 2013

<sup>22</sup> <http://www.caramcambodia.org/index.php> Accessed March 4, 2013

<sup>23</sup> <http://www.cdmigrante.org/> Accessed April 19, 2013

<sup>24</sup> <http://www.castla.org/homepage> Accessed April 19, 2013



	<p>for immigration reform to improve labor protections for farmworkers.</p> <ul style="list-style-type: none"> <li>• They also legally represent farmworkers and their organizations to challenge employer or labor contractor abuses and unlawful conduct by governmental agencies.<sup>26</sup></li> </ul>
Free the Slaves	<ul style="list-style-type: none"> <li>• An international NGO that conducts grassroots community organizing projects, research and evaluation, advocacy, and public engagement to end slavery.<sup>27</sup></li> </ul>
Global Alliance Against Traffic in Women (GGATW)	<ul style="list-style-type: none"> <li>• An alliance of over 100 NGOs in Africa, Asia, Europe, and Latin and North America that promotes the accountability of anti-trafficking stakeholders by reviewing the impact of national, regional, and international anti-trafficking policies.</li> <li>• GGATW also conducts research to identify barriers trafficked persons and migrant workers face in accessing their rights.<sup>28</sup></li> </ul>
Global Workers Justice Alliance	<ul style="list-style-type: none"> <li>• Enables cross-border justice for migrant workers by empowering home country organizations in the Global Workers Defender Network to “facilitate employment law cases for migrant workers, identify migrants who have suffered labor exploitation, and educate migrants on their labor rights”.<sup>29</sup></li> </ul>
Institute for Human Rights and Business (IHRB)	<ul style="list-style-type: none"> <li>• Leads a multi-stakeholder process to integrate the Dhaka principles into bilateral agreements, business-to-business contracts, and employer-employee contracts. The Dhaka principles promote and protect migrant worker human rights in the recruitment and employment process.<sup>30</sup></li> </ul>
Kalayaan	<ul style="list-style-type: none"> <li>• A registered UK charity in England and Wales that provides independent and confidential advice and support services to migrant domestic workers in the UK. Support services include retrieving passports from employers, training in accessing healthcare and other services, and emergency assistance to domestic workers who have recently left an abuse employer.<sup>31</sup></li> </ul>
MAP Foundation	<ul style="list-style-type: none"> <li>• A grassroots NGO in Thailand that provides legal counseling to Burmese migrants living and working in Thailand, advocates for policies to eliminate worker exploitation and discrimination, and promotes migrant empowerment and the right to form unions and associations.</li> <li>• They also host radio programs to empower migrants to express themselves, raise awareness on their rights, and reach out to other migrants.<sup>32</sup></li> </ul>
Migrante International	<ul style="list-style-type: none"> <li>• A Philippines-based NGO founded after a Filipino domestic worker was sentenced to death in Singapore for allegedly murdering another Filipino domestic worker. It provides counseling, support, and legal advice to Overseas Filipino Workers (OFWs) globally and has built one of the</li> </ul>

<sup>26</sup> <http://farmworkerjustice.org/> Accessed April 19, 2013

<sup>27</sup> <https://www.freetheslaves.net/SSLPage.aspx?pid=341> Accessed April 19, 2013

<sup>28</sup> [http://gaatw.org/index.php?option=com\\_content&view=article&id=451&Itemid=83](http://gaatw.org/index.php?option=com_content&view=article&id=451&Itemid=83) Accessed April 19, 2013

<sup>29</sup> <http://www.globalworkers.org/advocates/defender-network> Accessed April 19, 2013

<sup>30</sup> <http://www.ihrb.org/> Accessed March 4, 2013

<sup>31</sup> <http://www.kalayaan.org.uk/> Accessed March 4, 2013

<sup>32</sup> <http://www.mapfoundationcm.org/eng/> Accessed April 19, 2013

	<p>largest networks of OFWs in the world.</p> <ul style="list-style-type: none"> <li>• They also promote public awareness on the rights and welfare of OFWs through campaigns and advocacy.<sup>33</sup></li> </ul>
Mission for Migrant Workers	<ul style="list-style-type: none"> <li>• A Hong Kong-based NGO that empowers migrant workers in Hong Kong through the provision of legal and counseling services, education, organization, and campaigns. It was originally founded to support Filipino migrant workers but has since expanded to include migrants from other countries as well, such as Indonesia.<sup>34</sup></li> </ul>
National Domestic Workers Alliance (NDWA)	<ul style="list-style-type: none"> <li>• An alliance of 39 membership-based affiliate organizations of nannies, housekeepers, and caregivers in 14 states in the U.S. that campaigns for the rights of domestic and temporary workers in the U.S.</li> <li>• NDWA promotes policies for fair labor and human rights of temporary workers, with a particular focus on preventing exploitation by subcontractors that recruit immigrant workers.<sup>35</sup></li> </ul>
National Employment Law Project (NELP)	<ul style="list-style-type: none"> <li>• A non-profit research and advocacy organization that counters anti-immigrant legislation and promotes fair labor standards, access to full rights for immigrants, and regulations to prevent exploitative business practices.<sup>36</sup></li> </ul>
National Guestworker Alliance (NGA)	<ul style="list-style-type: none"> <li>• A membership organization of cross-industry guestworkers that has launched a number of campaigns to raise awareness on immigrant issues and abuses. Examples of campaigns include: <ul style="list-style-type: none"> <li>○ Exposing exploitation of J-1 student guestworkers at McDonalds in central Pennsylvania in March 2013.</li> <li>○ The “Justice at Hershey’s” campaign with 400 students who were captive workers at Hershey’s packing plant in August 2011.<sup>37</sup></li> </ul> </li> </ul>
Polaris Project	<ul style="list-style-type: none"> <li>• One of the leading organizations in combatting human trafficking and modern-day slavery that provides social services to victims of human trafficking, conducts counter-trafficking training and technical assistance, advocates for stronger anti-trafficking federal and state laws, and operates a national trafficking hotline that they hope to use to expand globally.<sup>38</sup></li> </ul>
Safe Horizon	<ul style="list-style-type: none"> <li>• Safe Horizon’s Anti-Trafficking Program (ATP) is one of the largest U.S. service providers for human trafficking victims and provides legal services and representation for migrants, conducts victim-led education and awareness, and advocates for laws and policies to protect the rights of trafficking victims.<sup>39</sup></li> </ul>

<sup>33</sup> <http://migranteinternational.org/> Accessed April 19, 2013

<sup>34</sup> <http://www.migrants.net/index.htm> Accessed April 19, 2013

<sup>35</sup> <http://www.domesticworkers.org/> Accessed April 19, 2013

<sup>36</sup> <http://www.nelp.org/> Accessed March 30, 2013

<sup>37</sup> <http://www.guestworkeralliance.org/about-nga/> Accessed March 30, 2013

<sup>38</sup> <http://www.polarisproject.org/> Accessed April 19, 2013

<sup>39</sup> <http://www.safehorizon.org/index/what-we-do-2/anti-trafficking-program-13.html> Accessed March 30, 2013

Shakti Vahini	<ul style="list-style-type: none"> <li>An India-based NGO whose anti-trafficking outreach and initiatives have helped establish informal surveillance systems to identify and apprehend traffickers.<sup>40</sup></li> </ul>
Solidarity Center	<ul style="list-style-type: none"> <li>A non-profit organization that collaborates with unions, NGOs, and community groups worldwide to achieve and protect workers' rights and combat labor and migrant worker exploitation.<sup>41</sup></li> </ul>
Southern Poverty Law Center (SPLC)	<ul style="list-style-type: none"> <li>A non-profit civil rights organization that promotes racial and social justice through litigation, education, and advocacy.</li> <li>SPLC's Immigrant Justice Project represents migrant farmworkers and other low-wage immigrants to ensure access to employment and civil rights.<sup>42</sup></li> </ul>
Verité	<ul style="list-style-type: none"> <li>Launched a fair hiring Web site, a Fair Hiring Toolkit, and an Ethical Framework for International Labor Recruitment that supports the responsible recruitment and hiring of migrant workers</li> <li>Their work has led to: greater income and empowerment of workers and harvesters; increased protection for children and individuals in forced labor; and safer working conditions for workers in factories, farms, fisheries and mines.<sup>43</sup></li> </ul>
Vital Voices Global Partnership	<ul style="list-style-type: none"> <li>Trains and empowers women in over 144 countries to become advocates for social justice and conduct international public awareness campaigns that promote the protection of women who are trafficked or suffer from domestic or sexual violence.<sup>44</sup></li> </ul>

<sup>40</sup> <http://shaktivahini.org/about-us> Accessed April 19, 2013

<sup>41</sup> <http://www.solidaritycenter.org/> Accessed March 20, 2013

<sup>42</sup> <http://www.splcenter.org/what-we-do/immigrant-justice> Accessed March 20, 2013

<sup>43</sup> <http://www.verite.org/ethical-framework-for-intl-recruitment> Accessed March 20, 2013

<sup>44</sup> <http://www.vitalvoices.org/> Accessed March 30, 2013