

ISSARA INSTITUTE

WORKER VOICE-DRIVEN ETHICAL RECRUITMENT TOOLKIT

OCTOBER 2022



FULL CITATION

Issara Institute (2022). *Worker Voice-Driven Ethical Recruitment Toolkit*. Bangkok and Palo Alto: Issara Institute.

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Printed in Thailand

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The development of this updated ethical recruitment toolkit was supported by Target Foundation and Walmart Foundation, including toolkit translation into relevant Asian languages, printing, and dissemination. Many thanks to these donors for their support! Views and approaches expressed in this toolkit are those of Issara Institute and not the donors.



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CONTENTS

INTRODUCTION	1
What’s new in this tool update and who is it for?	1
What is ethical recruitment?	2
Is ethical recruitment only about the costs of labour recruitment?	4
Going beyond compliance and addressing root causes	5
DEFINING THE ISSARA ETHICAL RECRUITMENT PRINCIPLES	7
HOW WORKER VOICE-DRIVEN ETHICAL RECRUITMENT WORKS	11
What does ‘worker voice-driven’ ethical recruitment mean?	11
Systems building and network building that reach the first mile	12
Training and capacity building	13
Golden Dreams and tech innovation: Building the transnational worker feedback community	13
What are the main goals of worker voice-driven ethical recruitment?	16
The 6 tools and how to use them	17
TOOLS	19
Tool 1. Preparing Comprehensive Job Advertisements for the Recruitment of Foreign Workers	19
Tool 2. Selection Criteria & Vetting Process for Recruitment Agencies: A Tool for Employers (Suppliers)	26
Tool 3. Checklist: Ethical Management Services Agreement (MSA) between Employers & Recruiters	31
Tool 4. Diagnostic of Current Labour Recruitment Practices	42
Tool 5. Checklist: Ethical Employment Contracts—Good Practice	50
Tool 6. Guidelines: Ethical Recruitment Networks	53

INTRODUCTION

WHAT'S NEW IN THIS TOOLKIT UPDATE & WHO IS IT FOR?

The first Issara Worker Voice-Driven Ethical Recruitment Toolkit was produced in 2017, to help support primarily Thai employers and Myanmar recruitment agencies to professionalise and improve their labour recruitment processes. Since that time, more tools were created to help address common business pain points encountered in our expanding geographic remit - with operations in South and Southeast Asia now well beyond just the Myanmar-Thailand corridor. We are releasing this 2022 Toolkit update, for 5 key reasons:

- Adaptations to implementation in response to the COVID-19 pandemic, and post-COVID-19 changes to MoU recruitment processes and costs
- In response to the release of the Issara Golden Dreams Job Marketplace in August 2021

- To better reflect the expectations and requirements of the U.S. Tariff Act, specifically as that law relates to labour recruitment fees
- To reference linkages to human rights due diligence, which has come into focus in European legislation over the past two years
- To document and address more specifically the most pervasive risks and challenges in the labour recruitment process in and to Asia, their root causes, and how to address them

These tools are created to support **employers and recruitment agencies in the Asia region** – and thus the Toolkit will be available in a range of different Asian languages, in addition to English. Secondly, the Toolkit in Asian languages will hopefully also help **government and civil society organisations** to understand what the path to ethical recruitment looks like for businesses, and its benefits. And finally, we hope that **global brands and retailers**, as well as **donors**, will utilize some of the practical learnings from the Toolkit, and encourage their suppliers and partners on the ground to support the more effective – and inherently more inclusive – worker voice-driven approach to ethical recruitment.

WHAT IS ETHICAL RECRUITMENT?

Ethical recruitment, or **responsible recruitment**, has become a recent focus and concern of responsible sourcing and ethical trade. More and more global brands and retailers would like to encourage their suppliers to ensure that ethical recruitment channels are used to hire their workforce. In this way, companies can be more confident that risks of human trafficking, forced labour, debt bondage, and exploitative recruitment are eliminated from their supply chains.

This is especially important for brands and retailers importing into countries with laws prohibiting the import of goods made with forced labour, for example the U.S. Tariff Act – because recruitment fees and having workers in situations where they have to pay for their jobs, and possibly be indebted by these fees – is considered sufficient evidence for customs law enforcement action.

Ethical recruitment is also increasing in importance for companies engaged in strengthening their human rights due diligence (HRDD), which requires functioning, credible grievance mechanisms and ongoing engagement with workers and communities to ensure that workers, and not just audits and certifications, shape the view of a company’s human rights footprint over time.

Ethical recruitment is labour recruitment whereby both employers and recruitment agencies share responsibility to:

- respect all relevant laws,
- ensure ethical and professional conduct toward workers and each other,
- ensure that the costs of recruitment are borne by the employer and not the workers,
- uphold decent health, safety, working, and living conditions for workers, and
- ensure access to remedy and functioning, credible grievance mechanisms.

In **true ethical recruitment models**, all of the fees and costs of recruitment are borne by the employer, with no costs related to the recruitment process borne by jobseekers and workers. This includes all charges, including fees charged by recruitment and employment agencies, as well as by brokers and sub-brokers. This definition is in line with the Employer Pays principle of the Leadership Group for Responsible Recruitment, the Code of Conduct for the World Employer Confederation, and ILO Convention No. 181 on Private Recruitment Agencies.

As of 2022, in practical terms, the majority of cross-border labour recruitment as it exists in most parts of Asia is far from being “ethical recruitment.” Over the past decade, the general practice of employers and recruitment agencies has been to push many (and sometimes all) of the fees and costs of recruitment and migration onto workers, including the costs of agency fees, travel, visas, and work permits. Because while the standard for more and more global brands and retailers is to have zero-fees recruitment in their supply chains, national laws in most of the Asian countries do allow for some fees to be charged to workers.

This can create some confusion regarding standards that suppliers are being held to by their global customers, since this creates 2 categories of worker-paid recruitment fees:

1. Fees that are clearly both illegal and unethical / unallowed, and
2. Fees that may be legal under national law, but unethical / unallowed according to international codes of conduct, possibly including the requirements of brand/retailer customers (Employer Pays Policies, zero-fees policies, etc.).

Within the Issara Strategic Partners Program, we focus on helping global brands and retailers and their suppliers to be on the same page regarding standards and expectations, having reliable baselines and other measures to understand where exactly suppliers are in relation to new corporate requirements, and then moving forward with policy operationalization and systems strengthening where needed.

IS ETHICAL RECRUITMENT ONLY ABOUT THE COSTS OF LABOUR RECRUITMENT?

No! However recruitment fees are handled between brands/retailers and suppliers, progress should be able to proceed on improving ethical conduct toward workers, decent working and living conditions, access to remedy and grievance mechanisms, and finding employees that are genuinely well-suited to the living and working conditions being recruited for. The professionalization of labour recruitment toward truly ethical recruitment systems is about far more than just costs, though unfortunately there are some models that put disproportionate focus on costs only, such as with the Employer Pays Principle. **Professionalization** – even for those businesses on a path toward employer-pays that have not yet begun implementing zero costs to workers – is a critical element of building sustainable, ethical supply chains. A lot can be achieved by employers and recruiters to advance the ethical practices of their industries besides just addressing costs – including how they treat jobseekers and workers; how they manage their business,

brand, and contracts; how data and services can improve competitiveness and remove risks; and how manpower ultimately fits into national economic strategies and industry growth.

This is important, because many global brands and retailers are in the early stages of determining how to actively promote ethical recruitment across their global supply chains, and how exactly they will manage the issue of costs and who will pay for higher standards. And while costs are indeed important, buyers need to be promoting and incentivizing all the other important components and principles of ethical recruitment immediately, given the real, tangible benefits that this can bring to jobseekers and workers, as well as to the management systems of the suppliers and recruitment agencies in their supply chains. And as business sourcing can change over time, the impact of those fluctuations on workers and business is managed best when solid ethical recruitment principles and professional practices are already in place.

GOING BEYOND COMPLIANCE & ADDRESSING ROOT CAUSES

More and more global brands and retailers are requiring recruitment fee audits or surveys to understand risk and if workers in their supply chain paid for their job, in violation of their supplier policy. If recruitment fees have been paid by workers, most often the suppliers themselves are expected to pay back the amount owed to workers because it is seen as a compliance issue or zero-tolerance violation. A compliance focus, however, often doesn't address the fundamental systems strengthening needed to really reduce recruitment systems risks - both to workers and to business - and prevent exploitative recruitment from occurring in the first place.

This toolkit aims to make going beyond compliance more achievable and impactful for business - whether global brands and retailers, suppliers, or recruitment agencies - and to identify and address recruitment risks head-on in order to avoid repeat issues and harms, and repeated need for remediation. This toolkit also aims to address the information and power asymmetries that flourish in non-transparent environments, and lack of visibility of what is being done and charged by whom, namely recruiters,

agents, and brokers in both origin and destination countries. Information and power asymmetries exist between destination and. origin recruitment agencies, between recruitment agencies and job seekers, and between suppliers, agencies and workers.

We hope that these tools - which help to bring compliance and transparency to supplier-recruitment service contracts, worker employment contracts, recruitment agency vetting criteria, and other such practicalities in the labour recruitment process - are valuable to your company as it advances on its ethical recruitment journey.

DEFINING THE ISSARA ETHICAL RECRUITMENT PRINCIPLES

ISSARA ETHICAL RECRUITMENT PRINCIPLES

1. LEGAL COMPLIANCE: RESPECTING ALL RELEVANT LAWS
2. ETHICAL AND PROFESSIONAL CONDUCT TOWARD WORKERS AND EACH OTHER
3. FREE-OF-CHARGE SERVICES TO JOBSEEKERS AND WORKERS
4. TRANSPARENT, ETHICAL TERMS OF ENGAGEMENT
5. TRANSPARENT WAGES, DEDUCTIONS, AND BENEFITS
6. HEALTHY, SAFE, EXPLOITATION-FREE WORKING AND LIVING CONDITIONS
7. ACCESS TO REMEDY AND FUNCTIONAL, CREDIBLE GRIEVANCE MECHANISMS

The definitions of each of the key responsibilities under the Issara Ethical Recruitment Principles, of employers, employment agencies, and government, are defined below:

1. LEGAL COMPLIANCE: RESPECTING ALL RELEVANT LAWS.

This includes all laws and policies related to the regulation of labour recruitment, as well as labour protection laws, minimum wage laws, and anti-trafficking laws. Relevant laws are from three main jurisdictions: laws of the origin country, laws of the destination country, and bilateral government-to-government policies and mechanisms. Typically, businesses that are serious about developing ethical recruitment channels and are guided by international standards should easily be compliant with relevant local laws and policies, since the standards of responsible recruitment exceed the generally lower requirements of national laws in most countries in Asia. It is important to be closely monitoring “first-mile” costs that job seekers often have to pay to brokers and agencies, as these are often more than the legally allowed amounts and a critical risk point. First-mile recruitment practices must be addressed by the origin-side recruitment agency and the employer.

2. ETHICAL & PROFESSIONAL CONDUCT TOWARDS WORKERS AND EACH OTHER.

This includes all business arrangements made by the recruitment agency (including agency staff and all affiliated representatives) and by the employer (including all human resources staff and affiliated representatives). Participants will be expected to operate fairly and ethically, performing their duties and interfacing with jobseekers, workers, and business counterparts in a professional manner, and treating all parties with respect.

3. FREE-OF-CHARGE SERVICES TO JOBSEEKERS & WORKERS.

This includes all costs of recruitment and migration, including but not limited to recruitment agency fees, medical checks, work permits, visas, transportation costs, and any and all fees and costs related to brokers and sub-brokers, which recruitment agencies have the responsibility to be aware of and address, if they exist. None of these should be charged to the worker at any point, and none of these costs should be recouped from the worker at any point, whether through a bill, pay deductions, or a “loan” for workers to pay back. Similarly, workers should not have to pay these fees and later be reimbursed by the recruitment agency or employer. However, this does not necessarily include the cost of the passport of the worker (unless required by company policy) – workers should buy and control their own passports and keep them under their own control at all times.

4. TRANSPARENT, ETHICAL TERMS OF ENGAGEMENT.

All parties, including the employer, the recruitment agency, and the agency's affiliated representatives, should operate in a manner that is transparent, ethical, and fair towards each other and to jobseekers. This covers the terms and conditions around the service agreement between the employer and the recruitment agency as well as the terms and conditions around the job and contract offered to the jobseeker. Transparent and ethical terms of engagement require (a) timely disclosure of comprehensive information related to the job description and hiring criteria communicated from employer to recruiter, and from recruiter to job seekers; and, (b) origin-side vetting processes, costs, and payment terms and conditions to be discussed and agreed between the recruitment agency and the employer. Complete, accurate information should be provided to jobseekers prior to contract signing, and workers should be provided with written and digital materials on rights and processes to ensure transparency.

5. TRANSPARENT WAGES, DEDUCTIONS & BENEFITS.

All workers should be provided with complete, transparent information regarding their terms of pay prior to contract signing, confirmed on arrival at their workplace. Employers and agencies should work together to ensure that workers are provided with contracts providing transparent information on wages, deductions, and benefits, as well as induction training in the workers' own language, explaining bonus and incentive schemes, target-setting practices, and allocation of overtime or other practices related to wage payment. The terms and conditions of employment provided by the employer must be equal to or be more favorable than the minimum requirements set by any MOU agreement that might exist. Workers should be provided with multi-lingual timesheets and payslips, with all deductions broken out, and that workers are paid electronically to ensure transparency.

6. HEALTHY, SAFE, EXPLOITATION-FREE WORKING & LIVING CONDITIONS.

Employers are expected to provide a working environment free from hazards and risks to the health and safety of the workers. Workers' freedom of movement should be protected, meaning that workers should hold their own identity and work documents at all times, and should have the ability to freely

enter and exit their living space. Workers should be provided with housing that is hygienic, safe, and decent, with sufficient provisions for privacy, and information about transport to the workplace that is provided in writing. Before workers are recruited for a workplace, the agency should conduct due diligence to ensure the above-mentioned standards are upheld, and the employer should allow the origin-side agency full access to the facility. If an employer uses a destination-side agency to represent their business and arrange terms with the origin-side agency, these principles must still be upheld, in recognition of the fact that the origin-side agency is one of the official signatories on the MOU employment contract. The ability for the origin-side agency to have direct engagement with the employer (and not have all communications filtered through a destination-side agency) is critical for transparency and accountability. Workers should be protected from discrimination at all times.

7. ACCESS TO REMEDY & FUNCTIONAL, CREDIBLE GRIEVANCE MECHANISMS.

All workers should have access to independent, credible grievance mechanisms throughout the recruitment process, and for the duration of their employment in the destination country. Agencies and employers are equally responsible to guarantee workers' well-being and so should work together to ensure workers are provided with clear information on the nature of the grievance mechanisms available to them and how to access these during pre-departure training, and on arrival at the workplace. Clear protocols for handling complaints in a professional manner should be in place for both internal (recruitment agency-led and/or supplier-led) and external grievance mechanisms (i.e., NGO-led), enabling workers to seek assistance and report issues anonymously, ideally in their native language and 24/7, without fear of reprisal.

HOW WORKER VOICE-DRIVEN ETHICAL RECRUITMENT WORKS

WHAT DOES 'WORKER VOICE-DRIVEN' ETHICAL RECRUITMENT MEAN?

In short, 'worker voice-driven' means that the ethical recruitment principles and requirements that are in place are validated by workers, and not just by supplier self-reports and auditors. They are validated by workers on an ongoing basis through worker voice channels, which are essentially a variety of different free communications channels for jobseekers and workers to proactively share their experiences (good and bad), report issues, verify the actions of recruiters and employers, and request assistance. Ongoing, real-time monitoring of recruitment and labour conditions that includes the feedback of workers alongside that of recruiters and employers is called **Inclusive Labour Monitoring (ILM)**.

The Issara Worker Voice-Driven Ethical Recruitment model emphasizes a **cross-border and multi-stakeholder approach**. In this model, all key stakeholder groups involved in ethical recruitment - recruiters, employers, global brands and retailers, government, and civil society - all are connected

to feedback from rights-holders – jobseekers and workers – on how labour recruitment is operating in reality. The approach aims to transform the labour recruitment ecosystem in a long-term, sustainable way by engaging meaningfully with businesses (global buyers, employers, recruitment agencies) to improve their practices and systems; with governments to strengthen the regulatory environment; and with civil society to strengthen monitoring, capacity development, and support services, toward a system that creates practical benefits for both good business and good governance, as informed by worker voices and lived experiences.

SYSTEMS BUILDING & NETWORK BUILDING THAT REACH THE FIRST MILE

A key differentiator of the Issara model is the fact that worker voice and worker feedback go ‘down to the first mile’ – meaning that they reach jobseekers down to the village and community level, before jobseekers make the decision to migrate and before they pay any illegal or unallowed fees to informal brokers. This is possible due to the collaboration between Issara Institute, progressive recruitment agencies and recruitment agency associations, and civil society organisations operating together as an Ethical Recruitment Network, the structure and purpose which are elaborated in Tool 6.

It is critical to any legitimate ethical recruitment effort to reach the first mile, because the first mile is where many illegal and unallowed fees and deception can occur. Ethical recruitment efforts that start only at the point of employment contract signing or pre-departure training are inadequate. Collaboration at the first mile is critical. Allied business-NGO networks, particularly in origin countries, have proven to significantly address risk, maximise the ability to build trust with jobseekers, and to identify fraud and informal brokering at scale.

Government, particularly Ministries or Departments of Labour, can play an extremely important role in diminishing the gap between national and international standards by establishing and enforcing labour policies that prohibit labour recruitment fees from being charged to workers. Even

policies that have clear caps and limits on fees that can be charged to workers can be a step in the right direction, providing a legal basis upon which exploitative recruiters can be held accountable, and helping the national recruitment sector to be more competitive against other sending countries.

TRAINING & CAPACITY BUILDING

The capacity building and systems support provided by Issara to multi-stakeholder counterparts is a blend of classroom-based and online community/group training and consultations, on-site tailored group training, and smaller team, more individualised ongoing coaching, troubleshooting, and technical support. It also leverages the experiences and ongoing insights that come directly from workers, through the worker-voice driven ethical recruitment. This combination aims to help mainstream and socialise the components and benefits of ethical recruitment widely, building out a progressive Ethical Recruitment Network to raise the bar while also helping individual players to clarify and strengthen their own particular roles in the ethical recruitment ecosystem. Any stakeholders or partners interested in more information on training, please email Issara Academy at academy@issarainstitute.org.



GOLDEN DREAMS & TECH INNOVATION: BUILDING THE TRANSNATIONAL WORKER FEEDBACK COMMUNITY

Issara launched the Burmese-language smartphone app Golden Dreams 1.0 in 2017, a Yelp-like app allowing Burmese workers to rate and review their employers, recruiters, and service providers. Other Issara-managed worker voice channels, in addition to the Golden Dreams app, include 24-hour multi-lingual hotlines, Facebook Messenger, and chat apps such as WhatsApp, Line, and Viber. Issara typically receives around 8,000–14,000 calls/month on average over these worker voice channels, demonstrating the high level of trust that exists between Issara and workers. (Issara does not pay workers to call us and share information, as some worker feedback technologies do.)

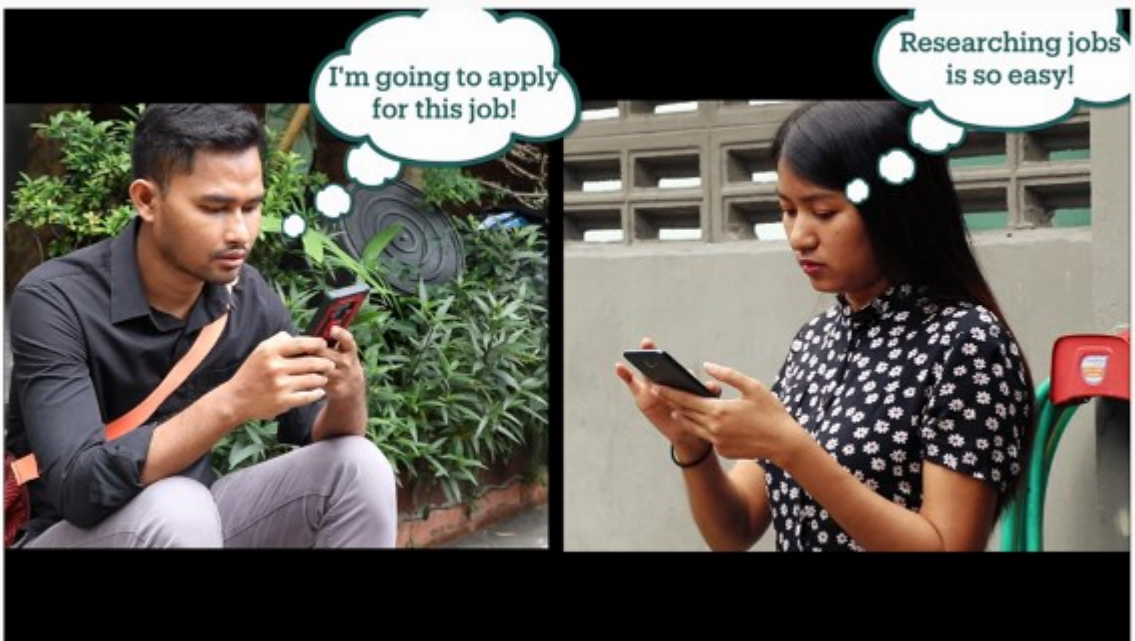
Issara's worker voice channels, receiving and managing considerably more traffic than the US and UK national anti-trafficking hotlines combined, clearly prove that South and Southeast Asian workers in the ASEAN region have very high interest and capability to use smartphones to access and share information, and to reach out for assistance—as hundreds of thousands have.

This mechanism for channeling and managing worker voice, feedback, and remediation needs is important for driving ethical recruitment, because there are numerous ways that brokers, recruiters, agents, and employers could have all of the documentation required to pass a social audit, yet still have serious recruitment risks. For example, the element of deception and coercion that is fundamental within the definitions of both forced labour and human trafficking—essentially, promising one thing but offering something different once the worker arrives at the workplace—consistently evades auditors and inspectors, and is only consistently and reliably uncovered through worker voice. Similarly, discrimination, harassment, retaliation, menace of penalty, and involuntariness have proven difficult if not impossible for auditors to identify – and even dangerous to identify and inform business about, when protection mechanisms are absent, as is often the case when audits serve corporate due diligence aims and not remediation. However, all of these risks and abuses are reported to Issara worker voice channels on a regular basis because trust and safeguards to help protect workers against reprisals have been established.

A transparent job platform for low-skilled jobs: Golden Dreams Marketplace. The Golden Dreams Job Marketplace launched in late 2021, featuring secure desktop interfaces for registered employers and/or recruitment agencies to post approved jobs for jobseekers to review and apply for through the Golden Dreams smartphone app. This new recruitment digital marketplace platform for low-skilled jobs is dramatically transforming the ease and transparency with which international labour recruitments are handled – helping recruitment agencies to reach much larger numbers of jobseekers and handle much larger numbers of applications, digitally and securely.

Issara's Golden Dreams Job Marketplace and technology-enabled worker voice systems not only address risk and transparency in the recruitment process,

but also advance modernization and professionalization in participating labour recruitment channels, which is critical for regional and global scale-up. It helps maintain competitiveness with other markets and channels that may be similarly digitizing and using migration as an effective way to reduce poverty and share economic prosperity. Practical tools and training can help guide both recruiters and employers along a path of tool adoption, improvement, and systems modernization toward ethical recruitment.



Golden Dreams Recruitment Marketplace - Overview

Learn more about the Golden Dreams Recruitment Marketplace from this 3-minute explainer video on Issara Institute's Youtube channel at:

<https://www.youtube.com/watch?v=yrROikJl91w>

WHAT ARE THE MAIN GOALS OF ISSARA WORKER VOICE-DRIVEN ETHICAL RECRUITMENT?

Observable, measurable progress toward building ethical recruitment channels is achieved by increasing transparency, reducing overall costs and steps in the process, and increasing the capacity of each business partner to fulfill its role in recruiting, screening, processing, transporting, and managing migrant workers. Higher capacity, more efficient systems are distinguished from existing recruitment practices by:

- **ETHICAL RECRUITMENT AGENCIES** that completely and professionally manage all steps of the recruitment process in the origin country through repatriation upon contract ending. Ethical recruitment agencies are an active part of grievance mechanisms while workers are in the country of destination, and they work together as a network – including collaborating with civil society – to reduce industry-wide risks.
- **ETHICAL EMPLOYERS** that completely and professionally manage – or have oversight over and take full responsibility for – all steps and costs of the labour recruitment, processing, and workplace-based management processes, whether or not agents are employed to assist with some of these functions.
- **ETHICAL BRANDS & RETAILERS** that continually improve how ethical recruitment is implemented and incentivized across their supply chains in a measurable and accountable manner, including financially. Ethical brands and retailers engage with communities on an ongoing basis as a part of their human rights due diligence, using worker and community feedback as a key means for tracking the human rights impact of their supply chains.
- **EMPOWERED JOBSEEKERS & MIGRANT WORKERS** that have access to a broad range of information regarding the job market, the ability to research and weigh job options themselves rather than being controlled or manipulated by brokers and/or severe information asymmetries. Empowered jobseekers also have access to transparent, fee-free platforms for applying for jobs directly, where the terms and conditions of jobs as advertised matches the job in reality.

Ethical recruitment is only possible when the **employer** and the **agency** professionalize and provide greater shared accountability and transparency, and the **global brand/retailer** customers incentivize such systems changes. To achieve this, **worker voice** must be present throughout the entire process, from recruitment through repatriation. All businesses benefit by using the unique and valuable insights from workers to improve their systems, significantly reducing recruitment risks and costs by removing risk points where informal fees are commonly levied, and reducing overall vulnerabilities related to lack of transparency.

Ethical recruiters and suppliers will have an opportunity to demonstrate a leadership role in ethical recruitment in the Asia region and globally, being among the first businesses committed to using practical systems that ensure ethical recruitment down to the first mile, and reaping all the benefits of a debt-free workforce in worker-validated working conditions.



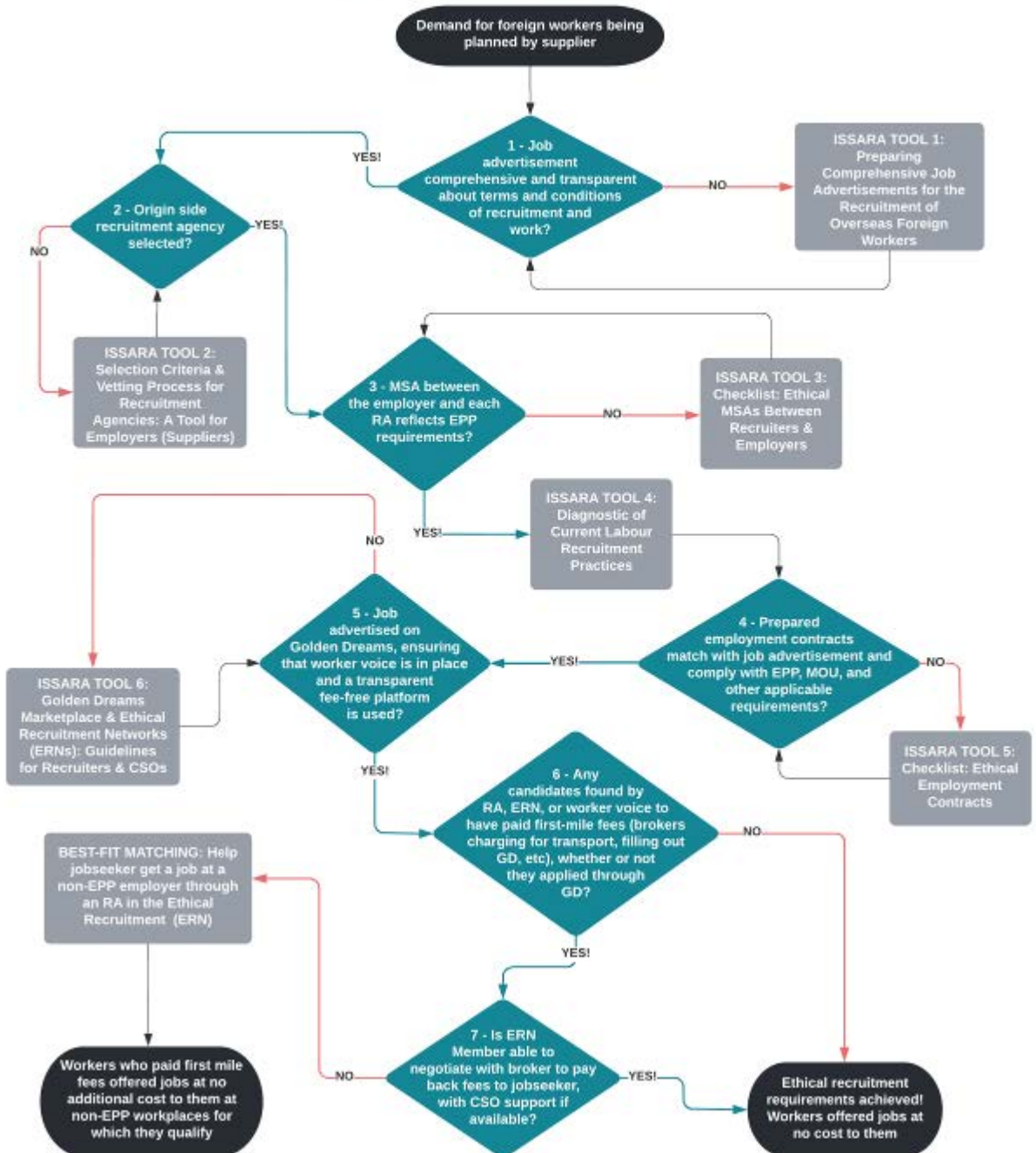
THE 6 TOOLS & HOW TO USE THEM

6 tools are presented in the following sections of the toolkit, and the following flowchart, **7 Steps to Ethical Recruitment**, provides a step-wise process for how businesses can review their existing internal labour recruitment systems, make baseline assessments, and make improvements toward more ethical recruitment practices. Starting from the top, businesses can follow the step-wise guide questions in the teal diamonds, and the tools for supporting each step can be found in the grey boxes.



ISSARA INSTITUTE ETHICAL RECRUITMENT NETWORK

7 STEPS TO ETHICAL RECRUITMENT



TOOL 1. PREPARING COMPREHENSIVE JOB ADVERTISEMENTS FOR THE RECRUITMENT OF FOREIGN WORKERS

PURPOSE

Extensive research on the major labour recruitment channels in ASEAN has highlighted that if there is not a platform for finding and matching low-skilled job seekers with actual jobs, there is considerable space for informal and exploitative brokers to thrive. Therefore, building on Issara's work with Myanmar and Cambodian recruitment agencies, agency associations, government, and employers in Malaysia and Thailand, Issara Institute developed the Golden Dreams Marketplace in 2021.

The job posting forms and mandatory fields in the Golden Dreams Marketplace help guide employers and recruitment agencies as they post vacancies for low-skilled jobs, ensuring that the job advertisement meets or exceeds the standard required by the labour laws and government-regulated channels of the region, and provides sufficient information for both recruiters and employers (and workers, of course) for recruiting workers in/from Asia, regardless of channel.

This document is intended to serve as a guide for employers and recruitment agencies for preparing information for low-skilled job advertisements. Ideally, these would reach jobseekers directly in the first steps of the recruitment process, to ensure that workers have a clear and detailed sense of the job as articulated or approved by the employer directly, and not via informal brokers. The same information should be reflected in the employment contract or an annex to the employment contract, to ensure that the terms and conditions promised during recruitment are that which the worker will experience in the workplace in reality.

If the Golden Dreams Marketplace platform is being used to advertise the job (at no cost to employers or recruiters), the fields in the following form correspond with the fields in the job posting form of the Marketplace. This information should be prepared by the employer and either (a) advertised directly by the employer, for walk-in workers, or (b) be shared with an origin-side recruitment agency legally entrusted to recruit workers for the employer, as per requisite powers of attorney and management service agreements. Job postings should appear in the language of the job seeker, no matter what language is used to post the job. Businesses are encouraged to handle the detailed information about the job carefully and ethically and to only share it with responsible parties of the recruitment process.

INFORMATION TO INCLUDE IN JOB ADVERTISEMENTS

A. EMPLOYER INFORMATION

1. Name of factory / workplace*

2. Address of workplace*

3. Factory size (# of workers)*

4. Industry*

5. Nationality/ies of current workforce*

6. Has an ethical recruitment policy?* Yes No
7. Has practiced ethical recruitment?* Yes No

If 'yes,' please tick the type of employer-pays recruitment that the company uses:

- Employer pays all fees in advance; workers never have to pay at any stage
- Workers pay some fees up front then are reimbursed later

B. JOB INFORMATION

1. Job title

2. Job description

(attach separate detailed job description if available)

3. Job requirements

4. Full time or part time

5. Job ad expiry date

6. Contract duration, in months

7. Is there a probation period? If so, how long?

8. Total headcount needed
(disaggregation by gender optional)

Total:

- Male:
- Female:

C. DETAILS OF SALARY & WORKING HOURS

Please be sure to note currency where applicable.

1. Terms of pay (daily or monthly)

2. Frequency of payment

3. Regular pay rate

4. Regular OT rate (per hour)

5. Day-off rate (per hour)

6. Holiday OT rate (per hour)

7. Minimum # working hour/week

8. Expected overtime

- Regularly Occasionally
 Infrequently Never

9. Shifts

- Day Swing Night
 Rotating Variable

10. Day/s off in a week (list all)

- Mon Tues Wed
 Thurs Fri Sat
 Sun

D. DETAILS REGARDING LEAVE BENEFITS (# OF DAYS PER YEAR, PAID)

- 1. Sick leave _____
- 2. Annual leave / paid vacation _____
- 3. Business leave _____
- 4. National holidays _____
- 5. Paid parental leave _____

E. DETAILS REGARDING OTHER BENEFITS

Please tick all the items that the employer will provide and indicate the amount that workers are expected to pay (amount and currency). If zero, please note '0'. If not applicable, please note 'N/A'.

- Social security _____
- Hospitalization/surgical scheme _____
- Health insurance _____
- Life insurance _____
- Personal accident insurance _____
- Monthly or annual bonus _____
- Incentive for diligence _____
- Meal/food allowance _____
- Transportation to/from workplace _____
- Personal/occupational training _____
- Annual trip _____
- Accommodation _____
 - Is accommodation on site? Yes No
 - Can family members live together? Yes No
 - Are rent/utilities auto-deducted from pay? Yes No
- Other benefits _____

F. SKILLS TRAINING REQUIREMENTS

1. Does the job require skills training? Yes No

2. How many days of training? _____

3. Are there costs to workers for training? Yes No

If 'yes' please tick all costs that workers are responsible for, and indicate cost and currency.

Training costs _____

Accommodation during training _____

Meals during training _____

Transportation to training _____

Other? Please describe: _____

G. PRE-DEPARTURE TRAINING REQUIREMENTS

1. Does the job require skills training? Yes No

2. How many days of training? _____

3. Are there costs to workers for training? Yes No

If 'yes' please tick all costs that workers are responsible for, and indicate cost and currency.

Training costs _____

Accommodation during training _____

Meals during training _____

Transportation to training _____

Other? Please describe: _____

H. RECRUITMENT-RELATED FEES: ORIGIN COUNTRY

Please tick all the items that the worker will be asked to pay and indicate the amount that workers are expected to pay (amount and currency). If zero, please note '0'. If not applicable, please note 'N/A'.

- Service fee for recruitment agency _____
- Accommodation during job interview _____
- Travel costs to attend interview _____
- Accommodation during contract signing _____
- Meals during contract signing _____
- Medical check-up fee _____
- Passport fees _____
- Overseas worker identity card _____
- Labour permits _____
- Foreign employment welfare fund fee _____
- Airfare or overland travel to border _____

I. RECRUITMENT-RELATED FEES: DESTINATION COUNTRY

Please tick all the items that the worker will be asked to pay and indicate the amount that workers are expected to pay (amount and currency). If zero, please note '0'. If not applicable, please note 'N/A'.

- Service fee for recruitment agency _____
- Transportation from port of entry to workplace _____
- Visa fee _____
- Work permit fee _____
- Levy fee _____
- Medical check-up fee _____
- Health insurance _____
- Social security _____
- Training / induction costs _____
- Attestation of workers' demand documents _____

J. COVID-19—RELATED COSTS

Please tick all the items that the worker will be asked to pay and indicate the amount that workers are expected to pay (amount and currency). If zero, please note '0'. If not applicable, please note 'N/A'.

- Mandatory PCR test in origin country _____
- COVID-19 insurance fee _____
- Mandatory PCR test in destination country _____
- COVID-19 vaccination fee _____

K. INFORMATION ON REPATRIATION

Please describe how the recruitment agency and the employer will arrange the repatriation of migrant workers under each of the following possible conditions:

1. Foreign workers who complete the contract

2. Foreign workers who have difficulty performing the job

3. Foreign workers who need to return to the origin country for personal reasons

L. OTHER COSTS

Please provide any additional information on other costs that are not covered above.

TOOL 2. SELECTION CRITERIA & VETTING PROCESS FOR RECRUITMENT AGENCIES: A TOOL FOR EMPLOYERS (SUPPLIERS)

PURPOSE

Issara Institute's Ethical Recruitment Program assists participating businesses (global brands and retailers, suppliers/employers, and recruitment agencies) to strengthen business systems and support safe, transparent, and more ethical recruitment. One of the biggest challenges to employers is reducing risks and increasing visibility of recruitment practices in origin countries, which can be mitigated by selecting recruitment agencies with ethical business practices. This tool aims to help employers select the best recruitment agencies for their recruitment needs, beyond just cost considerations.

Employers recruiting workers from abroad are often required by law and by bilateral policies (such as bilateral employment MoUs) to enlist the services of an origin-side recruitment agency to identify suitable employee candidates from the origin country, and ensure contracting and document processing in compliance with all relevant laws. Departure and transportation from the

origin country to the destination may be handled by the origin-side recruitment agency, the employer itself, and/or a destination-side recruitment agency subcontracted by the employer. Most laws and bilateral policies do not require a destination-side recruitment agency to be involved in the recruitment of overseas workers, but employers may contract their services to handle destination-side recruitment-related responsibilities.

Whether an employer retains the services of an origin-side recruitment agency, a destination-side agency, or both, it is the responsibility of the ethical employer to vet and maintain direct relationships with all recruitment agencies via MSAs issued by their business, to ensure that the contract is compliant with all of their company's policies as well as that of their customers. Employers are strongly discouraged from relying on destination-side recruitment agencies to contract and manage relationships with origin-side recruitment agencies, as this has been associated with a range of serious risks related to lack of transparency around fees charged to workers, among other things.

SECTION 1. INITIAL SCREENING CHECKLIST: LEGAL STATUS

The data for these items is often publicly available information that can be found in the Golden Dreams smartphone application, or government Ministry of Labour websites and/or Facebook pages.

- CONFIRM LEGAL ENTITY.** Valid registration, year of registration, address, and contact information.
- CONFIRM LICENSE.** License to operate, and (for origin-side agencies) license to send workers to the destination country of interest.
- BLACKLISTING.** Check whether the agency is currently blacklisted or has ever been blacklisted.
- SUSPENSION.** Check whether the agency is currently suspended or has ever been suspended.
- MEMBERSHIPS & CODES OF CONDUCT.** Confirm whether the agency is a member of any industry associations and/or signatory to the national recruitment industry code of conduct. If a national Ethical Recruitment Network exists in the country, check whether agency is a member.

SECTION 2. SCREENING INTERVIEW QUESTIONS: BUSINESS PROFILE & EXPERIENCE

1. What year did the recruitment agency business start?
2. How long have you been sending workers to [insert country of interest]?
3. How many [country of interest] employers have you had contracts with in the past 1-2 years?
4. How many workers did you send to [country of interest] last year?
5. What industries do you send workers to in [country of interest]?
6. Besides [country of interest], what other countries is your agency sending workers to, to how many different companies, and approximately how many workers?
7. What other industries do you send workers to in other countries? Do you have specialized industries that you are sending workers to? Why?
8. What other businesses do you have direct or indirect links to related to labour recruitment work—for example, travel agencies, money exchange, internal (domestic) recruitment, vocational training, or language training?
9. Has your agency ever been suspended? If so, please explain the circumstances.

SECTION 2. SCREENING INTERVIEW QUESTIONS: RECRUITMENT AGENCY SYSTEMS CAPACITY

1. How many staff do you have in total, and where are they located?
2. Please explain your staffing structure—who does what where?
3. Do you have registered sub-agents? If so, how many, in which locations, and can you show proof of their registration?
4. Do you have sub-offices outside of the capital? If yes, what are the functions of those offices?
5. What training has been provided to your staff, including those based in destination countries (if any)?
6. Do you have your own training and interview facilities? If not, where do you organize skills training, pre-departure training, interviews, etc.?
7. How do you maintain and securely store the data of applicants and workers whom you have recruited? What is paper and what is electronic?
8. Does your agency have a grievance mechanism and procedure for workers in destination countries? If so, please explain.

SECTION 3. SCREENING INTERVIEW QUESTIONS: RECRUITMENT PROCESS

1. How does your agency recruit workers? What are your recruitment and advertisement channels? (e.g., in person, referrals from CSOs, Facebook, radio, newsletters) Could you show examples?
2. What information do you usually provide to job seekers about job opportunities, both verbally and written? Who usually provides the details about job opportunities to you, to inform your job advertisements?
3. [origin agencies] Do you have experience working directly with employers, or do you deal more with recruitment agencies from the destination country who are contracted by the employer?
4. [destination agencies] Do you have experience with the employer working directly with both your agency and the origin-side agency, or does your agency typically act as a go-between that manages origin-side agencies directly?
5. Have you ever faced a situation where the employer or their agent had very little information to share about the job being recruited for? If so, how did you handle it?
6. Can you describe the typical recruitment process and timeline for groups of workers that you would place at my workplace? (i.e., information to job seekers, receiving and sorting applications, pre-screening/pre-interview, interview, pre-departure training)
7. What steps do you take to avoid illegal use of brokers, and job seekers being made to pay illegal or unallowed fees in the recruitment process, especially at the village level?

SECTION 4. SCREENING INTERVIEW QUESTIONS: CANDIDATE INTERVIEW, PRE-DEPARTURE TRAINING & SKILLS TRAINING

1. How and where are job candidate interviews typically organized?
2. How do you maintain interview records and inform interview results to candidates?
3. Are pre-departure orientations provided? If so, please provide details.
4. Do you conduct skills training and/or pre-departure training? If so, who conducts those trainings, how long are they, and what is the content? Do you engage other organizations in your training? If so, who?
5. What information and/or actions do you think contribute to a very successful candidate interview and pre-departure training process?

SECTION 5. SCREENING INTERVIEW QUESTIONS: SERVICES AVAILABLE IN THE DESTINATION COUNTRY

1. What kind of services does your agency provide to employers in the destination country? (e.g., MOU U-turn workers' processes, facilitating transportation from origin country to the factory, assisting with translation and worker relations upon arrival, post arrival follow-up, grievance management, repatriation)
2. Have you ever had to help a worker in a destination country with a serious issue? If so, could you please share more about how it went, without naming any names?

SECTION 6. SCREENING INTERVIEW QUESTIONS: COSTS & FEES

1. What is the cost breakdown for both newly recruited workers and MOU U-turn workers? Please include costs on both the origin and destination sides.
2. When and how would these costs and fees be paid, and by whom? If any costs are expected to be paid by the worker, please specify.
3. How and when are key information about costs (including exact costs, timing, and mode of payment) communicated to job seekers?
4. How do you ensure that your staff, sub-agents, and anyone else involved in your recruitment process are providing correct and complete information and not collecting illegal or unallowed fees?
5. Do you have company policies on costs and fees for your staff?
6. What happens if workers are found to have paid more than the amount that we agreed upon, for example extra or illegal fees collected by brokers?
7. Do you have any experiences dealing with this kind of situation in the past?

SECTION 7. SCREENING INTERVIEW QUESTIONS: ETHICAL RECRUITMENT

1. Are you familiar with ethical recruitment? What is your company's definition of ethical recruitment? Do you have a company policy on ethical recruitment?
2. Have you ever conducted Employer Pays recruitment, which requires that 0 fees are charged to jobseekers and workers, and that the employer pays all costs of labour recruitment and document processing? If so, which countries/industries?
3. Have you ever participated in initiatives related to ethical recruitment? If so, please describe. Did those initiatives describe 'ethical recruitment' as being no fees charged to workers through the entire recruitment process, down to the village level, or just from the point of contract signing?
4. Have you ever worked with any civil society organizations or NGOs? Please describe what engagement, and how it went.

TOOL 3. CHECKLIST: ETHICAL MANAGEMENT SERVICE AGREEMENT (MSA) BETWEEN EMPLOYERS & RECRUITERS

PURPOSE

The Management Services Agreement (MSA) is a legal contract that establishes a commercial relationship and framework for cooperation between employers and the recruitment agencies involved in recruiting its foreign workers. It details the roles and responsibilities of each party to uphold the standards for responsible recruitment, and protects jobseekers and workers from exploitation. In the ethical MSA, all parties seek to mitigate risks and create greater transparency, efficiency, and professionalization in the recruitment process and its costs.

Ethical employers should have MSAs between their company and each recruitment agency involved in the recruitment of their workers, on both origin and destination sides. An MSA with only a recruitment agency in the destination country is insufficient. The employer must have visibility and control of information flow, costs, and processes across the entire recruitment process of their employees.

5 KEY COMPONENTS OF THE ETHICAL MSA

As a legal contract, the MSA should include standard terms and conditions covering confidentiality, indemnity, duration, modification, termination, and jurisdiction that are in line with relevant national laws. In addition, they should include the following 5 components, to provide greater detail on how the parties will ensure more ethical recruitment:

1. DISCLOSURE OF ALL PARTIES, SUBCONTRACTORS & RESPONSIBLE PERSONNEL INVOLVED IN THE LABOUR RECRUITMENT PROCESS

Requiring the disclosure of all businesses, subcontractors (i.e., brokers and sub-agents), and key personnel involved in the labour recruitment process, in both origin and destination countries, is one of the most important and fundamental ways that an employer can increase control of and visibility over their labour recruitment processes and risks. Under no circumstances is ethical recruitment possible to implement, monitor, risk assess, or prove if the employer knows only the destination-side recruitment agency. The employer needs to know the origin-side recruitment agency and the terms and conditions under which the services of those origin-side actors were sub-contracted. The following are recommended:

- Employers should have MSAs, direct commercial relationships with, and visibility of the actions of the registered origin-side recruitment agency that is licensed under the laws of the origin country to recruit workers for their company. This is the case whether or not the services of a destination-side recruitment agency are retained.
- If a destination-side recruitment agency is retained, an MSA is required with them as well.
- Ensure that a commercial contract is established between employers and each recruitment agency that outlines the terms, conditions, and expectations for services being provided. Note that these should be commercial contracts, not employment contracts.
- For all MSAs, the following information should be disclosed:
 - Company name, address, and profile
 - Valid license number and registration number
 - Legal documents (power of attorney, certificates, approval letters, etc.)
 - Name, title, contact details, and roles of all individuals involved in the recruitment process

- The employer should be the party issuing the MSA to the contractors, and not vice versa. In this way, the employer can ensure that the standards and requirements of their company and all their customers are properly reflected in all the terms and conditions of the MSA. It is important to remember that employers (suppliers) know the policies and requirements of their customers. Recruitment agencies do not, necessarily, since agencies have no direct relationship with the global brand/retailer, and in many cases agencies do not even know who the global brand/retailer customers are.

2. ANNEX WITH ETHICAL RECRUITMENT POLICY AND/OR PRINCIPLES THAT SIGNAL COMPLIANCE WITH GLOBAL BUYER POLICIES & INTERNATIONAL STANDARDS

Having an ethical recruitment policy or set of guiding principles as an MSA annex sends a clear set of ‘rules of engagement’ to contracted parties, increasing the likelihood of compliance and successful ethical recruitment. It also sends a clear signal to auditors and others (for example, brands and retailers requesting to review labour recruitment MSAs) that the terms and conditions of the contract are serious about meeting ethical recruitment standards. Employers are recommended to:

- Include an annex with the employer’s company ethical recruitment policy, to ensure clarity on ethical recruitment requirements.
- If an ethical recruitment company policy is not yet available, include an annex with Issara’s 7 Ethical Recruitment Guiding Principles – an example is provided on pages 38–39. Note that it aligns with the Employer Pays principle of the Leadership Group for Responsible Recruitment, the Code of Conduct for the World Employer Confederation, and ILO Convention No. 181 on Private Recruitment Agencies – which are all key references for many corporate (global brand/retailer) policies as well.
- Attach an English version and ensure all translations are accurate.

3. ANNEXES WITH HIRING CRITERIA & COMPREHENSIVE JOB DESCRIPTIONS ADDRESSES DECEPTION RISK & INFORMATION ASYMMETRIES

Many MSAs include the job title, daily wage rate, and duration of contract, but few other details regarding the terms, conditions, and benefits of employment, or even regarding the nature of work and accommodation. Including clear hiring criteria and a comprehensive job description as annexes in the MSA helps the employer to control upstream fraudulent or deceptive recruitment – that is, brokers and recruiters promising jobs whose terms and conditions do not match reality. Therefore, it is strongly recommended to:

- Include an annex with Hiring Criteria to ensure the recruitment agency is very clear on employee requirements, and can advertise these as early as possible to avoid the issue of unqualified jobseekers consuming considerable time and expense to apply for jobs they are not qualified for.
- Include an annex with a Comprehensive Job Description, in both the language of the employer and the language of the workers being recruited. An example template can be found within Tool 1 which focuses on developing comprehensive job advertisements.
- A clause can be included noting that the job will be advertised by the Contractor (recruitment agency) on the Issara Golden Dreams Marketplace, whose job advertisement formats ensure that all job description details conveyed by the employer will be communicated to jobseekers.
- Attach an English version and ensure all translations are accurate.

4. CONTRACT SECTIONS WITH COMPREHENSIVE COVERAGE OF RECRUITER AND EMPLOYER ROLES & RESPONSIBILITIES

Typically, an MSA will include a section on Responsibilities of the Contractor (the recruitment agency) and Responsibilities of the Employer, but oftentimes a number of key steps in the recruitment process are not included, thus leading to ambiguity around who, if anyone, is assuming those critical responsibilities. Therefore, it is recommended to review the following summary of roles and responsibilities in the labour recruitment process, to ensure clarity regarding who is responsible for what, and to ensure that no key responsibilities or costs are being forgotten in the language and the costing of the MSA.

It is advised to attach English versions and carefully check all translations.

ROLES & RESPONSIBILITIES IN THE RECRUITMENT PROCESS	
ACTOR	ROLES & RESPONSIBILITIES
Employer	<ul style="list-style-type: none"> □ Contractually require ethical recruitment down to the first mile, not just from the contract signing stage □ Pay for recruitment costs at the right time throughout recruitment processes, to ensure that illegal or unallowed costs never fall onto workers □ Ensure safe travel of workers from their country's port of entry to the workplace □ Provide workers with a comprehensive induction training and information in workers' native language (verbally and in writing) about company rules, regulations, and processes, including grievance mechanisms

Employer, continued	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure that workers open and maintain control over valid bank accounts that can receive electronic fund transfers <input type="checkbox"/> Ensure decent, safe working (and sometimes also living) conditions and management of worker grievances, in strict compliance with national laws, bilateral agreements, and customer codes of conduct <input type="checkbox"/> Ensure that workers' legal status in the destination country is always maintained, including visas, work permits, contract renewals/extensions, and reports to immigration authorities, covering costs as required by company policy and customer requirements <input type="checkbox"/> Timely notification to the origin-side recruitment agency of workers separating from the company and no longer eligible for repatriation support, serious worker welfare or health concerns, deaths, or upcoming repatriations <input type="checkbox"/> Safe repatriation of workers to their origin countries upon contract completion, covering costs as required by company policy and requirements of customers
Origin-side recruitment agency	<ul style="list-style-type: none"> <input type="checkbox"/> Implement recruitment processes in the origin country to recruit workers that are compliant with the employer's requirements and standards, with measures for identifying and mitigating workers paying informal fees to brokers <input type="checkbox"/> Manage the initial advertising and recruitment of jobseekers <input type="checkbox"/> Manage candidate vetting, which may include interviews and skills assessment, to ensure that candidates meet the hiring criteria, which may include zero fees recruitment requirements <input type="checkbox"/> Manage contract signing and document arrangement (valid passports, identity cards, etc.) through professional, ethical document handling processes <input type="checkbox"/> Manage pre-departure orientations and trainings, including those required by the employer and/or the government <input type="checkbox"/> Ensure timely communication of recruitment processes and progress with the employer <input type="checkbox"/> Arrange safe travel to the destination country.
Destination -side recruitment agency	<ul style="list-style-type: none"> <input type="checkbox"/> If needed, some of the destination-side responsibilities of employers may be outsourced to agents, which should act in compliance with the employer's requirements and standards. <input type="checkbox"/> Appropriate responsibilities to be outsourced from the employer to an agent may include arranging travel of new workers from port of entry to the workplace, arranging the travel of repatriating workers back to their home country, or supporting document processing and extension in the destination country. <input type="checkbox"/> The destination-side agency should not manage the contractual relationship between the employer and the origin-side agency.

5. CONTRACT SECTIONS DIRECTLY AND SPECIFICALLY ADDRESS THE KNOWN MAIN RISKS TO ETHICAL RECRUITMENT

Even with an attached ethical recruitment policy, it is still helpful to include specific clauses, sections, or annexes in the MSA that directly address the 5 known main risks to ethical recruitment listed below. To address these, the following MSA sections or annexes are recommended, in English and with carefully checked translations between origin and destination country languages:

1. **ENSURE CLARITY IN COSTS & FEES** – essentially, ensure that it is clear exactly how much each step costs, and who is paying for it.
 - Detailed disclosure of all recruitment-related and document-related costs and fees from both the origin and destination sides, noting which party will be expected to cover each cost/fee: the recruitment agency, the employer, or the worker being recruited. This should be a high priority, as most businesses focused on ethical recruitment require assurances that no costs and fees of recruitment are borne by workers.
2. **PAYMENT TIMING, TERMS & CONDITIONS DO NOT FORCE RECRUITERS TO SEEK FEES OR ADVANCES FROM JOBSEEKERS** –avoid delayed payment on the part of the employer, or unfair payment timing and terms more generally that can force agencies to seek funds from workers.
 - Fair payment terms between the supplier and the contractor (recruitment agency) need to ensure that the recruitment agencies are never in a cash flow position where contractors are expected to pay for the costs and fees of the recruitment process without having received advance payment from the employer to cover those costs. MSAs lacking initial payments to contractors create situations where workers may be asked to front costs and be reimbursed later.
 - Payment terms should include multiple payments from the employer to the contractor (recruitment agency), not just one payment at the end of the contract for completion of services rendered. Generally, there should be a first payment upon contract signing or soon after to cover the initial costs of the recruitment process. **Payment should never be 100% upon delivery of workers to the workplace.**
 - The timing of payments should coincide with the timing of recruitment-related costs being incurred, such that the contractor is never expected to pay out-of-pocket (or seek funds from workers) for recruitment-related costs.
 - Payment terms should be specified as Net 30 or Net 60 (paid to the recruitment agency within 30 or 60 days of invoicing) to ensure that agencies receive payments from employers at predictable times.
 - Terms of payments and services should be detailed for cases of worker separations prior to contract expiry, covering the situations of worker resignations as well as terminations.

3. **PROHIBIT BRIBES & KICKBACKS** – including recruitment agencies, staff of the employer company, middlemen, agents, or brokers abusing their ‘middlemen’ positions and power to extort bribes or kickbacks from workers or recruitment agencies (most often from origin-side recruitment agencies).
 - A robust anti-bribery section or annex would prohibit and require reporting of, in connection with activities undertaken under the MSA, the contractor and anyone acting on the contractor’s behalf from giving, offering to give, or authorising the giving of money for the purpose of improperly influencing business decisions or securing improper advantages. This would address:
 - Middlemen, including and especially informal brokers, abusing their power and extorting bribes from workers for access to jobs.
 - Destination-side agencies abusing their power and position between employers and origin-side recruiters to extort kickbacks or bribes from origin-side agencies. Most commonly this is observed as pay-to-play bribery and bidding wars, where destination-side recruitment agencies offer the demands of employers to the payer of the highest bribe.
 - Staff of the employer company extorting bribes or kickbacks from recruitment agencies or workers, or receiving financial benefits from the extortion or bribes collected by an agency or worker.

4. **PROHIBIT DECEPTION REGARDING THE TERMS & CONDITIONS OF EMPLOYMENT** – brokers and agents being deceptive about the true terms and conditions of recruitment and employment as envisioned by the employer.
 - Comprehensive job descriptions attached as annexes help provide suppliers with assurances that recruitment agencies have sufficient details regarding the terms and conditions of employment to explain to job candidates in a transparent manner.
 - Zero tolerance policy regarding deception on the part of agents, sub-agents, or brokers from withholding information about or being deceptive in any way about the employer’s intended terms and conditions of employment.

5. **ENSURE CREDIBLE MECHANISMS FOR WORKER VALIDATION OF ETHICAL RECRUITMENT** – that are impartial, reliable, credible, well advertised, and safe, meaning free of retaliation.
 - In order to be reliable, mechanisms for worker validation should be as unbiased and representative as possible, and free of coaching or intimidation such that workers feel no hesitation to provide truthful information about their recruitment experience.
 - In order to be credible, mechanisms for worker validation should be trusted by workers, and grievances from workers should be responded to promptly and professionally.
 - In order to be safe, there must be safeguards in place to protect workers from retaliation or reprisal.

MSA ANNEX: ETHICAL RECRUITMENT GUIDING PRINCIPLES

The following 7 Ethical Recruitment Guiding Principles are in line with the Employer Pays principle of the Leadership Group for Responsible Recruitment, the Code of Conduct for the World Employer Confederation, and ILO Convention No. 181 on Private Recruitment Agencies.

- 1. LEGAL COMPLIANCE: RESPECTING ALL RELEVANT LAWS.** This includes all laws and policies related to the regulation of labour recruitment, as well as labour protection laws, minimum wage laws, and anti-trafficking laws. Relevant laws are from three main jurisdictions: laws of the origin country, laws of the destination country, and bilateral government-to-government policies and mechanisms. Businesses developing ethical recruitment channels should easily be compliant with all relevant local laws and policies, since the standards of ethical recruitment exceed the generally lower requirements of relevant national laws in most countries in Asia. It is important to be closely monitoring “first-mile” costs that jobseekers often have to pay to brokers and agencies at the village and community level, as these are often more than the legally allowed amounts and must be addressed by the recruitment agency and employer.
- 2. ETHICAL AND PROFESSIONAL CONDUCT TOWARDS WORKERS AND EACH OTHER.** This includes all business arrangements made by the agency (including agency staff and all affiliated representatives) and by the employer (including all labour recruitment and human resources staff and affiliated representatives). Parties are expected to operate fairly and ethically, performing their duties and interfacing with jobseekers, workers, and business counterparts in a professional manner, and treating all parties with respect.
- 3. FREE-OF-CHARGE SERVICES TO JOBSEEKERS AND WORKERS.** This includes all costs of recruitment and migration, including but not limited to recruitment agency fees, medical checks, work permits, visas, transportation costs, and any and all fees and costs related to brokers and sub-brokers, which recruitment agencies have the responsibility to be aware of and cover, if they exist. None of these should be charged to the worker at any point, and none of these costs should be recouped from the worker at any point, whether through a bill, forced advance payment to be reimbursed, pay deductions, or cast as a “loan” for workers to pay back. However, this does not necessarily include the cost of the passport of the worker (unless required by company policy): workers should buy and control their own passports and keep them under their own control at all times.
- 4. TRANSPARENT, ETHICAL TERMS OF ENGAGEMENT.** All parties, including the employer, the recruitment agency, and the agency’s affiliated representatives, should operate in a manner that is transparent, ethical, and fair towards each other, and to jobseekers. This covers the terms and conditions around the service agreement between the employer and the recruitment agency, as well as the terms and conditions around the job and job contract offered to the jobseeker. Transparent and ethical terms of engagement require (a) timely disclosure of comprehensive information related to the job description and hiring criteria communicated from employer to recruiter, and from recruiter to job seekers; and, (b) origin-side vetting processes, costs, and payment terms and conditions to be discussed and agreed between the recruitment agency and the employer. Complete and accurate information should be provided to jobseekers prior to contract signing, and workers should be provided with written and digital materials on rights and processes to ensure transparency.

5. **TRANSPARENT WAGES, DEDUCTIONS, AND BENEFITS.** All workers should be provided with complete, transparent information regarding their terms of pay both prior to contract signing, and on arrival at their workplace. Employers and agencies will be expected to work together to ensure that workers are provided with contracts which provide transparent information on wages, deductions, and benefits, as well as induction training in the workers own language, explaining bonus and incentive schemes, target-setting practices, and allocation of overtime or other practices related to wage payment. In corridors where there are government-to-government MOU bilateral agreements, the terms and conditions of employment provided by the employer must be equal to or more favorable than the minimum requirements set by the MOU agreement. Workers should be provided with multi-lingual timesheets and payslips, with all deductions broken out, and that workers are paid electronically to ensure transparency.
6. **HEALTHY, SAFE, EXPLOITATION-FREE WORKING AND LIVING CONDITIONS.** Employers are expected to provide a working environment free from hazards and risks to the health and safety of the workers. Workers' freedom of movement should be protected, meaning that workers should hold their own identity and work documents at all times, and should have the ability to freely enter and exit their living space. Workers should be provided with housing that is hygienic, safe, and decent, with sufficient provisions for privacy, and information about transport to the workplace that is provided in writing. Before workers are recruited for a workplace, the agency should conduct due diligence to ensure the above-mentioned standards are upheld, and the employer should allow the origin-side agency full access to the facility. If an employer uses a destination-side Agency to represent their business and arrange terms with the origin-side Agency, these principles must still be upheld, in recognition of the fact that the origin-side Agency is one of the official signatories on the MOU employment contract. The ability for the origin-side agency to have direct engagement with the employer (and not have all communications filtered through a destination-side agency) is critical for transparency and accountability. Workers should be protected from discrimination at all times.
7. **ACCESS TO REMEDY AND FUNCTIONAL, CREDIBLE GRIEVANCE MECHANISMS.** All workers should have access to independent, credible grievance mechanisms throughout the recruitment process, and for the duration of their employment in the destination country. Agencies and employers are equally responsible to guarantee workers' well-being and so should work together to ensure workers are provided with clear information on the nature of the grievance mechanisms available to them and how to access these during pre-departure training, and on arrival at the workplace. Clear protocols for handling complaints in a professional manner should be in place for both internal (recruitment agency-led and/or supplier-led) and external grievance mechanisms (i.e., NGO-led), enabling workers to seek assistance and report issues anonymously, ideally in their native language and 24/7, without fear of reprisal.

ETHICAL MSA REVIEW SHEET

1. DISCLOSURE OF ALL PARTIES, SUBCONTRACTORS & RESPONSIBLE PERSONNEL INVOLVED IN THE LABOUR RECRUITMENT PROCESS

1.1	MSA with all parties. Does the employer have MSAs in place between their company and each licensed origin-side recruitment agency, and also with each destination-side agent?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.2	Disclosure of subcontracting. Does the MSA require that all subcontracting on the part of the retained recruitment agency is disclosed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.3	Appropriate contracting. Are the MSA contracts commercial contracts, not employment contracts?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.4	Complete information disclosed. Is complete information disclosed regarding all parties, their licenses and period of validity, and details of their appointed key personnel?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.5	Compliance with customer requirements. Has the employer issued the MSAs themselves, or ensured that their legal team carefully reviews the MSAs drafted by contractors, to ensure compliance with customer requirements for responsible / ethical recruitment?	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. ANNEX WITH ETHICAL RECRUITMENT POLICY AND/OR PRINCIPLES THAT SIGNAL COMPLIANCE WITH GLOBAL BUYER POLICIES & INTERNATIONAL STANDARDS

2.1	Ethical recruitment policy or set of guiding principles attached to MSA as annex. If the employer's company policy on ethical recruitment exists, is it included as an annex? If not, is an alternative reference available as an annex, for example a set of guiding principles or a summary of key customers' codes of conduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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3. ANNEXES WITH HIRING CRITERIA & COMPREHENSIVE JOB DESCRIPTION ADDRESS DECEPTION RISK & INFORMATION ASYMMETRIES

3.1	Hiring criteria attached to MSA as annex. Are hiring criteria attached as an annex that are very clear on employee requirements?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.2	Comprehensive job description attached to MSA as annex. Is a job description in the languages of the employer and employees included, and comprehensive in its description of the nature of the job, job environment, and the terms and conditions of the employment contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.3	Requirement of job advertisement on Golden Dreams Marketplace (where available). If available, is Golden Dreams Marketplace job advertisement required? Golden Dreams job ad formats ensure that job descriptions are comprehensively communicated to jobseekers.	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. CONTRACT SECTIONS WITH COMPREHENSIVE COVERAGE OF RECRUITER AND EMPLOYER ROLES & RESPONSIBILITIES		
4.1	Responsibilities of the contractor (recruitment agency). Are all of the responsibilities of the contractor in both the origin and destination country clearly articulated, including the nature and timing of such responsibilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2	Responsibilities of the employer. Are all of the responsibilities of the employer in both the origin and destination country clearly articulated, including the nature and timing of such responsibilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.3	Responsibilities in the origin country. Are all of the responsibilities in the origin country proposed to be handled by legally registered entities with the authorization to perform such tasks in that country?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.4	Responsibilities in the destination country. Are all of the responsibilities in the destination country proposed to be handled by legally registered entities with the authorization to perform such tasks in that country?	<input type="checkbox"/> Yes <input type="checkbox"/> No

5. CONTRACT SECTIONS DIRECTLY AND SPECIFICALLY ADDRESS THE KNOWN MAIN RISKS TO ETHICAL RECRUITMENT		
5.1	Ensuring clarity in costs and fees. Is the MSA clear about how much each step costs and who is paying for it?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.2	Timely payment on the part of the employer. Are there clear Net 30 / Net 60 payment terms? Is there more than one payment, including one at/near the beginning of the contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.3	Prohibiting bribery and kickbacks. Does the MSA clearly prohibit middlemen, brokers, agents, or staff of the employer company abusing their power to extort kickbacks or bribes from workers or agencies?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.4	Prohibiting deception regarding terms and conditions of employment. Does the MSA clearly prohibit brokers or agents from being deceptive or non-transparent about the true terms and conditions of recruitment and employment as envisioned by the employer?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.5	Ensuring credible mechanisms for worker validation of ethical recruitment. Does the MSA require reliable, credible, safe, and clearly advertised mechanisms for worker validation of functioning ethical recruitment?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SCORE (CIRCLE THE TOTAL # OF 'YES' RESPONSES)																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
NEED HELP WITH YOUR MSA? PLEASE CONTACT YOUR ISSARA FOCAL POINT FOR FREE TECHNICAL SUPPORT						FAIR			GOOD			VERY GOOD			EXCELLENT!		

TOOL 4. DIAGNOSTIC OF CURRENT LABOUR RECRUITMENT PRACTICES

PURPOSE

This diagnostic assessment tool provides a clear and practical framework to analyze the structure and effectiveness of current labour recruitment agreements. From this analysis, Issara helps businesses to pinpoint areas requiring improvement and how to best improve them, and understand how to measure and articulate progress made to date more effectively.

The diagnostic tool is comprised of a list of key considerations and indicators important to ethical recruitment, organized into 7 sections according to the 7 Issara Ethical Recruitment Principles outlined above.

The ethical recruitment diagnostic is an Issara-facilitated “tri-party” conversation with pairs of recruitment agencies and employers at the same time, according to existing management service agreements (MSAs). However, any business, whether recruitment agency or employer, can use the tool as a reference to guide labour recruitment system assessment and strengthening.

SCORING

Each of the 7 Ethical Recruitment sections are assigned a percentage score based on an average of the scores from each question within the section. The final percentage score is an average of the 7 sections scores. Weak points for focused improvement efforts, and strong points for potential best practice documentation and replication, can be identified through studying the individual scores of each question. The main point, however, is not what the final score is – rather, it is about identifying the areas and priorities the parties want to strengthen and raise, and to build transparent communications between employers and recruiters about how to get there and measure progress.

WHO SHOULD PARTICIPATE IN THE TRI-PARTY CONSULTATIONS?

In most countries in Asia, foreign employers are prohibited from directly recruiting workers from origin countries. The governments of those origin countries often require that licensed agents in their own country are contracted by the foreign employer, to ensure that the recruitment and contracting of their citizens is done in compliance with local laws that foreign employers and foreign agents may not be aware of. These are “origin-side recruitment agencies.”

Employers of foreign workers may also elect to retain or subcontract the services of a recruitment agency in their own country, to support document processing or other human resource functions pertinent to employing foreign workers and ensuring regulatory compliance. These are “destination-side recruitment agencies.”

The minimum required participants to the tri-party consultation are Issara Institute plus the parties required by law. For labour recruitment from Nepal to Malaysia, for example, this would include the Malaysian employer and the Nepalese and Malaysian recruitment agencies. For labour recruitment from Myanmar to Thailand, this would include the Thai employer and the Myanmar recruitment agency, but would not necessarily need to include any Thai recruitment agencies subcontracted by the employer. However, the Thai employer may find it useful to include their sub-contracted Thai recruitment

agencies, to ensure full visibility of all practices and risks within their labour recruitment processes.

It is very helpful for all parties to come fully prepared to the tri-party consultation; Issara Institute staff are happy to hold prep meetings with each individual participant prior to the tri-party consultation.

SECTION 1. LEGAL COMPLIANCE		
QUESTIONS		SCORE (1-10)
1.1	Origin and destination criminal and labour laws. Compliance with all relevant criminal laws, including with regard to forced labour, debt bondage, human trafficking, and slavery; and with all relevant labour laws, including with regard to wage, OT, deductions, working hours, and protections for women and children.	
1.2	Bilateral recruitment-oriented policies. Compliance with all relevant bilateral policies and ordinances that regulate cross-border labour recruitment.	
1.3	Management Services Agreement (MSA). A fully executed MSA compliant with all applicable laws outlines the terms and conditions of the recruitment services and relationship between employer and agency.	
SECTION 1 SCORE		/30

SECTION 2. ETHICAL & PROFESSIONAL CONDUCT		
QUESTIONS		SCORE (1-10)
2.1	Agency conduct. Agency, including agency staff and all affiliated representatives, operates with ethics and professional conduct in line with business and industry standards and corporate codes of conduct. This includes management of recruiters and sub-recruiters, screening and pre-qualifying of potential applicants, and reference checking and document verification for all applicants.	
2.2	Employer conduct. Employer, including all labour recruitment and human resources staff and affiliated representatives, operates with ethics and professional conduct in line with business and industry standards and corporate codes of conduct (customer requirements).	

2.3	Agency/employer capacity. Agency and employer staff and affiliated representatives appointed with the responsibility to oversee international labour recruitment have the knowledge, attitude, and capacity to perform duties and interface with jobseekers, workers, and employers in a professional manner.	
2.4	Efficient cooperation. Agency and Employer exchange information openly and cooperate in an effective manner; when worker-related issues arise, each party notifies the other in a clear and timely manner; sufficient lead time is provided to each party to manage processes including worker document extension and repatriation. The Agency has direct access to the Employer's human resources department.	
SECTION 2 SCORE		/40

SECTION 3. FREE-OF-CHARGE SERVICES TO JOBSEEKERS & WORKERS		
QUESTIONS		SCORE (1-10)
3.1	Transparent disclosure of all fees, costs, and who pays. Management services agreement includes clear terms, responsibilities, and timing of payments regarding all parties, costs, and processes involved in the recruitment of the jobseeker, including recruitment and processing fees, passports, travel costs, medical checks, document processing, and destination-side document renewal.	
3.2	Effective identification and removal of first-mile risks. Agencies and Employers have systems and collaborations in place to effectively identify first-mile risks, and to remediate first-mile risks if identified.	
3.3	Commitment to repay and reimburse excessive and unallowed charges and fees to jobseekers and workers. Agencies and Employers have policies and systems in place to identify improper fees charged to jobseekers and workers and/or extortion, and to pay back jobseekers and workers in a timely manner.	
3.4	Enforcement against kickbacks extorted by destination-side agents. Employers have policies and systems in place to identify extortion of jobseekers, workers, and recruitment agencies that can occur with destination-side agents and HR staff, including bidding wars to create competition amongst origin-side agents to win tenders and contracts. Damaged parties are paid back in a timely manner and contracts with unethical agents are immediately terminated.	
SECTION 3 SCORE		/40

SECTION 4. TRANSPARENT, ETHICAL TERMS OF ENGAGEMENT

QUESTIONS	SCORE (1-10)
<p>4.1 Timely provision of complete job description and hiring criteria. The Employer provides the Agency (a) comprehensive information regarding the job description, including detailed terms and conditions of employment and payment, and (b) a written checklist of hiring criteria to assess worker eligibility for the role during screening and interview.</p>	
<p>4.2 Transparent disclosure of recruitment process and job information to workers. Applicants are fully informed of all documents, job requirements, medical check-up processes, and estimated timing for all steps of the recruitment process when first recruited, verbally and in writing. The Employer and the Agency ensure that jobseekers have a full understanding of the exact job that they are signing up for, down to the department, day or night shift, onsite working conditions, living conditions, and expected amount of overtime work (OT) prior to interview, whether or not such details are written in the contract.</p>	
<p>4.3 Efficient and transparent overall management of origin-side jobseeker vetting, processing, and training. The Agency competently coordinates and executes vetting and applicant interviews and skills tests, including arranging travel and lodging accommodations, in an efficient and professional manner. Applicants are informed of the results of their interview, testing, and medical check in a professional manner, then provided with a contract, medical check, and comprehensive pre-departure training and empowerment.</p>	
<p>4.4 Ethical handling of pre-departure contracting. Workers are provided with an unsigned copy of their employment contract/s to review and have the opportunity to ask questions at any time prior to contract signing. Upon contract signing in the home country, jobseekers receive an original signed and counter-signed employment contract, signed by the employer, including written information regarding the job workplace, job description, and contact information.</p>	
<p>4.5 Comprehensive written and digital information regarding workers' rights. Jobseekers are provided with written and digital materials and resources explaining their rights in the destination country (for example the Issara workers' rights booklet), as well as other useful information on living and working in the destination country. Contact information is provided for persons and organizations that provide support to workers in the destination country.</p>	
<p>4.6 Travel to the workplace at destination. Origin-side recruitment agency manages transport for workers to the border or exit point (such as airport). The Employer coordinates with the Agency regarding transport of workers from the point of entry into the destination country to their workplace.</p>	
<p>SECTION 4 SCORE</p>	<p>/60</p>

SECTION 5. TRANSPARENT WAGES, DEDUCTIONS & BENEFITS

QUESTIONS		SCORE (1-10)
5.1	Contracts provide clear information regarding wages, deductions, benefits, and working conditions. Information related to wages, deductions and benefits are clearly stipulated in the contract and prior to contract signing. Details on bonus and incentive schemes at the workplace, target-setting practices, and expected OT, if not outlined in the contract, are clearly communicated through other means prior to contract signing.	
5.2	Proper payment systems and documentation. Workers are supported in setting up a bank account in the destination country which they fully control, and payments are made electronically into this bank account at every pay period. Employers provide timesheets and payslips in the language of the worker; details about wages, OT rates, deductions, and benefits are clearly broken out.	
SECTION 5 SCORE		/20

SECTION 6. HEALTHY, SAFE, EXPLOITATION-FREE WORKING & LIVING CONDITIONS

QUESTIONS		SCORE (1-10)
6.1	Occupational health and safety. The Employer ensures a safe working environment, free from hazards and risks to the health and safety of workers.	
6.2	Freedom of movement and control of documents by workers. Identity and work documents of workers are held by and/or controlled by workers. If Employers are providing safe storage or processing of worker passport and documents, workers can freely access documents at any time with minimal delay. Workers enjoy unrestricted freedom of movement whenever they are off-shift.	
6.3	Worker housing. If housing is provided by the employer, it is hygienic, safe, secure, and decent, with safe, easily accessible transport to the workplace if necessary. Basic provisions such as mattress, pillow, blanket, and light are provided and are hygienic, and arrangements are made to ensure workers have sufficient privacy, fresh air, natural light, ability to store personal items securely, access to hygienic bathrooms, and are fire-safe. Housing and transportation information is provided in writing, including information on housing costs and how these should be paid.	

6.4	<p>Remediation of worker-raised workplace issues. Employers are committed to acknowledge and remediate worker-raised workplace issues in a professional manner, including issues regarding working conditions, wage and hour issues, and issues related to harassment, discrimination, and threats of abuse or abuse of power. If Agencies are notified of workplace issues, Employers allow Agencies full access to the premises and workers, to conduct investigations and speak to workers in private.</p>	
SECTION 6 SCORE		/40

SECTION 7. ACCESS TO GRIEVANCE MECHANISMS & REMEDY		
QUESTIONS	SCORE (1-10)	
7.1	<p>Encouragement of worker voice and use of grievance mechanisms. Agencies and Employers ensure that clear and comprehensive information on grievance mechanisms are provided to jobseekers and workers, whether by their staff or NGO partners, and encourage their use by jobseekers and workers. Any reports of worker intimidation are investigated immediately, with appropriate punitive action taken, including suspension and termination of contract where intimidating behavior persists.</p>	
7.2	<p>Effective grievance mechanisms with functioning systems for safeguarding and remediation. Effective grievance mechanisms are in place, whether internal, independent, or both, with clear protocols for handling complaints in a professional manner. Workers can report issues anonymously, and systems are in place for recording and investigating complaints. Investigations are conducted by a person/team within the organization with appropriate authority and without a conflict of interest. Training has been provided to HR and other relevant staff regarding the implementation of protocols related to grievance mechanisms.</p>	
SECTION 7 SCORE		/20

SECTION 8. SUMMARY OF SCORES

ETHICAL RECRUITMENT PRINCIPLE		SECTION SCORE	%
1	Legal compliance	/ 30	%
2	Ethical and professional conduct	/ 40	%
3	Fee-free services for job seekers and workers	/ 40	%
4	Transparent, ethical terms of engagement	/ 60	%
5	Transparent wages, deductions, and benefits	/ 20	%
6	Healthy, safe, exploitation-free working conditions	/ 40	%
7	Access to remedy and grievance mechanisms	/ 20	%
OVERALL AVERAGE SCORE		/ 250	%

SECTION 9. PLANNING IMPROVEMENT ACTIONS

#	LOWEST SCORING ITEMS	PLANNED IMPROVEMENT ACTIONS
1		
2		
3		
4		
5		

TOOL 5. CHECKLIST: ETHICAL EMPLOYMENT CONTRACTS—GOOD PRACTICE

PURPOSE

Employment contracts are a mutual agreement between employers and employees whose purpose is to clearly define the nature of the work, working conditions, remuneration and benefits, and duties and responsibilities of each party. Employment laws of most countries articulate provisions to be included in employment contracts, and many provide rights to both employers and employees whether or not there is a written contract (though for good practice, obviously, there should be a written contract in place). Additionally, global buyers may have requirements or guidance for their suppliers to help ensure transparency, legal compliance, ethics, and fair treatment principles for the workers in their supply chains.

The purpose of this tool is not to provide a comprehensive list of items for inclusion in a contract, but rather to help suppliers identify good practice and avoid pitfalls particularly common to employment contracts for foreign low-skilled workers. Many of the topics outlined below are highlighted because they commonly present as friction points between employers and workers in many countries in Asia, and can largely be addressed, or at least mitigated, through changes in employment contracts.

GOOD PRACTICE CHECKLIST

- **GIVE WORKERS AMPLE TIME TO REVIEW CONTRACT, IN THEIR LANGUAGE.** Provide employment contracts to workers in advance of the actual contract signing, with proper, accurate translation into workers' native language. The aim is to provide adequate time for prospective employees to read and fully understand the terms and conditions before signing the contract. An employment contract in English language only is often insufficient, and the quality and accuracy of the translation must be checked and confirmed.
- **REVIEW CONTRACT DIRECTLY WITH ORIGIN-SIDE RECRUITMENT AGENCY.** Review the employment contract terms with recruitment agencies, in case there are questions asked by job seekers that the agency may need to further explain. This can also provide a good opportunity for the employer to better understand how the recruitment agency intends to advertise and recruit workers, and, by helping the agency to do a better job, it helps workers to be fully informed about the terms and conditions of the job opportunity.
- **ENSURE COMPLETE, FULLY EXECUTED CONTRACTS ARE PROVIDED TO WORKERS, INCLUDING ANNEXES WITH WRITTEN REFERENCE TO WORKER-PAID RECRUITMENT COSTS.** Ensure that workers are given a copy of their signed employment contract (prior to departure for foreign migrant workers), including all annexes such as the job advertisement and the job description (reference Tool 1). Annexing the job advertisement clarifies the benefits and costs associated with the recruitment process that workers are expected to be responsible for, which would not necessarily appear in the employment contract itself.
- **DO NOT BE TOO VAGUE ABOUT THE CONDITIONS AND EXPECTATIONS OF WORK.** Providing the detailed job description as per Tool 1 will clarify common questions about the nature of the job. To avoid issues of poor job matches and high attrition, it is important to be specific about job requirements and to avoid situations where, for example, workers hired vaguely as 'general workers / general labour' are expected to work in a production line but may also be assigned very different work, such as also having to work as a maid or cleaner. Employers should also be clear about the process of assigning workers to different roles, such as if workers are asked to work in different departments during the first few months, ultimately to be assigned to a certain position based on their performance.
- **DO NOT CHANGE THE AGREED UPON CONTRACT TERMS AND CONDITIONS POST-ARRIVAL WITHOUT WORKERS' INFORMED CONSENT.** Do not issue and sign one contract in the origin country and a different one in the destination country. If changes are needed, workers must be consulted and must consent to any and all contract changes, without any coercion or threats. Workers must never be asked to sign any documents in a language they do not understand, and must never be asked to sign any documents under duress, no matter the language.

- **ENSURE COMPLIANCE WITH ALL RELEVANT LAWS AND POLICIES, NOT JUST YOUR OWN COUNTRY'S LAWS.** Understand the relevant national laws of the workers' origin countries (for foreign migrant workers), and ensure that employment contract terms do not run afoul of origin or destination country national laws, or bilateral MOU arrangements. It is noteworthy that bilateral employment MOUs between origin and destination countries often have policy requirements higher than that stipulated by the national laws of the destination country—for example, Thai national law allows employers to move workers around between any factories or sites owned by the same company, but Myanmar–Thai bilateral employment policies prohibit employers from moving Myanmar workers from the one site that is named in their contract.
- **CLEARLY STATE THE LOCATION WHERE WORK IS TO BE PERFORMED.** As discussed in the point above, do not assign workers to workplaces other than that which was stated and agreed in the employment contract. In some instances, employers may have multiple facilities at different locations and purposefully do not specify the location because they intend to move workers around based on production needs. However, the practice of promising workers during the recruitment process that they will live in one specified location in a foreign country, but then moving them around within the foreign country after they arrive, is unethical—and often prohibited.
- **BENEFITS: 'WHAT' SHOULD BE LISTED IN THE CONTRACT, WHILE 'HOW' SHOULD BE DETAILED IN EMPLOYEE MANUAL, IN WORKERS' LANGUAGE.** For example, numbers of days of paid holidays and leave, and how leave days accrue, should be outlined in the contract. The employee manual should explain the process and timeline by which workers can apply for leave, what to do if/when leave is not approved by their supervisor, what happens if they are asked to work on holidays, etc. It can also provide details on other benefits and arrangements made by the employer, such as social security and insurance, transportation to/from workplace, accommodation, uniforms and equipment, personal development training, etc. In short, the employee manual, translated effectively into worker languages (*please contact Issara if you need help with checking translations*), is a very important tool to maintaining smooth, productive employer–employee relations and mutual understanding.
- **CLEARLY STATE GRIEVANCE MECHANISMS AND DISCIPLINARY PROCESSES.** Clarify in the employment contract that there is a safe, confidential grievance mechanism process, naming specific individual(s) that employment-related grievances can be referred to. The employment contract should also clearly state the terms and conditions for disciplinary measures and termination processes, including terms of immediate dismissal. It is very common that workers are not fully aware of the company policies or conditions and acts that will lead to disciplinary action and immediate dismissal.

TOOL 6. ETHICAL RECRUITMENT NETWORKS (ERNS): GUIDELINES FOR RECRUITERS & CSOs

Worker-verified ethical recruitment down to the first mile is possible with collaboration between progressive recruitment agencies, progressive recruitment agency associations, and civil society organisations operating together as an Ethical Recruitment Network, particularly in sending countries.

Ethical recruitment networks have 3 aims:

1. **EDUCATE & EMPOWER.** To educate and empower prospective migrants, connecting them directly to as broad a range as possible of real, comprehensively and transparently advertised job opportunities, in a non-exploitative manner;
2. **DETECT & INTERVENE.** To detect illegal and unallowed recruitment fees being charged by informal brokers at the village and community level, and get those fees paid back to jobseekers whenever possible; and
3. **BEST-FIT MATCHING.** To ensure zero fees recruitment down to the first mile for suppliers/employers with such ethical recruitment policies by placing qualified jobseekers confirmed to have paid no fees in those jobs, and, placing jobseekers unable to avoid legal first-mile fees into jobs that allow such fees.

THE APPROACH: BRINGING ORDER TO THE RECRUITMENT ECOSYSTEM & CROWDING OUT ILLEGALITY

GOALS. The overarching goal of Ethical Recruitment Networks is not just to ensure zero fees ethical recruitment for the minority of employers that have adopted an ethical recruitment approach. The goal is actually rooting out illegality within the recruitment system nationally, and bringing order and transparency around the three groups of foreign labour recruitment – two which are allowed (#1 and #2), and one which is not (#3):

1. **EMPLOYER-PAYS ETHICAL RECRUITMENT**, with zero allowable fees to be charged to workers;
2. **LEGAL LABOUR RECRUITMENT** with a certain allowable set of legal fees charged to workers; and
3. **ILLEGAL LABOUR RECRUITMENT**, with illegal fees being charged to workers.

ECOSYSTEM APPROACH. The approach is a true ecosystem transformation approach, both legal behaviour as well as accommodating worker-verified ethical recruitment. This approach is ideal for the great majority of recruitment ecosystems (such as all of the known labour recruitment corridors in Asia) where demand for employer-pays recruitment is a relatively small minority of all labour demand in a country. It allows aspiring ethical recruitment agencies to be rewarded for ethical practices, while not making them sacrifice their businesses fighting for the relatively small pool of employers willing to pay the recruitment costs of their workers.

The 3 key aims of the Ethical Recruitment Network, as summarized on the previous page and detailed in the infographic following on page 54, are important to maintain focus on as the unifying common goals of this non-traditional yet potentially highly effective multi-stakeholder group, which includes trust-building and collaboration between progressive recruitment agencies and civil society organisations (CSOs), and possibly including recruitment agency associations and government as well.

STRENGTHS-BASED APPROACH. Ethical Recruitment Networks take a strengths-based approach, capitalising on the strength of **trusted community-based CSOs** in being able to reach and support potential migrants down to the village level, while in most cases also having capital-based head offices that can coordinate with recruitment agencies, government, and other stakeholders, all whom are usually based in the national capitals. It also capitalizes on **progressive recruitment agencies'** ability to offer good, vetted, real jobs available for qualified job seekers - which many CSOs understand as important, because so often, impoverished rural communities express that what they need most is not knowledge, training, or anything else - they need paying jobs now. **Government** and **recruitment agency associations** can also play a valuable role in their power and ability to level the playing field within the industry and nationally. The following guidelines provide further detail on implementation on the 3 key aims.

Interested in more information on Ethical Recruitment Networks? Please contact Issara Institute at info@issarainstitute.org!

EDUCATE & EMPOWER

To educate and empower prospective migrants, connecting them directly to as broad a range as possible of real, comprehensively and transparently advertised job opportunities, in a non-exploitative manner.

DETECT & INTERVENE

To detect illegal and unallowed recruitment fees being charged by informal brokers at the village and community level, and get those fees paid back to jobseekers whenever possible.

BEST-FIT MATCHING

To ensure zero fees recruitment down to the first mile for employers with ethical recruitment policies by placing qualified jobseekers confirmed to have paid no fees in those jobs, and, placing jobseekers unable to avoid legal first-mile fees into jobs that allow such fees.

EDUCATION

Share practical, up to date information to inform migrants' decisions and journeys - not just generic information.

EMPOWERMENT

Be empowering, not paternalistic. See the potential in migrant workers, recognize their decision making power and support them in realizing it.

DIRECT CONNECTION

Tech and connectivity to directly connect jobseekers to recruitment agencies and employers reduces middleman costs and inefficiencies.

BROAD RANGE OF JOBS

More job choices means better chances at making great matches between the skills and interests of workers, and the needs of employers.

NO EXPLOITATION

Maximize transparency. Minimize information and power asymmetries.

COMMUNITY NETWORKS

Collaboration with community-based networks allows for direct reach and safe intervention with job seekers at the first mile.

WORKER VOICE

Worker voice channels allow for confidentiality and scale - being able to inform and support more job seekers.

BROKER DISRUPTION

Make best efforts to get brokers to pay fees back - through direct intervention or supporting victims in filing a case.

FAIR MARKET PLACE APPROACH

Matching verified zero fees candidates to employer - pays employers in a fair and timely manner, while also matching candidates who paid legal fees with employers allowing such fees.

NON-MONETARY REFERRALS

Within-network referrals made free-of-charge (easily enabled by Golden Dreams Marketplace platform) and recognized with a network 'credit' system.

REPORTING MECHANISM

Non-compliance cases (illegal fees) will be reported to an agreed reporting mechanism and victims will be assisted in finding the best jobs possible for their attributes.

ISSARA MEANS FREEDOM

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