

Ethical Recruitment

Principle:

Recruitment practices are transparent and fair, and direct recruitment is encouraged.

Key message:

Workers understand and can freely accept or reject employment.

Definition

“the process of hiring workers lawfully and in a fair and transparent manner that respect and protects their rights.”

What is unethical recruitment?

A wide range of recruitment practices can be unethical. They are often deceptive and include:

- the trafficking or forced migration of workers;
- knowingly promising a job that does not exist;
- charging illegal or unreasonable employment fees – sometimes leading to debt bondage;
- not disclosing or misleading workers about terms of employment, such as wages and working hours;
- recruitment processes that are unclear and not documented;
- failure to provide written contracts.

Facts:

- Migrants are often more vulnerable to exploitation such as low wages, poor working conditions and excessive hours.
- There are around 169 million migrant workers globally (as of 2019).²
- Around 22.2 million of these workers are in low and lower-middle income countries.³
- There are an estimated 27.6 million people in situations of forced labour (as of 2021).⁴



Migrant workers can be isolated from communities and social support. As a result, they can be more vulnerable to exploitation.

¹ International Labour Organisation. (n.d.). “IRIS Standard” <https://iris.iom.int/iris-standard#:~:text=Ethical%20recruitment%20means%20hiring%20workers,respects%20and%20protects%20their%20rights.>

² International Labour Organisation. (n.d.). “ILO Global Estimates on International Migrant Workers” https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_808939.pdf

³ International Labour Organisation (2022) “World Employment and Social Outlook Trends 2022” https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_834081.pdf

⁴ CTDC. 2022. Global Estimates of Modern Slavery: Estimation Method.

<https://www.ctdatacollaborative.org/story/gems2022#:~:text=There%20are%2027.6%20million%20people,different%20data%20sources%20and%20methods.>



What should ethical recruitment practices involve?

- The recruitment process is documented and transparent.
- Recruitment is free from discrimination on factors not relating to job performance, such as gender, race, age and beliefs.
- Workers should sign contracts and understand their terms of employment before starting work, or leaving their location of origin.
- Recruitment fees and deposits are legal and reasonable – for best practices, sites should work towards removing any fees at all.
- Appropriate due diligence is performed on agents and third parties.
- Sites should aim to employ all workers on permanent contracts.

What is expected at sites?

- A recruitment policy describing ethical recruitment practices.
- A non-discrimination policy prohibiting discrimination during recruitment.
- Documented due diligence of third parties.
- Recruitment records - including fees, contracts and payslips.
- Subcontractor records - including fees, contracts and payslips.

What if recruitment practices are unethical?

- Charging any illegal or unreasonable employment fees must be stopped immediately.
- Any document or monies held must be returned to employees.

Definition of Human trafficking

“The United Nations describes human trafficking as the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.”⁵

Possible indicators of human trafficking

Trafficked individuals might:

- Show signs of physical or other abuse.
- Not possess any travel documents or have false documents.
- Believe they must work against their will.
- Be unable to move or associate freely.
- Show anxiety and fear including of the authorities.
- Receive little or no payment.
- Be unable to speak local languages.
- Not know their address or location.

Recruitment through third parties⁶

The same recruitment practices that apply to direct workers also apply to subcontracted and migrant workers.

Sites are responsible for checking this through due diligence, which includes:

- discussing with the subcontractor about the terms under which they employ workers, requesting ethical recruitment policies and checking that they do not charge recruitment fees to workers.

⁵ United Nations Office on Drugs and Crime. (n.d.). Human Trafficking. <https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>

⁶ United Nations Office on Drugs and Crime. (n.d.). Human Trafficking Indicators. https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf



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- Workers should be made aware of their terms of employment and contracts. Contracts should be understood, signed and provided to workers.
 - Encourage the formation of workers' committees to identify and address issues.
 - Third parties using unethical recruitment practices must implement appropriate ethical practices or the site must stop using their services.
 - Inform local authorities if indicators of human trafficking are identified.
 - speaking with subcontracted employees to identify any indicators of exploitation or illegal practice.
 - speaking with other companies that have used the subcontractor to check if there is any history of exploitation or illegal practices.
 - checking that the third party is fully licensed and has no history of criminal activity in the past three years.

Additional Information and Resources:

- [*ILO Migration for Employment Convention*](#)
- [*United Nations Convention against Transnational Organized Crime*](#)
- [*ILO: General Principles and Operational Guidelines for Fair Recruitment*](#)
- [*Convention 181 Private Employment Agencies, 1997*](#)
- [*Convention 97 Migration for Employment Convention, 1949*](#)
- [*ICCR: Best Practice Guidance on Ethical Recruitment of Migrant Workers World Employment Confederation: Defining the Business Case: Ethical Recruitment*](#)
- [*Trafficking in Persons Report June 2023*](#)

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