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THEME 7 – MIGRANT LABOUR IN AFRICA

Labour mobility remains a key element of social and economic development in a global labour market where employers have recourse to foreign labour to fill labour market gaps in various sectors and at different skills levels, .Governments, employers and workers often depend on recruitment agencies who play a critical role in organizing the supply for the growing global demand for migrant labour, and the potential of migration to positively impact on socio-economic conditions, in both countries of origin and destination, is well-documented. However, in situations where labour recruitment is not carried out in conformity with international standards, workers may end up in exploitative or abusive working conditions. Businesses themselves also face multiple risks when associated with unethical recruitment, including practices such as document retention or the charging of excessive fees to workers, which are linked to labour exploitation and human trafficking.

Human trafficking and slavery still exist today. The majority work in the formal economy – making the clothes we wear, harvesting the food we eat and producing the goods we take for granted in our everyday lives. Many of these victims are migrant workers, who leave their homes to travel to large cities, industrial zones and across national borders in search of better employment. Along the way, they can be exploited by unscrupulous labour brokers or recruitment agencies that charge workers excessive fees, provide misleading information about the job on offer, and in some instances seek to impose control over the workers through measures such as holding onto a worker's identity documents. While exploitation may occur outside the knowledge of the employer, it does not absolve a company from any responsibility,

both socially and legally. Over the years, many brands and their suppliers have been damaged by allegations of human trafficking and slavery. Damage can include reputational damage, financial losses, and legal action. While companies need to protect themselves from this risk, there is also a real opportunity for them to benefit from more ethical business practices.

Due to the scale of labour migration, the cross-border nature of the recruitment process, and the wide range of abuses, from isolated and relatively minor labour law violations to criminal exploitation, governments face major challenges in regulating and monitoring affected industries, including the recruitment and employment industries themselves. Although migration does have the potential to contribute to poverty alleviation of workers, families and communities, in the absence of well-planned and managed labour migration, migrants in global supply chains remain particularly vulnerable to modern slavery and related abuses. Governments are however also taking some initiatives to combat trafficking; all but two African nations are signatory of the UN Convention against Transnational Organized Crime's (UNTOC) protocol on trafficking in persons and the African Union (AU) Commission launched in 2010 its Initiative against Trafficking (AU.COMMIT). Similarly, following the adoption of its Modern Slavery Act (2015), the United Kingdom launched a Call to Action to end forced labour, modern slavery and human trafficking (2017) endorsed by 36 countries.

Gradually recognizing their potential to be agents of change, businesses are addressing these issues by amending their procurement and corporate social responsibility policies. Consumers are increasingly questioning where their goods come from and the conditions in which they are manufactured. Slavery-like practices are exposed and shared quickly online. Companies that do not map their own supply chain and monitor the performance of their suppliers and contractors in terms of recruiting practices and workers' welfare are undertaking business risks. Reliance on suppliers engaged in exploitative recruitment practices may result in supply chain disruptions when regulatory action and legal sanctions are imposed on them. Most companies rely on several layers of external recruitment agencies to hire migrant workers and to manage the on-site workforce, leading companies to lose oversight and control further down the supply chain. Recognizing this, many big brands have developed policies and codes of conduct that require all suppliers to comply with labour and human rights standards.

Under a business model where ‘the employer pays’ for recruitment, migrant workers are protected from unscrupulous and unethical recruitment practices which are paving the way into indebtedness and exploitative and hazardous overseas working conditions.

Companies that adopt responsible business practices benefit from more productive workplaces, in which the rates of staff turnover are low, there are fewer workplace accidents and less work stoppages leading to improvements in quality, efficiency and productivity. Similarly, companies that invest in better recruitment practices, and in particular adopt the ‘employer pays model,’ tend to have workers that are more motivated and better matched to their role, as workers will be chosen based on competence and not on their ability to pay. This in turn helps attract other motivated and skilled workers to the company. This not only protects vulnerable workers from unscrupulous labour brokers and recruitment agencies, but also leads to better recruitment processes in which workers are better matched to their respective positions.

Recognizing that ethical recruitment and the principles of decent work are integral to the eradication of modern slavery in supply chains, more and more companies have corporate social responsibility (CSR) policies that address labour and human rights risks in their operations and supply chains. Companies seek to better manage and control these risks associated with unethical recruitment practices by identifying and engaging likeminded suppliers and responsible business partners. Implementing ethical recruitment practices therefore also open access to potential new business.

The IOM approach to international labor migration is to foster synergies between labor migration and development, and to promote legal avenues of labor migration as an alternative to irregular migration. As such promotion of ethical recruitment is an important area of IOM’s work. In that regard, IOM’s *International Recruitment Integrity System* (IRIS) programme is designed to support ethical recruitment of migrant workers. IRIS is a voluntary multi-stakeholder certification system for labor recruiters currently being developed by IOM and a consortium of stakeholders. It is comprised of an international standard, certification scheme, and a compliance and monitoring mechanism.

IOM's approach to Ethical Recruitment and Decent Work

Globally, IOM strives to protect migrant workers and to optimize the benefits of well-managed labour migration for both countries of origin and destination, as well as for the migrants themselves. In its labour migration programming, IOM builds capacity in labour migration management for:

- migrants, their families and their communities;
- local and national governments;
- private sector entities such as employers and industry representatives, labour recruiters and their industry representatives; and
- regional organizations.

The field of international labour recruitment has become a key focus of IOM's labour migration and migrant assistance portfolio. Ensuring that recruitment is conducted in an ethical manner is integral to the protection of migrant workers at all stages of the migration cycle and requires a collaborative effort of all relevant stakeholders.

IOM's approach to ethical recruitment and private sector engagement

Recognizing the potential of the private sector as a driver of change, IOM has increasingly engaged with businesses that employ migrant workers within their supply chains. IOM's work with the private sector is guided by the Ten Principles of the Global Compact, the Guidelines on Cooperation between the United Nations and the Business Sector, and the United Nations Guiding Principles on Business and Human Rights. In accordance with IOM's ***Private Sector Partnership Strategy 2016-2020***, IOM has launched a number of initiatives that are intended to provide private sector partners with practical solutions for the implementation of ethical recruitment and fair supply chain practices.

Previous efforts to address the root causes of human trafficking – i.e. the demand for cheap labour – have rarely sought to engage private companies as partners and parts of the solutions. IOM is helping companies in local contexts to reduce risks of modern slavery, forced labour and human trafficking within their company operations and supply chains through the adoption of ethical recruitment and fair supply chain practices, by seeking to meet specific needs of the business community, while promoting and protecting the rights of vulnerable migrant workers. Accordingly, good practices and the benefits of well-protected workers is presented in light of a new "business case" for greater social responsibility of businesses.

The International Recruitment Integrity System (IRIS)

The IRIS program works to bridge international legislative and regulatory gaps governing labor recruitment in countries of origin and countries of destination, providing a global framework for addressing unethical recruitment to address the risks and create transnational linkages.

In the context of IRIS development, IOM is working with companies and their suppliers to address labour exploitation risks associated with unethical recruitment practices by assessing their compliance with ethical recruitment standards, based on the IRIS Code of Conduct. The results of the assessment are integrated into an action plan developed in collaboration with the company, that includes recommendations and implementation steps designed to ensure the ethical recruitment of workers in the selected country of operations, but also scalable throughout the company's broader operations and supply chains.

By incentivizing business models that minimize exploitation of migrant workers, IRIS goes beyond simply establishing a certification system by seeking to promote transformative change in the cross-border recruitment industry and consolidate a new recruitment culture based on adherence to labour and human rights principles.

The IRIS Standard is grounded in ILO Convention 181 on Private Employment Agencies and the ILO General Principles and Fair Recruitment Guidelines which state that "No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers". Additional elaboration regarding what specifically constitutes a recruitment fee is based on the draft US Federal Acquisition Regulations (FAR) definition of recruitment fees and the Electronics Industry Citizenship Coalition (EICC) definition which includes transportation-related costs, which are often the largest costs borne by workers and can have a dramatic impact in terms of creating situations of debt bondage.

IRIS seeks to provide recognition for good practice that is consistent with sustainable international standards on fair and ethical recruitment, so that consumers of goods and services can make better informed decisions regarding which companies they support.

Practical steps companies could take to improve their practices and those of their suppliers

- **Commit**: Integrate ethical recruitment into procurement and corporate social responsibility policies and adopt “employer pays” principle
- **Know your labour supply chain**: Conduct initial mapping of supply chain and identify whether there are migrant workers in suppliers factories; Commission an assessment of suppliers recruitment management systems; Commission an assessment of labour recruiters
- **Promote and build capacity**: Facilitate/co -organize workshops with selected suppliers, suppliers’ labour recruiters and with company business and sustainability teams