

ILO-GBSN-UNIGE: Teaching Resources



#2

Fair recruitment of migrant workers

About the teaching notes: targeted at graduate students, based on a on a three-hour class, developed in an expert workshop in June 2023

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The International Labour Organization (ILO), the Global Business School Network (GBSN) and the University of Geneva (UNIGE) joined forces in 2022 to include human and labour rights in business school education. The teaching resources are developed in expert workshops and consist of a standard slide deck and teaching notes. The resources can be adapted to regional contexts and are available open-source.

For more information, see: <https://gbsn.org/iilo-gbsn-unige-teaching-resources/> or contact Julianna LaBelle, bhr@gbsn.org.

About this resource

This teaching resource has been designed by business school lecturers and topic matter experts for the use of other business school lecturers.¹ It falls within the joint commitment by the International Labour Organization (ILO), the Geneva School of Economics and Management (GSEM) and the Global Business School Network (GBSN) to support quality business school education on labour issues and human rights.

The resource focuses on labour migration and more specifically the fair recruitment of migrant workers. The resource is tailored to be taught during one **session of a 2-to-3-hour duration**. An indicative duration is therefore given for each unit of the resource.

Lecturers should feel free to adapt the resource to their needs. **Suggestions are provided to integrate this topic within specialized courses** such as law, human resources, or supply chain management.² Ideas for discussion questions and deep dives allow to expand the scope or relate the human rights questions to other topics and industries.

This document presents a **session outline** (consisting of 4 units) that is the core document of this teaching tool. It is complemented by a **repository with additional resources** (such as teaching slides, case material and videos) that is available through the GBSN website. The session outline starts with an introduction to set the stage, depending on, e.g., the course, level, and country in which the resource is used, followed by three main units that introduce labour migration trends and main issues (Unit 1), zoom in on recruitment practices and challenges (Unit 2), and address possible management solutions (Unit 3).

Each unit has specific learning objectives and is structured into two parts. The **first part provides the lecturer with detailed context and content**, supplemented with context boxes that offer more detailed background information. The **second part collects teaching material** that include (a) key documents (such as reports and case studies), (b) in-class activities and discussion questions and (c) suggestions for deep dives that extend beyond the core topic of the session, outlining links to other industries or business-related concepts.

¹ The resource is the result of a consultative process which started with a workshop organized at the Geneva School of Economics and Management with business school members, ILO experts and selected private sector representatives. Participants included: Charles Autheman (HEC Paris), Dorothée Baumann-Pauly (UNIGE), Oana Burcu (University of Nottingham), Jenika Gobind (Wits Business School), Samentha Goethals (Skema Business School), Berit Knaak (University of Geneva), Jyoti Regmi Adhikary (Kathmandu University School of Management), Sandra Santamaría Álvarez (Universidad EAFIT Medellín), Lucy Siers (NYU Stern Center for Business and Human Rights), and experts in the field of fair recruitment, labour migration, and business and human rights. The list of participants and their biographies is annexed. The lead contributors of this teaching resource are Charles Autheman, Dorothée Baumann-Pauly, Berit Knaak, Maria Gallotti (ILO), Emily Sims (ILO), Kenza Dimechkie (ILO), Melanie Belfiore and Yeomin Kim (ILO).

² Further information about integrating human rights into business school education can be found in the Tool Kit that was developed for this purpose by the GBSN for Business and Human Rights Impact Community (GBSN for BHR). It outlines the relevance of discussing human rights in management education and provides concrete resources for teaching. The Tool Kit can be found here: Baumann-Pauly, Posner, LeClair (2020) The Case for Human Rights in Business Education – A Tool Kit, <https://gbsn.org/gbsn-for-bhr/>, <https://gcbhr.org/backoffice/resources/toolkit.pdf>.

How to use this resource

Prerequisites: The session outline that is presented in this document is targeted at graduate students but can be modified for different levels (undergraduate, graduate, executive education). No prerequisites are required, although a basic introduction to human and labour rights might be beneficial. In its current form, the outline fits courses on sustainable and responsible management, yet the teaching resource is explicitly meant to be used across disciplines.

Supplementary resources: This document presents the core of the teaching resource. Supplementary material is available through the GBSN and ILO's websites (including the www.fairrecruitmentthub.org) and will be continuously updated – this includes, e.g., reports, country data, infographics and visuals, or videos.

Purpose: The intention of this teaching resource is to educate students about labour migration, recruitment practices and the role of different stakeholders in ensuring fair recruitment of migrant workers, and why these issues are of great relevance for business operations globally. The lecturer can adopt a focus on a particular academic discipline, sector, stakeholder group or country to fit the course participants. The discussion of human rights and labour rights should remain at the core.

A living document: This teaching resource relies on feedback from lecturers from different countries and disciplines. Any feedback on experiences, additional material, or recommendations for improvement will be integrated into the document.

Learning objectives

The learning objectives include overarching objectives about human rights in business, and sub-objectives that break down the objectives into smaller learning steps and apply the insights to managing migrant labor responsibly.

1. Human rights issues related to migrant labour (Unit 1): Understand how common recruitment practices can lead to systematic human rights risks for migrant workers. *Sub-objectives*: learn about key global and regional labour migration trends and understand the economic and legal dimensions of labour migration, including the factors leading to vulnerability of migrant workers, to discrimination and to exploitation.
2. Recruitment practices and challenges (Unit 2): Discuss corporate responsibility for human rights along the global value chain. *Sub-objectives*: understand the role of recruitment in the context of labour migration and become familiar with different available guidance frameworks, such as the ILO's general principles and operational guidelines.
3. Possible management solutions (Unit 3): Reflect on how management must be an important part of providing holistic solutions. *Sub-objectives*: be able to explain why fair recruitment is important to business and develop concrete business solutions related to the fair recruitment of workers.

The learning objectives can be modified to target different levels. For example:

- For undergraduate or bachelor students: Use the teaching resource as a way to introduce human rights issues at different stages in the global value chains and introduce the Business and Human Rights (BHR) and International Labor Standards (ILS) framework.
- For graduate or master students: Dig deeper into questions of corporate responsibility (and mandatory human rights due diligence), understand how to recognize the vulnerabilities of migrant workers, and discuss the relation to management and hiring practices.
- For executive education and practitioners: Work on specific business practices to address risks for migrant workers in the value chain, discuss the transferability to different industries, and talk about the role of different recruitment models. Tailor the example that is used to start the session to the target audience.

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Unit 0 – Setting the stage ahead of the session

(One or several activities are shared with students ahead of the class. 15min. are used at the beginning of the class for reactions, feedback, and discussion)

Unit 0 Learning objectives:

These activities should help to prepare students for class and –

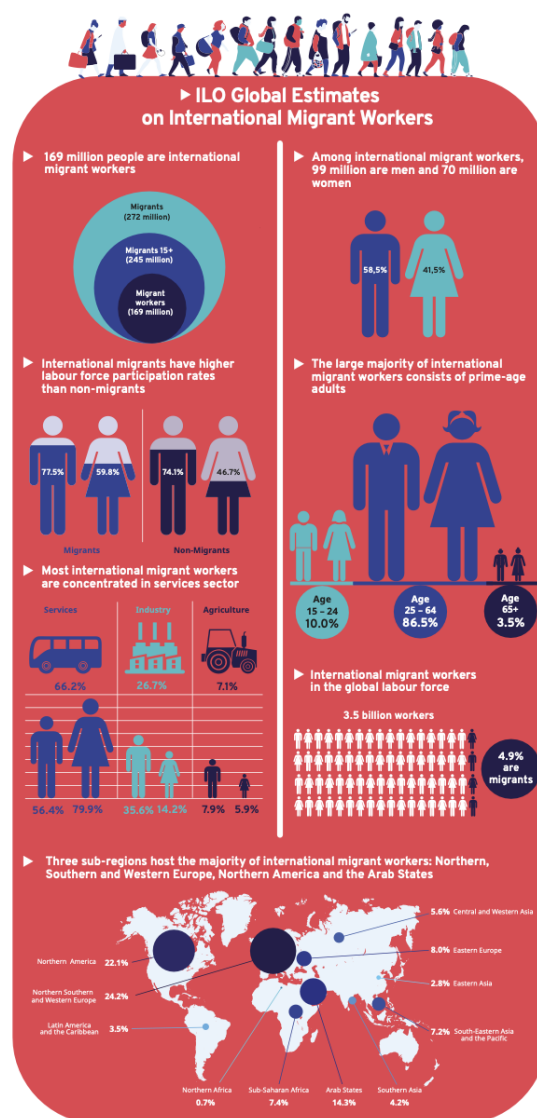
- (1) Explain why labour migration and fair recruitment is of relevance within the business context.
- (2) Introduce concepts related to migration and fair recruitment and challenge common assumptions.

Prior to working with the students on the content of the teaching resource, lecturers may wish to engage with their students and help them prepare for the session. Below are three simple activities that can be assigned to students prior to the classroom session. At the end of this unit, additional activities are suggested, requiring different levels of participation ahead of the session.

1- Sharing key data from the latest ILO Global Estimates on International Migrant Workers

In June 2021, the ILO published the latest global estimates³ on labour migration. With this infographic, students will have a snapshot on how the data is disaggregated by region, sex, age, or occupation. At the beginning of the in-class session, some students can be invited to share the main findings from the global estimates and discuss how this resonates with their perception of labour migration.

Tip for contextualization: lecturers can also ask students to find more specific data on labour migration trends in their country or region. Accurate data can be accessed on the ILOSTAT platform.⁴



[Fig. 1]: ILO Global Estimates on International Migrant Workers

³ [ILO Global Estimates on International Migrant Workers – Results and Methodology](#), ILO, 2021

⁴ [ILOSTAT](#), statistics on migrant workers

2- Suggesting some recent articles documenting labour migration and fair recruitment issues

Since 2015, the ILO has been organizing with its partners an annual media competition⁵ on the topic of labour migration. Several winners of the competition have reported on recruitment-related stories. Inviting students to read some of the stories might be a good way to introduce them to the topic. At the beginning of the session, students can share their impressions about the suggested readings.

Challenges faced by undocumented migrant workers in the Association of Southeast Asian Nations (ASEAN) region:

Undocumented migrant workers: Hidden and helpless in ASEAN (part 1) and

The bleak future of undocumented migrant workers in ASEAN (Part 2) – Camille Elemia, 2017

Migrant workers from the Philippines face abusive recruitment practices as they migrate to Qatar:

OFW debt trap: Less money, more problems (Part 1) and

The hanging fate of OFWs buried in debt (Part 2) – Sofia Tomacruz and Ana P. Santos, 2017

The harrowing story of some domestic workers who were abused while working in Gulf countries and efforts to prevent the exploitation of domestic workers recruited from abroad:

Will Migrant Domestic Workers in the Gulf Ever Be Safe From Abuse? – Sophie Cousins and anonymous contributor, 2018

A group of Filipino construction workers temporarily migrate to Christchurch, New Zealand, to help rebuild the city after the 2011 earthquake:

Obrero – Norman Zafra, 2018

Artemio Rodriguez joined thousands of Mexicans who journey north each year to toil on Canadian farms. What his experience tells us about Canada's migrant worker scheme:

Bitter harvest – Sara Mojtehdzadeh and Melissa Renwick, 2019

Seasonal workers in working in the USA as cherry pickers and the challenges they face during the COVID-19 pandemic:

The Scramble to Pluck 24 Billion Cherries in Eight Weeks – Brooke Jarvis, 2020

Indian workers who migrate to work in Italian farms face hardships and unfair recruitment:

Dal Punjab a Latina, pagare per diventare schiavo (in Italian) and

The Italian Job (in English) – Ankita Anand, Daniele Sala and Marco Valle, 2022

A journalist in disguise visits a recruitment office in Kampala, Uganda on a daring mission: to get hired as a migrant domestic worker:

Undercover in Saudi Arabia – undercover journalist, 2022

Tip for contextualization: Within the list, lecturers can choose the articles that are most relevant to their local environment, or search for stories about labour migration and fair recruitment in their regions.

⁵ [Global Media Competition on Labour Migration](#), ILO

3- Assigning a pre-class survey on labour migration and recruitment

Lecturers may wish to conduct an online survey prior to the lesson. They may share and discuss the results with the students at the beginning of the session. Alternatively, they may do a short in-class survey using an app (slido, mentimeter) or hand count. Example of questions, correct answer are in **bold**:

What share of the world population is an international migrant:

- 1%
- **3%**
- 5%
- 10%
- 20%

What share of international migrants are migrant workers:

- 1/3
- 1/2
- **2/3**

When should a worker pay to be recruited:

- **Never**
- Always
- Yes, when travelling to work outside of his/her country

Some workers borrow money to pay the recruitment fees, what is the interest rate that has been documented across the Philippines-Qatar corridor (cf. OFW debt trap: Less money, more problems)

- 20%
- 40%
- 60%
- 80%
- **100%** (the exact number is 104.27%)

Tip for contextualization: Lecturers can add specific questions about labour migration dynamics or remittances in/from their country /region.

Possible activities

Activity 1

Ask students to find relevant **newspaper articles** as additional resources to supplement students' understanding of fair recruitment and migrant workers' experiences and to come up with questions for in-class discussion. This might serve as a substitute to the aforementioned where the lecturer assigns the suggested readings to the students.

Activity 2

Ask students to prepare **questions and answers** pertaining to migrant workers (e.g. what are the key characteristics of labour migration in their country/region? What are the main challenges faced by migrant workers in this country/region? etc.) in preparation for in-class discussion.

Activity 3

Consider **interviewing migrant workers** or their **family members** to gain insights into their perspectives and the impacts of fair or unfair recruitment on their lives. If a platform is available or can be provided by the lecturer - all interviews/ stories are to be stored and shared on the platform to encourage discussions and exposure to different perspectives.

Activity 4

Ask students to **discuss why** are human rights, labour rights and responsible conduct important for businesses? Pre-class - students are asked to **research** instances where human rights have been violated and had an impact on the business- i.e. put a sector in the spotlight, reduced the value of a company on the stock market, etc. Students are asked in class to chip in with their answers (it can all be **mapped** on the board and led by the lecturer OR different stations can be used in the classroom and students add their answers to it).

Activity 5

Facilitate a **buzz-group discussion** to collectively define the concepts of fair and unfair recruitment.

Activity 6

Prompt students to engage in a **discussion about the challenges** faced by migrant workers living far away from their families and explore potential strategies for overcoming communication barriers in such situations.

Unit 1 – Labour migration at a glance

(30min.-1h)

Unit 1 Learning objectives:

Understand how common recruitment practices can lead to systematic human rights risks for migrant workers.

Sub-objectives:

- (1) Learn about key global and regional labour migration trends.
- (2) Understand the economic and legal dimensions of labour migration, including the factors leading to vulnerability of migrant workers, to discrimination and to exploitation.

1.1. Context

1.1.1. Labour migration estimates

Labour migration⁶ is a growing reality involving workers around the globe and an integral part of labour market dynamics. In 2019, within the 272 million international migrants, 169 million people were estimated to be international **migrant workers**^{*}. This number has been increasing steadily over the past couple of years, international migrant workers were estimated to be 150 million in 2013 and 164 million in 2017.

Migrant workers represent an important share of all international migrants (62%), and an even greater share if we compare the number of international migrant workers with the number of migrants of working age (242 million). In this case the share of migrant workers represents 69% of the overall figure.

Data is not evenly distributed by sex, region, or sector:

- **Women international migrant workers** (41,5%) have a lower global representation than **men** (58,5%), while they are often overrepresented in specific sectors of the economy, often characterized by lower levels of legal protection, such as domestic work.
 - o The global distribution of international migrant women workers **varies from region to region** and in some cases, for example in Northern, Southern, and Western European, women international migrant workers have a higher representation than men.
 - o The lower representation of women among international migrant workers is likely due to two reasons: (1) women are under-represented among international migrants of working age; and (2) women migrants have lower labour force participation than men migrants. Several factors lead to the global picture, mostly linked to gender inequalities in societies of origin and destination, **discrimination* in the labour market**, limited access to information, resources, and support networks, among others.
- The **regional distribution** of international migrant workers is uneven. Of the estimated 169 million international migrant workers, 113.9 million (67.4 per cent) work in high-income countries and 33 million (19.5 per cent) in upper-middle-income countries.

⁶ Definitions of the words in **blue*** are provided in the glossary at the end of the document.

- Main regions of destination include Northern, Southern, and Western Europe (24,2 %), Northern America (22,1%) and Arab States (14,3%).
- Main regions of origin include Asia-Pacific (one-third of international migrants), Europe and Central Asia, and the Americas.

It is important to note that migration is a complex phenomenon that affects every country and region of the world, and that significant movement of workers are taking place along South-South and North-South migration corridors.

[Fig. 2]: The circular migration plot⁷



- The **sectoral distribution** of migrant workers shows that two-thirds of international migrant workers are in services (66,2%). The remaining third is distributed within industry (26,7%) and agriculture (7,1%). Changes observed over time tend to suggest declining employment in agriculture, stagnant employment in industry (in the specific case of women employment of international migrant workers in industry is also decreasing) and a rise of employment in the services sector.

⁷ Quantifying Global International Migration Flows, Guy J. Abel and Nikola Sander. 2014 Circular plot of migration flows between and within world regions in 2005-10. Tick marks show the number of migrants (inflows and outflows) in millions. Only flows containing at least 170,000 migrants are shown.

Context #1.1.1: The migrant pay gap

In high-income countries, international migrant workers often experience unequal treatment with regard to non-migrant workers, notably with regards to wages. The “migrant pay gap” represents the difference in earnings between both categories of workers. According to recent ILO estimates, this gap is around 13 per cent on average and can go up to 42 per cent.

See [The migrant pay gap: Understanding wage differences between migrants and nationals](#).

1.1.2. Global challenges affecting labour migration

People move across borders for a variety of reasons and through very different migration channels and modalities. Migrants have also very different socio-economic characteristics and skills levels. They might travel alone or with their families, they might be possessing important financial means or invest all their scarce resources in the migration journey. Whatever the migration experience of individuals, data show that the majority of migrants are in fact migrant “workers”, moving from one country to the other in search of decent work and income opportunities for themselves and their families. They bring skills, knowledge and resources that contribute the economies and societies of countries of origin and destination. There is no doubt that migration is first and foremost a matter pertaining to the world of work.

To better understand labour migration and the challenges and opportunities it poses for all who are involved, it is critical to look into the reasons why individuals decide to migrate, the different migration routes, and the outcomes of such movements. Labour migration is mainly driven by labour market dynamics as well as economic and social disparities between countries:

- **Labour market dynamics:** The global demand for specific skills or labour types can influence migration patterns. For instance, a demand for IT professionals in one country can attract migrants with those skills.
- **Growing inequalities:** When there are glaring economic disparities both within a country and across countries, it can lead to large migration flows. People from areas with high poverty and limited opportunities often move to places with perceived better living standards.

A series of other factors can also impact labour migration trends, some of which are listed below:

- **Conflict:** Labour migration is generally understood within a framework of voluntary migration. However, recent conflicts leading to large-scale forced displacement of Syrian, Venezuelan, or Ukrainian refugees, are shedding additional light on the importance of appropriate labour migration governance, including the respect of refugees’ rights at work in the context of war. In this context, policymakers⁸ highlight the importance of issues such as labour market access, formalization, and the protection of labour rights.
- **Climate change:** Climate change is another global challenge with a clear impact on labour migration and mobility, but the linkages between the two have only recently become object of increased attention and concern. Well-governed labour migration can have a beneficial effect for communities suffering from climate-related impacts. Responses⁹ which have already been initiated in regions like the Pacific or the Horn of Africa can point to good practices that may be replicated elsewhere in the future.

⁸ [Employment and decent work in refugee and other forced displacement contexts](#), ILO, 2020 and [ILO support to Ukraine recovery](#)

⁹ See [Climate change, displacement and labour migration](#)

- **Economic downturns:** Economic recessions or downturns in a country or region can lead to job losses, prompting people to migrate in search of employment.
- **Political and social unrest:** Countries or regions that face significant political unrest, including protests, political instability, or a lack of good governance, can see an exodus of people who are looking for stability.
- **Discrimination and xenophobia:** Discrimination¹⁰ on the basis of race, religion, gender, or ethnicity can push individuals to leave their country of origin in search of more tolerant societies. However, migrants also face the challenge of xenophobia in their destination countries, which can affect their well-being and integration.
- **Shrinking civic space for dialogue:** When governments or other powers suppress freedom of speech, assembly, or association, it can lead to feelings of disenfranchisement. This can act as a push factor for labour migration, especially among intellectuals, activists, and those who value their civic rights.
- **Crises such as the COVID-19 pandemic:** The COVID-19 pandemic¹¹ has been closely related to labour migration because it has affected migrant workers disproportionately in a number of countries for a variety of reasons (such as the pre-existing weaker labour protection migrant usually enjoy in labour markets at destination, and their relatively more isolated position and more limited access to support and social networks), and because it made visible the scale of the contribution of migrant workers to societies, economies, and labour markets, both in countries of destination and origin. In numerous regions, public opinions have come to realize that a large share of “essential workers” are actually international migrant workers, including **seasonal workers***. While highlighting the contribution of these workers, the COVID-19 pandemic has not only led to severe disruptions along labour migration corridors, leading to heightened vulnerabilities for many international migrant workers, but also clearly exposed pre-existing, structural deficiencies of labour migration governance systems and labour protection mechanisms for migrant workers.
- **Brain drain:** The term “brain drain” describes a consequence of labour migration. In the context of developing countries it generally refers to the permanent or long-term international emigration of skilled people who have been the subject of considerable educational investment by their own societies. This phenomenon has been described as potentially leading to loss of valuable human capital for the country of origin and therefore to significant economic, social, and developmental implications, impacting innovation, productivity, and the overall competitiveness of national economies. It must be stressed that the brain drain is not confined to developing countries only. It can occur at different levels within the developed world also. While more recent research looks at the same time at the possible “brain gain” and “brain circulation”¹² that labour migration can bring about, the brain drain phenomenon is often quoted as critical, especially with regards to certain sectors such as the health sector.

1.1.3. The economics of labour migration

Remittances* are a key indicator of the economic impact that labour migration has, illustrating how earnings in countries of destination are sent by international migrant workers to their respective countries of origin. These economic flows participate in establishing a clear nexus between migration and development as migrant labourers support their relatives or invest in local projects within their communities.

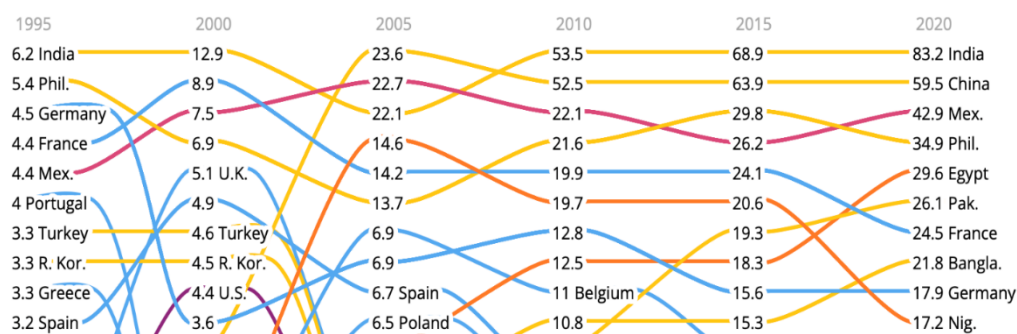
¹⁰ See for example: [Understanding patterns of structural discrimination against migrant and other workers in some countries of South and West Asia](#); with regards to wage discrimination for migrant workers, please see the ILO [Guidance note: Wage protection for migrant workers](#)

¹¹ See [COVID-19: Protecting migrant workers in the workplace](#)

¹² See: [Brain Drain, Gain, and Circulation](#)

Trends in remittance flows¹³ are a good indicator of the evolution of general labour migration dynamics and the recent data illustrates the critical importance they play, notably in low- and middle-income countries. In numerous countries, remittance flows are more important than foreign direct investment and official development assistance. Ensuring that international migrant workers have appropriate financial education and access to fair financial services is therefore critical.

It is also worth noting that high-income countries such as Belgium, France, Germany, Spain, UK, and USA have been among the top remittance-receiving countries across the past decades.



[Fig. 3]: Top ten remittance-receiving countries¹⁴

1.1.4. The linkages between forced labour, labour migration and fair recruitment: Why are migrant workers at higher risk and why this is a business concern

As noted above migrant workers leave their countries of origin in search for better life and work opportunities for themselves and for their families. **Many of them leave due to lack of economic opportunity and decent work in their countries of origin**, or conflict and crisis, such as climate-induced disasters. At destination employers choose to hire migrant workers for a variety of reasons, including local shortages of local workers with the right sets of skills. They might also rely on migrant workers because they are willing to accept lower wages, poorer working conditions or more demanding/less recognized types of jobs/tasks than local workers or situated in locations which are less attractive to workers. Sometimes employers can be attracted by weaker levels of protection of migrant workers under national legislative frameworks, as migrant workers can be specifically excluded from the coverage of labour law including with regards to freedom of association, wages, working time and social security. This can open the way for unscrupulous actors to engage in abusive/exploitative practices.

As labour migration has increased over the past decades – reaching 169 million people, representing 70% of all working-age migrants – these workers are increasingly at risk of exploitation and abuse, including forced labour. ILO Forced labour data estimate that migrant workers face a higher risk of forced labour than other workers. 15% of all adults in forced labour exploitation are international migrants. **In comparison to non-migrant workers, international migrant workers are three times more likely to be in forced labour.**

Forced labour can take many forms. The most common forms include excessive overtime and/or very low or no wages. The root causes are often linked to the recruitment phase including contract substitution, deception and recruitment fees and costs for workers. Migrant workers are particularly exposed to risks, including due to language and cultural barriers that lead to limited knowledge or understanding of their rights, as well as restricted access to support networks. Additionally, structural

¹³ Publications, data, and relevant information on remittances can be found on the [Global Knowledge Partnership on Migration and Development](#) (KNOMAD) platform.

Tip for contextualization: In the “data” section of the KNOMAD platform, lecturers can access visualization tools and display information specific to their countries of interest.

¹⁴ World Bank in [IOM World Migration Report 2022](#)

barriers related to migration governance mechanisms, whether de facto and/or de jure, further limit their effective enjoyment of rights.

The cases of abuse of migrant workers in relation to recruitment can take different forms and are well documented, both at origin and at destination, and have complexified and deteriorated with COVID 19. Different forms of abuse include: multiple grounds of discrimination in recruitment and migration processes; illegal recruitment fees and related costs; debts and high interest rates; deception and contract substitution; retention of workers passports; non-payment and deduction of wages (among other to recover recruitment fees and costs); and threats if workers want to leave their employers (such as threats of arrest, expulsion or deportation) that prevent migrants to seek justice. Such abuses can happen at different stages of the migration journey, in the country of origin and in the country of destination.

The link between workers who are forced to pay recruiters such as ***outsourcing agencies or labour brokers** for their jobs and labour exploitation, including trafficking and forced labour, is very evident. But as more labour brokers have become involved, **the recruitment of workers across borders has become a multi-billion-dollar industry**, and one of the least regulated. Many labour brokers operate without oversight, outside national jurisdiction and in violation of international standards. Labour brokers are directly responsible for ensuring fair recruitment practices, but companies that hire or contract these intermediaries have a shared responsibility to ensure compliance with relevant national and international human rights and labour standards throughout the recruitment processes. Whether they recruit directly or through a labour broker, companies' due diligence in recruitment is of critical importance, in particular if they are recruiting from a region or into a type of occupation where risks of forced labour are known to be high.

Regulatory and enforcement weakness, coupled with the unbalanced power relationship which migrant workers experience at all stages of migration, can potentially breed abuse and corruption, foster unfair competition with compliant labour recruiters, undermine the efficiencies of the labour markets, increase reputational risks for companies and negatively impact their economic outcomes.

In order to tackle these complex challenges, **it is critical to adopt a labour rights approach**, grounded on applicable international and national legal frameworks and on social dialogue. International labour standards, guidance and tools on forced labour and fair recruitment provide useful practical instruments to reduce workers vulnerabilities and risks associated with unfair recruitment of migrant workers in the interest of all involved.

1.1.5. The international legal framework

International migrant workers are protected by a wide range of international legal instruments which focus on the human and labour rights of migrant workers. This section provides an overview of ILO legal instruments (international labour standards)¹⁵ which are relevant to the protection of migrant workers, at all stages of their migration process.

It is important to highlight first that ILO Conventions usually refer to 'workers' or 'persons' without any qualifiers relating to the migrant status or nationality, extending their scope to migrant workers unless otherwise expressly stated. ILO standards of general application, such as those on wages, employment policy, or labour inspection, are also relevant to migrant workers¹⁶.

¹⁵ The ILO website offers a [dedicated section](#) to explore international labour standards by subject. International labour standards are backed by a supervisory system that is unique at the international level and that helps to ensure that countries implement the conventions they ratify. For an overview on how the ILO supervisory mechanisms work and the reporting obligations of member states see: [ILO supervisory system/mechanism](#)

¹⁶ For example, the ILO Labour Inspection Convention, 1947 (No. 81) makes no distinction in curating the mandate of labour inspectors and inspectorates, expanding their scope of protection and authority for migrant workers. Essential to migrant workers are also the provisions of the ILO Protection of Wages Convention, 1949 (No. 95),

○ Fundamental Principles and Rights at Work

The importance that the ILO places on labour migration and the protection of migrant workers is also reflected in the 1998 ILO Declaration on Fundamental Principles and Rights at Work, as amended in 2022.¹⁷ Calling upon ILO Member States *"to respect, to promote and to realise in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions"*,¹⁸ the Declaration sets out specific fundamental principles and rights at work (see also context box Context #1.1.5), which include:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour;
- the elimination of discrimination in respect of employment and occupation; and
- a safe and healthy working environment.

The Declaration enjoins the ILO and Member States to give particular attention to migrants as a special needs group. The ILO Forced Labour Convention, 1930 (No. 29) its 2014 Protocol, and the ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) are especially relevant to migrant workers. Notably, the 2014 Protocol to the ILO Forced Labour Convention, 1930, highlights the particular vulnerability to trafficking experienced by migrant workers, further strengthening the obligations of states to protect the rights of migrant workers.¹⁹ In this light, States are specifically required to protect migrant workers from fraudulent recruitment practices.²⁰ Likewise, Recommendation No. 203 equally enjoins States to *inter alia* take the most effective protective measures for migrant victims of forced labour, regardless of their legal status in the country.²¹

Furthermore, Article 2 of the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87) emphasises the right of everyone to form and join trade unions irrespective of nationality and migration status. Likewise, Article 1(a) of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) aims to protect all workers, including migrant workers, regardless of status, from discrimination in employment or occupation based on the grounds set out in Article 1(1)(a) of the Convention, or any other ground determined by the Government after consultation with representatives of workers' and employers' organisations.

prohibiting the deduction of workers' wages to directly or indirectly cover payment for obtaining or retaining employment, which also applies to migrant workers, including irregularly employed workers. Other ILO conventions of general application relevant to migrant workers include but are not limited to the Employment Policy Convention, 1964 (No. 122), which requires ratifying states to promote free, productive and full employment without discrimination or the ILO Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which it encourages states to ensure that international migration occurs under conditions designed to promote full, productive and freely chosen employment.

¹⁷ 1998 ILO Declaration on Fundamental Principles and Rights at Work.

¹⁸ Ibid.

¹⁹ Protocol of 2014 to the Forced Labour Convention, 1930 (Adoption: Geneva, 103rd ILC session 11 Jun 2014, Entry into force: 09 Nov 2016), para 10 preamble.

²⁰ Ibid, Article 2.

²¹ See, generally, ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).

Context #1.1.5: Why Fundamental Principles and Rights at Work matter to migrant workers?

Freedom of Association and the Effective Recognition of the Right to Collective Bargaining: Migrant workers, especially those in irregular situations or in sectors with high levels of informality, may not be aware of their rights or may feel intimidated to voice concerns individually.

Elimination of All Forms of Forced or Compulsory Labour: Migrant workers are often at heightened risk of forced labour due to factors such as recruitment fees, debt bondage, retention of identity documents by employers, or lack of legal status.

Effective Abolition of Child Labour: Migrant children, either migrating with families or alone, can be especially susceptible to labour exploitation due to their age, lack of documentation, or precarious situations.

Elimination of Discrimination in Respect of Employment and Occupation: Migrant workers frequently face discrimination based on nationality, language, ethnicity, or other factors. This can manifest in lower wages, substandard working conditions, or limited access to benefits and opportunities.

Safe and Healthy Working Environment: Migrant workers, especially those in sectors like agriculture, construction, or domestic work, might be exposed to unsafe or unhealthy working conditions. Language barriers or lack of familiarity with local norms can exacerbate these vulnerabilities.

○ International instruments with specific focus on migrant workers

- ILO Migration for Employment Convention, 1949 (No. 97)²²

Convention No. 97 aims to secure no less favourable treatment to migrant workers in a regular situation as compared to nationals, to enhance cooperation between member States and to provide guidance on general protection measures and on the conditions in which labour migration should take place. Article 7 and Annexes I and II of Convention No. 97 deal with the recruitment, introduction and placing of migrants for employment.

The main purpose of these provisions is to: protect migrant workers; facilitate the control of recruitment; and suppress clandestine employment. Art. 3 of the Convention requires Member States to take measures against misleading information.

- ILO Migrant Workers (Supplementary Provisions) Convention. 1975 (No. 143)²³

Convention No. 143 supplements the provisions of Convention No 97 and aims at: (i) preventing irregular migration including the unlawful employment of migrant workers; (ii) ensuring respect for the basic human rights of all migrant workers, including migrant workers in an irregular situation (Part I); and (iii) guaranteeing equality of opportunity and treatment to migrant workers in a regular situation (Part II).

In this context, the ILO supervisory bodies noted that “the successful regulation and transparent management of recruitment of migrant workers plays an important role in effectively suppressing irregular migration and reducing labour migration in abusive conditions.” (ILO General Survey 2016, para 256).

²² [Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#)

Tip for contextualization: As for any labour standard, lecturers can [search if the Convention has been ratified](#) in any given country and if the [ILO’s supervisory bodies have made comments](#) on the implementation.

²³ [Migrant Workers \(Supplementary Provisions\) Convention, 1975 \(No. 143\)](#)

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990²⁴

This international convention draws on several existing instruments, such as the ILO conventions on migrant workers and forced labour and emphasizes the human rights of migrant workers and their families. A body of international experts was established to monitor the implementation of the convention: the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

- o **Other international labour standards of particular relevance to the recruitment of migrant workers**

- ILO Private Employment Agencies Convention, 1997 (No. 181)²⁵

This Convention recognizes the “role private employment agencies may play in a well-functioning labour market.” The purpose of the Convention is to allow the operation of private employment agencies – also referred to as **recruitment agencies*** – as well as to protect the workers using their services. According to Article 7 of the Convention, private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

- ILO Domestic Workers Convention, 2011 (No. 189)²⁶

This Convention aims to ensure **decent work*** for **domestic workers***, including notable provisions on the role of private recruitment agencies, on fees and on repatriation (Articles 8 and 15). It contains specific provisions to ensure the respect of domestic workers’ fundamental rights, to protect them from abuse, harassment and violence, as well as to ensure decent working and living conditions.

²⁴ [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)

²⁵ [Private Employment Agencies Convention, 1997 \(No. 181\)](#)

²⁶ [Domestic Workers Convention, 2011 \(No. 189\)](#)

1.2 Teaching resources

Key resources:

1. **ILO Global Estimates on International Migrant Workers**, ILO, 2021. [Link](#)

This report maps the current state of labour migration and the key characteristics of migrant workers in the world today.

2. **Migration and Development Brief 38, Remittances Remain Resilient But Are Slowing**, KNOMAD, 2023. [Link](#)

The latest global and regional trends in remittances flows.

3. **Locked down and in limbo: The global impact of COVID-19 on migrant workers' rights and recruitment**, ILO, 2021. [Link](#)

This report provides a global overview of the impact of COVID-19 on migrant workers – with a focus on recruitment – drawing on rapid assessments conducted by the ILO in early-mid 2020.

4. **NORMLEX** [Link](#)

NORMLEX is the ILO information system which brings together information on International Labour Standards (such as ratification information, reporting requirements, comments of the ILO's supervisory bodies, etc.) as well as national labour and social security laws.

5. **Labour Migration Process Mapping Guide**, IOM [Link](#)

This IOM tool helps employers to map migrant workers' risks along the migration cycle, focusing on "understanding and assessing human and labour rights risks to migrant workers during recruitment, employment and return".

6. **Resource Package For Business**, IOM [Link](#)

In this document, the International Organization for Migration collects links to "practical resources and tools to support business enterprises that recruit, manage and employ migrant workers within their business operations and supply chains."

Possible activities

Activity 1

Generate **questions** that let the students imagine the journey of migrant workers in their shoes.

Activity 2

Work in groups to create a **geographical map** of labour migration flows, routes, trends, and characteristics. Each group is assigned a country and outlines the environment/context in which migrant workers live and work, including industry or sector in which they tend to concentrate in, local labour market characteristics, size of business, and the prevailing socioeconomic characteristics of migrant workers population. Bring groups together to model the movements of migrant workers and possibly discuss the challenges they may face.

Activity 3

Map out all the **relevant business departments** that touch on migrant workers issues (e.g. procurement and supply chain, logistics, human resources, finance, etc.). Then discuss where specific responsibilities need to sit within a company to ensure fair recruitment and treatment of migrant workers or propose a format that addresses this issue effectively (hint for teachers: joint committee, setting up a board and delegating responsibility to a particular person etc.).

Activity 4 (this [testimony](#) can be a useful resource)

Explore the lives of migrant workers: Encourage students to **imagine the lives of migrant workers**, both skilled and unskilled, and the challenges they might face at different stages of migration (students can describe their own migration journey).

Activity 5

Share **mini-cases** with costs incurred by migrant workers (at different stages of the migration journey) to enable students to understand the precarious situation of migrant workers.

Consider a follow-up discussion: Provide an average monthly salary and ask questions such as, how much money are migrant workers to be left with after paying recruitment-related debt/expenses? What consequences will this likely have on their lives (e.g., remittances are less than hoped, cutting down on own expenses, no saving for unexpected circumstances)?

Example:

Abdul, a 28-year-old, migrant worker with low education/qualifications levels, wishes to work in the Middle East to support his family back home in country X in South Asia. He hears about job opportunities through a local agent. Expenses include:

Recruitment fee: The local agent charges \$600 for finding him a job and handling the paperwork.

Visa, documentation: \$400 for processing his work visa, medical check-ups, and other necessary documentation.

Pre-departure Training: A 5-day orientation and safety training costs \$100.

Airfare: \$350 for a one-way ticket to his destination.

Initial Accommodation: \$100 for the first week until he moves to the company-provided housing.

Miscellaneous: \$50 for food, local transportation, and other immediate needs upon arrival.

Total: \$1,600, a substantial amount for Abdul, considering his background and the average wage in his country.

Unit 2 – Understanding fair recruitment and the ILO approach

(45min.-1h)

Unit 2 Learning objectives:

Students discuss corporate responsibility for human rights along the global value chain.

Sub-objectives:

- (1) Understand the role of recruitment in the context of labour migration.
- (2) Become familiar with different available guidance frameworks, such as the ILO's general principles and operational guidelines or the "Employers Pay Principle".

2.1. Context

2.1.1. Recruitment in the context of labour migration

What is "unfair/unethical" recruitment and why is it relevant for migrant workers?

This teaching resource focuses on recruitment as a critical stage of the migration cycle where abuse - such as charging of exorbitant fees and cost to workers - can be widespread and bear considerable and longer-term impact not only on workers vulnerabilities to exploitation but also on employers' needs and business processes.

Recruitment abuse **affects the lives of millions of (migrant) workers** and their families and compromises the amount of remittances that migrant workers may be able to send home, as well as the amount of savings (migrant) workers may spend at destination.

It also **compromises States' obligations under the ILO fundamental principles and rights at work** (and especially those pertaining to recruitment related debt bondage that may result in situations of forced labour) and may expose flaws in countries' rule of law and enforcement capacity.

Abusive recruitment results in **ineffective skills-matching** and **damages the reputation of involved companies**, be it employers of (migrant) workers, private employment and recruitment agencies, placement agencies or labour supply companies. Increasingly complex supply chains and subcontracting modalities have enhanced the risk of association of any company with situations of labour abuse and even forced labour in cases where fair recruitment modalities cannot be guaranteed throughout supply chains.

While abusive recruitment can be experienced by any worker, **it is migrant workers who are particularly at risk of abuse in recruitment**. Among them, female migrant workers may face specific challenges as recruitment may affect them differently from male migrant workers.

Evidence also shows that recruitment **abuse might be more prevalent in some sectors of the economy such as construction, manufacturing and agriculture**.

It is common practice that migrant workers in low-skilled occupations pay recruitment costs themselves, even though regulations against this practice exist in many countries. Other common recruitment related abuses may include deception about the nature and conditions of work, contract substitution, prolonged retention of identity documents, illegal wage deductions, placement in non-existing jobs, debt bondage resulting from exorbitant recruitment fees and costs, unfair loans, misuse of a position of power to trap workers longer-term, and threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country. A combination of these abuses may amount to human trafficking and forced labour.

Unfair recruitment can happen both through regular and irregular channels of migration. When workers migrate through **irregular channels and/or with the support of irregular/informal sub-agents** who operate outside the regulatory framework, they run an especially high risk of getting trapped in debt and abuse. For example, a company in country X may have the best intention to recruit workers from country Y who would migrate through legal and regular channels, but if the company fails to conduct adequate due diligence and to vet its local recruitment partner in, e.g., Indonesia, then it also engages in unethical recruitment.

While **businesses have a responsibility to ensure fair recruitment resulting in decent work, it is governments who bear the ultimate responsibility** for advancing fair recruitment within national borders.

What does the term “recruitment” cover in practice?

According to the ILO, the term “recruitment” includes advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship.²⁷

It involves different steps and possible unfair practices (including the charging of fees) in each phase of the process.

Job opportunities: recruitment starts when information on the existence of a job opportunity is shared. Unfair practices such as **deception*** can happen at that moment, for example through the publication of false promises or inaccurate information about the terms and conditions of employment.

Selection, pre-departure and placement into employment: Recruitment processes can be complex and involve different private or public actors²⁸. The more intermediaries there are between the employer and the worker, the more risks there are of unfair practices. One of the common problems workers face is the payment, directly or indirectly, of recruitment fees or related costs.

In many countries, recruitment fees are legally charged to the workers whether in part or in full. In addition, it is important to understand the whole range of costs that are related to recruitment and that in many cases are also charged to workers. According to the ILO definition²⁹ “Recruitment fees” include:

- a. payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment;
- b. payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;
- c. payments made in the case of direct recruitment by the employer; or
- d. payments required to recover recruitment fees from workers.

Other costs related to recruitment, which are often also charged to workers by labour recruiters or employers, include a variety of other items which are detailed in the ILO definition and range from transportation and accommodation to identity and travel documents, medical checks and pre-departure training among others. ILO supported surveys suggest that in some countries, recruitment costs paid by workers can be as high as 17 work months of income at destination³⁰.

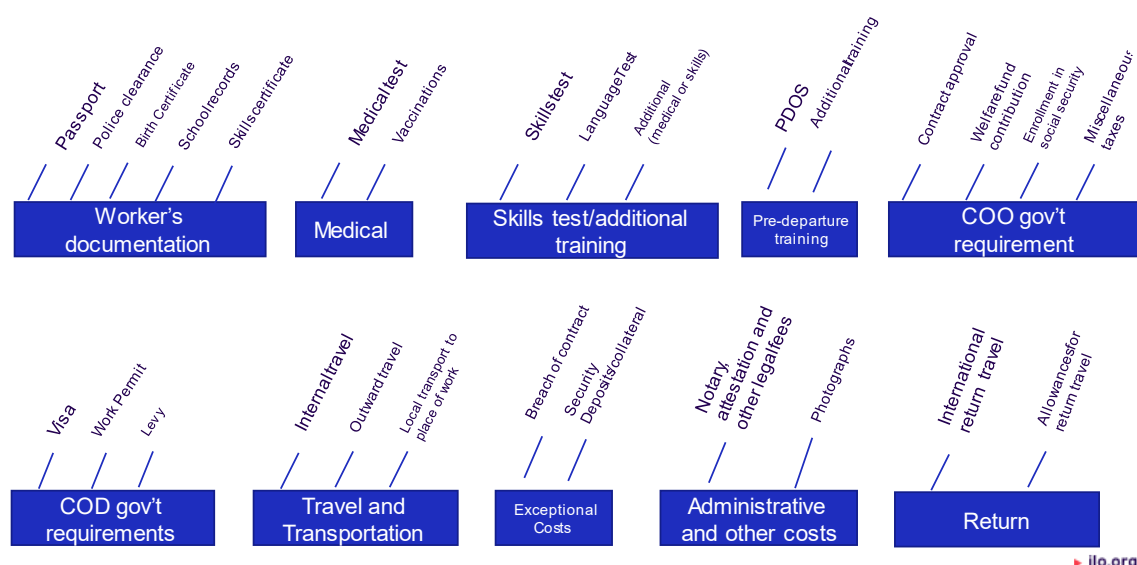
²⁷ [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#)

²⁸ For an overview of different recruitment actors and models, see: [Regulating labour recruitment to prevent human trafficking and to foster fair migration: Models, challenges and opportunities](#)

²⁹ Ibid

³⁰ [Statistics for SDG indicator 10.7.1: Measuring recruitment costs](#)

Return to the country of origin: For international migrant workers, recruitment does not end with the termination of the contract in the country of destination. The safe return to the country of origin is an integral part of the recruitment process.



[Fig. 4]: Recruitment cost items at various stages, ILO

2.1.2. The Fair Recruitment Initiative

Against the above complex background and recognizing the high risks of abuse that workers may face at the recruitment stage as well the potential negative impact and risks that recruitment related abuse can bring to business, the Fair Recruitment Initiative (FRI) was launched in 2014 by the ILO within a broader call for a Fair Migration Agenda.³¹ The FRI aims to (i) help prevent human trafficking and forced labour, (ii) protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment process, and (iii) reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination. After a first phase (2014-2019), the initiative is implementing its second phase for the 2021-2025 period. The work is currently structured around 4 interconnected pillars with the aim of creating an environment where the recruitment of workers – and notably international migrant workers – is safe and respectful of their fundamental rights:

- **Pillar 1** – Enhancing, exchanging and disseminating global knowledge on national and international recruitment processes

As part of its objective to expand and disseminate knowledge on the subject and translate it into policy guidance, the ILO has collected and analysed data and conducted extensive research on the subject. This knowledge is today made available, among others, through the ILO Fair Recruitment Knowledge Hub³², a global knowledge sharing platform on fair recruitment, as well as on the ILO website. This knowledge and data have contributed to the development and adoption of the “General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs” and their subsequent operationalization at different levels.

³¹ See [Fair Migration Agenda](#)

³² [Fair Recruitment Knowledge Hub](#)

The ILO and the World Bank have developed a methodology providing some compelling data on the amount of recruitment fees and related costs that workers are charged and for which they often borrow money. The data shows the number of worked months necessary to repay the debt:



[Fig. 5]: Average number of months worked to pay off recruitment costs, ILO – World Bank³³

○ Pillar 2 – Improving laws, policies and enforcement to promote fair recruitment

The ILO has produced standard guidance and definitions to inform the work on fair recruitment of governments,³⁴ workers’ and employers’ organization, as well as other relevant stakeholders at all levels. This guidance is being used to support relevant actors at country, regional and global levels to review relevant law, policies, and practices. Under the FRI the ILO is currently active in more than 40 countries to promote fair recruitment practices that align with the general principles and operational guidelines.

Context #2.1.2: General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs [Link](#)

In 2019, the ILO published a set of non-binding principles and guidelines on fair recruitment. Grounded on international labour standards, negotiated, and adopted by tripartite constituents of the ILO, these documents are the most authoritative global guidelines on the subject and the reference points for a wide range of public and private initiatives committed to accelerating progress in this area. This document outlines 13 **general principles**, which are intended to orient implementation at all levels and to all actors and the **operational guidelines**, which address the responsibilities of specific actors in the recruitment process – such as: governments, enterprises and labour recruiters, both public and private.

Finally, the document provides a clear definition of recruitment fees and “related costs” such as medical costs, insurance costs, costs for tests or training, travel costs, etc.

○ Pillar 3 – Promoting fair business practices

The ILO is working with governments, workers’ and employers’ organizations, and local businesses to promote fairer and safer recruitment practice by the private sector. This work has led to the development of several resources by the ILO or its partners, and documentation of emerging promising practices from private sector initiatives, including:

- Good practices for a fair recruitment in agriculture, CIERTO, 2020, [link](#)
- Due diligence toolkit for fair recruitment, Global Business Network on Forced Labour, 2021, [Link](#)
- Employers guide to fair recruitment, International Organisation of Employers, 2021, [Link](#)

³³ It is important to note, though, that the presented data were based on slightly different methodologies and cannot be read as fully comparable but rather as separate examples of recruitment costs measured in different countries.

³⁴ Tip for contextualization: Definition and policies around recruitment fees and related costs can vary from country to country. The ILO has set up a [global database](#) of national laws and policies reviewing the situation in 90 countries. Lecturers can use the database to search if recruitment fees and related costs are regulated or prohibited in any given country or region.

- **Pillar 4 – Empowering and protecting workers**

The ILO has worked globally to help develop new resources and increase the capacity of partners to improve their outreach in order to empower and protect workers' rights. A noteworthy example is the **Recruitment Advisor**,³⁵ a global recruitment and employment review platform that gives potential workers easy access to information about recruitment agencies and workers' rights when they begin looking for jobs abroad. The platform was developed collaboratively by governments, migrant workers associations and unions to evaluate agencies practices and build trust amongst the working communities.

³⁵ <https://www.recruitmentadvisor.org>

2.2. Teaching Resources

Key resources:

1. **General Principles and Operation Guidelines for Fair Recruitment**, ILO, 2019. [Link](#)

The principles and guidelines aim to inform the current and future work of the ILO and of other organizations, national legislatures, and the social partners on promoting and ensuring fair recruitment. Short videos can also be used to introduce the issues in the classroom:

[A guide to fair recruitment of migrant labour](#) (3'44")

[Definition of recruitment fees and costs](#) (4'26")

2. **Compendium of promising practices to advance fair recruitment of (migrant) workers**, ILO, 2022. [Link](#)

In 2020, the ILO reviewed progress made since the launch of the Fair Recruitment Initiative five years earlier, by conducting a stocktaking exercise aimed at documenting promising practices towards fair recruitment.

3. **Frequently Asked Questions on Fair Recruitment**, ILO, 2022. [Link](#)

These FAQs provide user-friendly answers to technical questions on how to implement fair recruitment in practice. They are based on questions commonly received by ILO constituents (member states, workers' organisations and employers' organisations).

4. **Global Study on Recruitment Fees and Related Costs**, ILO, 2020. [Link](#)

A global study that examines the laws and policies of 90 countries, as well as numerous bilateral labour agreements and multi-stakeholder initiatives to identify the efforts Member States have made to regulate or prohibit recruitment fees and costs charged to workers. The global study supported the ILO's adoption of the Definition of Recruitment Fees and Related Costs, which is to be read in conjunction with the ILO's General Principles and Operational Guidelines on Fair Recruitment.

The study is currently being updated a new version will be available in the second half of 2024.

5. **Business & Human Rights Navigator – Migrant workers**, UN Global Compact. [Link](#)

This document was created in partnership with the Helpdesk on Business & Human Rights. The Navigator includes references to human rights due diligence and to different case studies from corporate practice.

6. **Policy brief on responsible migration management**, Milda Žilinskaitė (Vienna University of Economics and Business) and Aida Hajro (University of Leeds), 2024. [Link](#)

This policy paper, written by two researchers on management researchers, looks into responsible migration management from the business perspective, discussing the case of human value chains on responsible migration management. The paper was published by KNOMAD, a global hub of knowledge and policy expertise on migration and development.

7. **Dhaka Principles for Migration with Dignity**: [Link](#)

The Dhaka Principles for Migration with Dignity are a set of human rights-based principles to enhance respect for the rights of migrant workers from the moment of recruitment, during employment, and through to safe return. They are intended for use by all industry sectors and in any country where workers migrate either inwards or outwards. These Principles include, among others: no recruitment fees or costs for workers; clear, written contracts in a language workers can understand; freedom to change employment; safe and decent working conditions; freedom of movement (workers should not be restricted by their employers); and access to remedy. The Dhaka Principles were developed between 2009 and 2011 through a global consultation process involving businesses, governments, trade unions and civil society organisations convened by the Institute for Human Rights and Business ([IHRB](#)).

Possible activities

Activity 1

Provide students with a **Recruitment Payment Point chart**, allowing them to either fill in the chart to identify who pays the fees OR generate a list of payment points themselves.

The lecturer can provide further prompts on individual payment points such as visa fees or transportation costs. The discussion should differentiate between “illegal costs and practices” and “not so good practices”.

Activity 2

Organize a **stakeholder role play** activity to explore various scenarios related to fair recruitment and workers' rights. Example situations:

1. At a pre-departure orientation, a migrant worker is excitedly discussing the lucrative job position he/she was promised. A co-worker, who was recruited by the same agency a year ago, warns them about the agency's history of contract substitution upon arrival in the country of destination.
2. A migrant worker receives a call from the embassy in the country of destination, verifying the terms of their employment before his/her departure. As they discuss, discrepancies arise between the worker's understanding and the official contract the embassy received from the employer.

Activity 3

Prepare a **simulation** or **role play exercise** that involves dialogues between companies and migrant workers. (Initially, the nationality of the workers is not revealed, and in the next stage, it is disclosed based on the information provided in their resumes). A template simulation is featured on the teaching resource website.

Activity 4

Explore the lives of migrant workers: **If you are looking for a job abroad**, what do you think the recruitment process looks like? What would you need to do? What information would you want to have available? What can you do to ensure the information from recruiters is accurate (e.g., checking their website, accreditations, reviews, checking with others who used this company before etc)? Students can have a role-playing activity where they take on the role of migrant workers and navigate the challenges at various stages (migration journey simulation) or a mock recruitment process to provide hands-on experience on how jobs are secured abroad, documentation required, etc.

Activity 5

Prepare **responses from ChatGPT** on the topic of fair recruitment and request students to review and correct these answers.

Unit 3 – Business decisions to ensure the fair recruitment of workers

(45min.-1h)

Unit 3 Learning objectives:

Students learn how management must be an important part of providing holistic solutions.

Sub-objectives:

- (1) Be able to explain why fair recruitment is important to business.
- (2) Develop concrete business solutions related to the fair recruitment of workers.

3.1 Context

3.1.1. Business and human rights framework

Since the end of the Second World War and increasingly over the past decade, a growing set of guidelines and legislation has been developed in relation to the linkages between business and human rights. This is particularly the case since 2011 with the endorsement of the UN Guiding Principles, the revisions to the [ILO MNE Declaration](#) and OECD Guidelines and the adoption of human rights due diligence legislation.

[Fig. 6]: Business and human rights timeline



- 1976:** adoption of OECD [Guidelines for Multinational Enterprises](#) which recognize a responsibility of business, independent of the actions of states, to respect rights of workers. It also requires OECD member states to establish national contact points where “specific instances” of non-compliance with the provisions of the Guidelines can be brought for resolution.

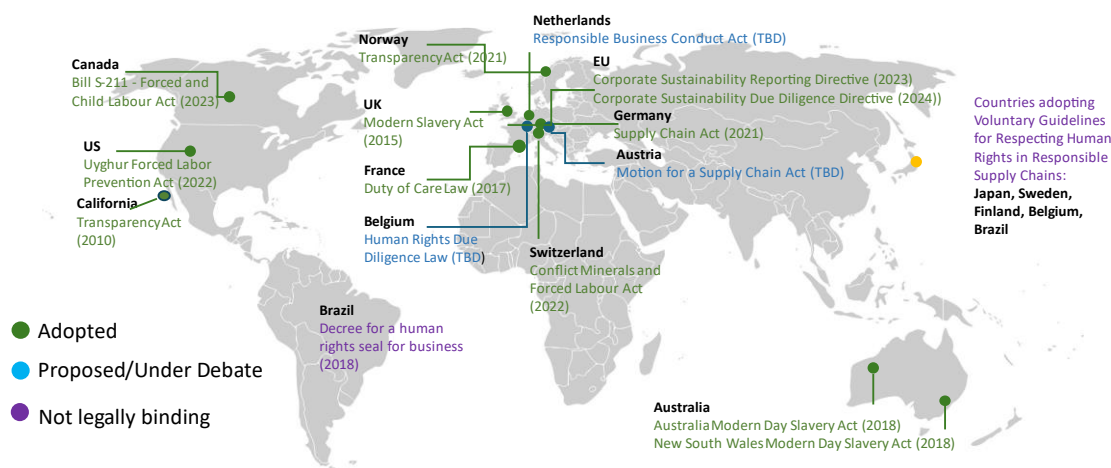
1977: adoption of the ILO [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (MNE Declaration, 1977), The MNE Declaration is the only ILO instrument that is addressed directly to business. It also provides guidance to governments and the social partners on policy coherence to create an enabling environment for business to fully respect workers’ human rights. And it recognizes the considerable influence of home country policies on MNEs operating abroad and encourages home-host dialogues on issues of mutual interest.

1998: adoption of the ILO [Declaration of Fundamental Principles and Rights at Work \(Declaration on FPRW\)](#), which recognizes that certain rights are essential for protecting workers’ rights, and that everyone—governments, employers’ and workers’ organizations and companies have responsibilities to act, both individually and collectively. It was updated in 2022 to also include a safe and healthy working environment. The Declaration on FPRW has since been incorporated into corporate codes of conduct, investment criteria, trade and investment agreements, public procurement requirements, and industry and multi-stakeholder initiatives on responsible business conduct such as the UN Global Compact.
- 2011:** endorsement of the [Guiding Principles on Business and Human Rights](#) (UNGP) by the United Nations Human Rights Council, in which the international community recognizes that the principles of the Universal Declaration of Human Rights, which is addressed to states, should be respected in business operations. The UNGPs specifically identify the Fundamental Principles and Rights as Work as human rights. The guiding principles contain 31 principles under three pillars: the state duty to **protect** human rights, corporate responsibility to **respect** human rights, and access to **remedy** for victims of business-

related human rights abuse. The OECD Guidelines for Multinational Enterprises and the ILO MNE Declaration were both updated to incorporate the concept of human rights due diligence.

- 3 2015: the United Kingdom adopts the [Modern Slavery Act](#) which requires companies of a certain size operating in the country to report on their efforts to prevent modern slavery within their operations and supply chains. Since then, different countries have adopted national legislation on corporate human rights due diligence or duty of vigilance (such as the French *Corporate Duty of Vigilance Law*, the German *Act on Corporate Due Diligence Obligations in Supply Chains*, or the European *Corporate Sustainability Due Diligence Directive*).

Countries with human rights due diligence legislation or guidelines



[Fig. 7]: Human Rights Due Diligence laws

- 4 2017: the ILO MNE Declaration was updated to, inter alia, incorporate provisions on human rights due diligence and elaborate on what that means in the context of labour rights.

In recent years, states have also developed legislation on human rights due diligence³⁶, putting more stringent requirements on companies to respect labour rights and human rights, including in recruitment. As of early 2024, the European Union is finalizing the adoption of the Corporate Sustainability Due Diligence directive with the aim to “foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies’ operations and corporate governance”.

3.1.2. Why fair recruitment matters for businesses?

When appropriately regulated and well governed, labour migration allows individuals to seek better opportunities and can improve the distribution of talent across regions. However, evidence of human and labour rights abuse and exploitation of migrant workers at different stages of the migration process are well documented and can severely hamper the positive outcomes of migration for all those involved. The myriad inquiries directed to the **ILO Helpdesk for Business**³⁷ as well as the requests for assistance received by the ILO by governments, workers, employer representatives and other stakeholders confirm

³⁶ The [Supply Chain Due Diligence Legislation Map](#) helps keep track of the evolution of legislation around the world.

³⁷ Q&As on Business and Labour Migration can be found [here](#)

the complexities of the recruitment processes, the multiplicities of actors involved in its different stages and the existing gaps in law and practice.

Beyond the moral and legal imperatives, there is a compelling business case for fair recruitment—**it's smart business**³⁸. The intricate dynamics of global supply chains, diverse national regulations, and varied regional practices underscore the need for a consistent and fair recruitment approach. While some may perceive unfair recruitment practices as immediate cost-saving measures, the true value lies in the long-term advantages of fair recruitment. Available case studies³⁹ and interviews with compliant business suggest that:

- Implementing fair recruitment practices can significantly **reduce employee turnover rates**. When workers are recruited fairly, they are more likely to be committed to their employers, leading to improved productivity levels and, ultimately, better business outcomes. Fair recruitment practices ensure that businesses attract the right talent for the job. By fostering an environment that respects workers' rights and provides fair employment conditions, companies can attract qualified candidates.
- Fair recruitment practices can also contribute to the **resilience of global supply chains** by ensuring a stable, reliable workforce. Businesses that promote fair recruitment are better prepared to handle disruptions, as they are more likely to have loyal employees who are committed to the success of the business. This is crucial in navigating the complexities and uncertainties of global markets.
- Many companies place a high value on their **reputation**, and fair recruitment is closely linked to this aspect. By adopting fair recruitment practices, businesses demonstrate their commitment to responsible business and human rights. This not only enhances their brand image but also **attracts talent, consumers, and investors** who prioritize responsible business considerations in their decisions. In an era where investors and consumers are increasingly conscious of ethical and responsible business, this can be a significant competitive advantage.
- Moreover, **the risks associated with non-compliance with international labour standards, national laws and regulations, including potential legal liabilities, are substantial**. Fair recruitment practices protect businesses from the legal ramifications of being associated with labour and human rights abuses, for instance, the seizure of goods by customs agents. It also prevents exposure to possible complaints against provision of relevant to trade-related instruments, such as the US Tariff Act section 307, which prohibit the import of goods made with forced labour⁴⁰ and places the burden of proof on the importer to demonstrate that the goods were not made with forced labour. The US Customs and Border Protection, responsible for enforcing the [US Tariff Act](#), uses the [ILO indicators of Forced Labour](#), which include an indicator on debt bondage which is a common result of unfair recruitment practices. The European Union is in the process of developing an [EU directive](#) which would establish similar procedures in its member states. A rigorous fair recruitment monitoring system would serve as evidence to dispute an allegation of forced labour.
- Last but not least, by collaborating with private recruitment agencies that adopt fair recruitment practices, businesses can **drive positive change and elevate industry standards**. This collaborative approach not only ensures compliance across the supply chain but also fosters industry-wide collaboration, setting higher standards that redefine the future of fair recruitment.

³⁸ See [The benefits of fair recruitment, Results of the impact study on the Nepal-Jordan corridor](#), ILO, 2019

³⁹ Idem. In addition see “Fair recruitment matters for business: lessons from a pilot study in Qatar's construction sector”, accessible [here](#).

⁴⁰ The European Union is considering a similar instrument, sometimes referred to as an “import ban”.

3.1.3 What can a company do to ensure fair recruitment in its operation and reduce the risks associated to unfair recruitment?

As noted above, the complex challenges and risks faced by migrant workers during recruitment require a comprehensive multi-stakeholder policy response that bring together governments, workers and employers in countries of origin and destination. The ultimate responsibility of ensuing workers' human and labour rights protection lies with the governments.

"A growing number of companies and stakeholders acknowledge that not only does forced labor likely exist at any tier of every supply chain whenever a migrant workforce is present, but companies have a responsibility to prevent forced labor from occurring."

From: [Best Practice Guidance on Ethical Recruitment of Migrant Workers](#), Interfaith Centre of Corporate Responsibility, ICCR

However, recognizing the potential risks associated to unfair, abusive recruitment practices, which can undermine a company's reputation and adversely impact its economic outcomes, companies around the world have started to engage in concrete actions to implement fair recruitment in their direct operations and through business partners along their supply chains.

In focus: Factors contributing to the inflation of worker-paid costs. Insight from a [research report](#) by the NYU Stern Center for Business and Human Rights on construction workers in the Gulf construction industry (2017).

Research shows that despite legislative reforms and commitments to eliminate recruitment fees for workers, worker-paid recruitment fees remain common practice in many parts of the world. Sector-specific studies, such the above-mentioned report on the construction industry in the Gulf region, point at a variety of factors contributing to inflated recruitment-related costs for workers, pushing them into situations of vulnerability. These factors include among others:

- illegal "visa selling" practices;
- multiple layers of formal and informal recruitment agents and subagents involved in the lengthy process of recruitment (from rural areas in countries of origin to countries of employment);
- lack of transparency and multiplicity of transactions related to recruitment, such as markups applied to fees for medical screenings, skills testing, and document processing.

It is therefore essential to assess the real costs of recruitment for all those involved to ensure that none of these costs are borne by the workers. Sector-specific studies and collaboration with research institutes can be particularly useful to expand the knowledge and understanding of recruitment-related challenges and develop targeted, policy-oriented recommendations.

Source: David Segall and Sarah Labowitz (April 2017), "Making Workers Pay: Recruitment of the Migrant Labor Force in the Gulf Construction Industry", NYU Stern Center for Business and Human Rights.

The ILO-led Global Business Network on Forced Labour published in 2022 a report and interactive toolboxes on “Eradicating forced labour – What works in practice”. The report and toolbox can be accessed here: <https://flbusiness.network/what-works/>.

Toolbox 2 of the report, “[How do fair recruitment practices help prevent the risk of forced labour](#)”, presents actions taken at the company level (including labour recruiters) to address the 11 indicators of forced labour and lists possible actions that companies can take, based examples of company practical experience, to improve recruitment practices and tackle forced labour risks. These include, among others:

- Adopt a **fair recruitment policy** which is aligned to the ILO General Principles and Operational Guidelines for Fair Recruitment, including a policy on zero recruitment fees and related costs.
- Build a **transparent overview** of all actors involved in the recruitment of workers.
- Carry out comprehensive **human rights due diligence assessments** of business partners who provide recruitment services.
- Support company, labour recruiter and sub-agent **capacity-building**.
- Increase direct involvement and closely **monitor every step of the recruitment process**.
- Develop **third-party independent and human-rights based monitoring** of recruitment within communities of origin.
- Require **disclosure** of recruitment partners and key practices.
- **Interview workers** on arrival and post-arrival (within 3-6 months) in a safe and confidential environment, to provide them the opportunity to disclose details around any recruitment fees and costs paid, and/or any intimidation faced.
- Suppliers may **contract directly** with source-country labour recruiters where possible.
- Establish **service-level agreements** with suppliers, labour recruiters and subagents which clearly communicate that the costs of recruitment are covered by the company and that workers should not pay fees as part of the recruitment process.
- Engage with labour recruiters and/or sub-agents to **understand their costs and profit margin** in detail and pay agents sufficient service fees (administration and/or profit margins) to reduce risk of fee-charging to workers.
- **Pay service fees to labour recruiters up front** to reduce risk of fee charging to workers – as all costs are borne by the recruitment agency prior to the candidates starting work.
- Raise migrant workers’ awareness of their right to fair recruitment through **community engagement**.
- Raise migrant workers’ awareness of their rights and how to seek support both pre- and post-arrival by introducing **mandatory orientation programmes**.
- **Provide clear communication to workers** – both verbally and in writing in a language they understand– regarding recruitment and employment.
- **Maintain involvement with workers after recruitment** is completed, to provide them with opportunities to disclose the payment of fees, if applicable.
- Provide access to a **third-party helpline** to all candidates during their recruitment journey and ensure that they know to report any fee payment requests or other forms of recruitment-related exploitation to the helpline.
- **Reimburse recruitment fees and related costs** to all affected workers.

Context #3.2.1: Business-led, trade union and multi-stakeholder initiatives on fair recruitment

In 2020, the ILO documented different private-sector initiatives to advance fair recruitment, including to eliminate recruitment fees. These examples are referenced in a broader study on recruitment fees and costs and includes statements on “no fee charging” of workers, detailed listings of costs and self-regulation initiatives. The study is currently being updated and a new version will be available by mid-2024.

See [A global comparative study on defining recruitment fees and related costs](#), ILO, 2020 (p.53-60)

3.2 Teaching Resources

Key resources:

1. Promoting fair recruitment and employment: A guidance tool for hotels in Qatar, ILO, 2020 [Link](#)

This tool has been developed as a resource to promote fair recruitment and employment standards in the hospitality sector in Qatar. It contains a series of useful checklists that can be adapted to other sectors to design fair recruitment practices, draft contractual clauses, or create effective grievance mechanisms.

2. Guidance on the Repayment of Worker-paid Recruitment Fees and Related Costs, Consumer Goods Forum and AIM-Progress, 2022, [Link](#)

The guidance tool was developed to establish good practices to support businesses in addressing recruitment fees.

3. Global Business Network on Forced Labour

The network reaches across sectors and geographies to advance the business case for an end to forced labour. The network is aligned with, and contributes to, other relevant international initiatives, in particular Alliance 8.7, the global partnership working to deliver on SDG Target 8.7 and eradicate all forced labour by 2030. The [library section](#) of the network website references numerous publications, several of which touch on the topic of fair recruitment.

4. How we work with suppliers?, Apple, 2023, [Link](#)

In 2008, Apple adopted a code restricting workers' payment of recruitment fees and, in 2015, the company enacted a policy prohibiting recruitment fees. In this document, Apple publicly details its policies with suppliers regarding recruitment as well as remediation processes for debt-bonded labour.

5. Input from workers voices, Webinar, [Link](#)

This webinar on migrant workers & sustainability in global supply chains (moderated by Milda Žilinskaitė and Aida Hajro) provides examples from companies on their practices to support migrant workers. Listen for example to the opening remarks from Paul Baldassari (Flex Ltd., a global electronics manufacturing corporation) who offers several good practices from a human resource and recruitment point of view. He derived his insights by spending time with workers to listen to their concerns and develop policies to respond to them in each country where they have operations.

6. QDVC in Qatar, Report by Zahra Khan, [Link](#)

QDVC developed some good practices by verticalizing its recruitment chain and bringing it in-house. They are among the few companies that went public on their approach including their study on the cost of recruitment fees (published by the NYU Stern Center for Business and Human Rights). The experience of implementing a "fair recruitment pilot" with QDVC in Qatar has been documented in the following ILO brief: "[Fair recruitment matters for business: Lessons from a pilot study in Qatar's construction sector](#)"

Possible activities:

Activity 1

Explore the case study “Seeking to respect human rights in a challenging operating context: the case of Vinci in Qatar”.

Activity 2

Roleplay stakeholders to find a solution to fees being repaid.

Example: Representatives from a major textile company (and possibly a representative of a second company), a prominent recruitment agency, a migrant workers' union, and a non-profit organization dedicated to workers' rights come together. It was revealed that several migrant workers had been charged exorbitant fees by intermediaries to secure positions in the textile company. The company, keen to address this issue and prevent future misconduct, convenes this meeting. Throughout the roleplay, each stakeholder presents their perspective, seeks accountability, and collaboratively brainstorms mechanisms to reimburse affected workers and prevent such issues in the future. The session concludes with a drafted action plan and mutual commitments.

Activity 3

Conduct a **fishbowl activity** where one facilitator, along with 2-3 public or private stakeholders, engages in a question-and-answer session while other participants observe and take notes.

A fishbowl activity is a form of open dialogue and engagement. It consists of an inner circle (the "fishbowl") of participants who are actively discussing or debating a topic, while an outer circle of observers watch and listen without intervening.

1. **Setting Up:** Arrange chairs in two concentric circles. The inner circle (the fishbowl) has seats for the active participants, and the outer circle is for observers.
2. **Active Discussion:** The facilitator and selected stakeholders (public or private) sit in the inner circle and discuss a topic. This can include asking and answering questions, sharing perspectives, and engaging in a lively dialogue.
3. **Observation and Reflection:** Participants in the outer circle observe and take notes. They do not actively participate in the discussion but focus on understanding the various perspectives being shared.
4. **Rotation:** In some variations of the activity, the facilitator may invite observers to join the fishbowl, replacing one or more of the current participants, to inject new viewpoints.
5. **Debriefing:** After the activity, the facilitator may lead a debriefing session, where observers share what they learned, ask questions, and reflect on the topic.

[continued on the next page]

Activity 4:

Set up five different **stations**, each with unique questions, to encourage students to explore various aspects of business decisions on fair recruitment.

- a) how do you evaluate suppliers?
- b) how do you verify with workers that they haven't paid any fees?
- c) if the workers are to be reimbursed who should pay?

While ensuring the **activity covers multiple sectors** to provide a comprehensive understanding of the issue.

A multi-station discussion (or often referred to as "station rotation") is an interactive learning activity that involves setting up different "stations" or areas in a room, each focused on a specific question, topic, or aspect of a broader theme.

1. **Setting Up:** The instructor sets up various stations around the room, each with a unique question or prompt related to the lesson's theme.
2. **Grouping:** Students are divided into small groups, and each group starts at a different station.
3. **Exploration:** Groups spend a set amount of time (e.g., 10-15 minutes) at each station, discussing the question, engaging with any provided materials, and recording their thoughts and insights.
4. **Rotation:** After the time is up, groups rotate to the next station, continuing the process of exploration and discussion. This allows students to delve into different aspects of the theme, engaging with multiple perspectives and questions.

Debriefing: Once all groups have visited all stations, the class comes together for a debriefing session, where groups share their findings and insights, and the instructor facilitates a broader discussion.

Activity 5

Play students a 3-minute video with a business representative (in charge of recruitment/labour migration/human rights). Ask them to critically engage with the video in small teams.

Activity mapping details

UNIT 0	UNIT 1	UNIT 2	UNIT 3
1. Exploring Fair Recruitment and Migrant Workers Through Newspaper Articles 2. Crafting Questions for In-Class Exploration on Migrant Workers 3. Understanding Recruitment Through Personal Stories 4. Why BHR – Research Instances of Human Rights Violations that Impacted the Business 5. A Buzz-Group Discussion on Fair Recruitment Practices 6. Exploring Communication Challenges and Solutions for Migrant Workers	1. Imagining the Journey of Migrant Workers in Their Shoes 2. Mapping Migration Through Collaborative Exploration of Global Labour Migration Environments 3. Charting Business Functions and Fair Recruitment of Migrant Workers 4. Using Testimonies to Explore the Lives of Migrant Workers 5. Sharing Mini-Cases on Recruitment-Related Costs Incurred by Migrant Workers.	1. Analyzing Recruitment Payment Points in Fair Recruitment 2. A Role-Play Exploration of Fair Recruitment and Workers' Rights 3. A Role-Play Simulation of Company-Migrant Worker Dialogues 4. An Immersive Exercise to Imagine the Migration Journey. 5. Evaluating and Refining AI-Generated Insights on Fair Recruitment	1. Exploring a Real-Life Case Study. 2. A Stakeholder Role-Play on Fee Repayment Solutions 3. Inside the Fishbowl: A Collaborative Q&A Session with Key Recruitment Stakeholders 4. A Multi-Station Exploration of Business Decisions on Fair Recruitment 5. Video Analysis of Business Perspectives on Fair Recruitment

UNIT 0 – Setting the stage ahead of the session

1. Exploring Fair Recruitment and Migrant Workers Through Newspaper Articles

This pre-class activity invites students to delve into the real-world context of fair recruitment and migrant worker experiences by researching relevant newspaper articles. **Outside of class, students will explore different media perspectives on the subject and analyze these to formulate thought-provoking questions for in-class discussion.** The exercise aims to enhance understanding, encourage critical reading and analysis, and prepare students for active participation in subsequent classroom dialogues. It serves as a bridge between current public discourse and academic exploration of the topic.

2. Crafting Questions for In-Class Exploration on Migrant Workers

As a pre-class exercise, **students are tasked with preparing insightful questions and anticipated answers about migrant workers and their experiences.** This thoughtful inquiry will guide them to a deeper understanding in class, as the questions serve as a foundation for an engaging in-class discussion. Exploring various facets of labour migration, students will provoke reflection and debate, laying the groundwork for a rich and participatory classroom experience. By leading the way in their own learning, they will not only enhance research and critical thinking skills but also foster a more meaningful connection to the subject matter in subsequent classes.

3. Understanding Recruitment Through Personal Stories

In this engaging and human-centered activity, **students are encouraged to interview family members, migrant workers, or individuals connected to the migration process** to uncover first-hand insights into the effects of fair or unfair recruitment practices on their lives. Whether through face-to-face conversations or virtual platforms provided by the lecturer, students will document these personal stories, shedding light on the human dimension of labour migration. All interviews and narratives will be stored and shared on a designated platform (if available), sparking discussions and broadening exposure to diverse, real-world perspectives. The activity emphasizes empathy, listening skills, and critical analysis, and it fosters a deeper connection to the subject matter.

4. Why BHR – Research Instances of Human Rights Violations that Impacted the Business

Ask students to **discuss why** are human rights, labour rights and responsible conduct important for businesses? Pre-class - students are asked to **research** instances where human rights have been violated and had an impact on the business- i.e. put a sector in the spotlight, reduced the value of a company on the stock market, etc. Students are asked in class to chip in with their answers (it can all be **mapped** on the board and led by the lecturer OR different stations can be used in the classroom and students add their answers to it).

5. A Buzz-Group Discussion on Fair Recruitment Practices

This activity encourages students to engage in a **buzz-group discussion**⁴¹ to **collaboratively define and differentiate the concepts of fair and unfair recruitment**. By breaking down complex ideas and exploring them from multiple perspectives, students gain a shared understanding of these critical terms. This interactive approach promotes active participation, critical thinking, and collaboration at the very outset of the unit, setting the tone for further exploration of these themes.

6. Exploring Communication Challenges and Solutions for Migrant Workers

This activity prompts students to engage deeply with the emotional and logistical challenges faced by migrant workers separated from their families. **Through guided discussion, students will explore both the hardships of maintaining family connections across long distances and potential strategies for overcoming communication barriers**. By considering technological, cultural, and personal factors, students will develop empathy for migrant workers' experiences and gain insights into the practical ways that communication gaps can be bridged. This discussion serves as a starting point for broader explorations of migrant workers' lives, emphasizing the human and relational aspects of migration and work.

UNIT 1 – Labour migration at a glance

1. Imagining the Journey of Migrant Workers in Their Shoes

This activity challenges students to **create questions that place them in the shoes of migrant workers**. By developing and exploring these inquiries, students are encouraged to consider the multifaceted experiences, decisions, and challenges faced by migrant workers. By exploring these questions, students can gain an understanding of the real-life challenges, decisions, and complexities faced by migrant workers. It provides an interactive and insightful way to initiate deeper conversations about the lives and realities of those who undertake these often challenging journeys.

2. Mapping Migration Through Collaborative Exploration of Global Labour Migration Environments

This interactive group activity guides students in **creating a geographical map that highlights and explores labour migration issues around the world**. Each group is tasked with investigating a specific country, delving into details such as the industries or sectors employing migrants, the dynamics of the local labour market, and the characteristics of the migrant populations. After individual group work, students come together to connect their findings, modelling the complex movements of migrant workers across borders and regions. This collaborative exercise fosters a global perspective, emphasizing the interconnectedness of economies and the shared challenges and opportunities in the

⁴¹ A buzz-group discussion is a collaborative learning technique where the class is divided into small groups (usually 4-6 members) to discuss a specific topic or question for a short period (usually 5-10 minutes). It's called a "buzz-group" because of the buzzing sound created by multiple simultaneous conversations. After the discussion, each group shares its insights with the whole class. This method encourages participation from all students, even those who might be hesitant to speak in a larger group setting and can generate a wide variety of ideas and perspectives in a short amount of time.

world of migrant workers. It offers a visually engaging and insightful way to understand the broad scope of labour migration.

3. Charting Business Functions and Fair Recruitment of Migrant Workers

This activity engages students in **identifying and mapping all the relevant business departments that intersect with migrant workers' issues**, such as procurement, supply chain, logistics, human resources, and finance. In group discussions, students are challenged to analyze where specific responsibilities must reside within a company to ensure fair recruitment and humane treatment of migrant workers. They are encouraged to propose organizational structures or initiatives, such as forming joint committees or designating specific roles, to address this crucial issue effectively. This exercise provides a hands-on exploration of corporate governance and ethical management, highlighting the essential role that various business functions play in shaping the experiences of migrant workers.

4. Using Testimonies to Explore the Lives of Migrant Workers

Explore the lives of migrant workers: Encourage students to **imagine the lives of migrant workers**, both skilled and unskilled, and the challenges they might face at different stages of migration (students can describe their own migration journey). **Testimonies** can be a useful resource.

5. Sharing mini-cases on recruitment-related costs incurred by migrant workers.

Share **mini-cases** with costs incurred by migrant workers (at different stages of the migration journey) to enable students to understand the precarious situation of migrant workers. Consider a follow-up discussion: Provide an average monthly salary and ask questions such as, how much money are migrant workers to be left with after paying recruitment-related debt/expenses? What consequences will this likely have on their lives (e.g., remittances are less than hoped, cutting down on own expenses, no saving for unexpected circumstances)?

Example:

Abdul, a 28-year-old, migrant worker with low education/qualifications levels, wishes to work in the Middle East to support his family back home in country X in South Asia. He hears about job opportunities through a local agent. Expenses include:

Recruitment fee: The local agent charges \$600 for finding him a job and handling the paperwork.

Visa, documentation: \$400 for processing his work visa, medical check-ups, and other necessary documentation.

Pre-departure Training: A 5-day orientation and safety training costs \$100.

Airfare: \$350 for a one-way ticket to his destination.

Initial Accommodation: \$100 for the first week until he moves to the company-provided housing.

Miscellaneous: \$50 for food, local transportation, and other immediate needs upon arrival.

Total: \$1,600, a substantial amount for Abdul, considering his background and the average wage in his country.

UNIT 2: Understanding fair recruitment and the ILO approach

1. Analyzing Recruitment Payment Points in Fair Recruitment

This interactive activity equips students with a **Recruitment Payment Point chart to explore the intricacies of recruitment fees and who bears these costs**. Students may either complete the provided chart or generate their own list of payment points, delving into the complexities of recruitment financing. Through this exercise, students gain insights into the economic dynamics of the recruitment process, the ethical considerations around fee allocation, and the broader implications for fair hiring practices. This analytical task enhances their understanding of recruitment's financial structure and the importance of transparency and fairness in these processes.

2. A Role-Play Exploration of Fair Recruitment and Workers' Rights

This role-play activity invites students to assume the roles of various stakeholders involved in the recruitment process, such as employers, recruitment agencies, government officials, and migrant workers. By acting out different scenarios related to fair recruitment and workers' rights, students gain experiential insights into the complexities, motivations, challenges, and ethical considerations faced by each stakeholder. This immersive exercise promotes empathy, critical thinking, and collaboration, allowing students to explore the multidimensional aspects of fair recruitment practices and the vital importance of respecting and protecting workers' rights.

- ▶ Scenario A: A recruitment agency is charging exorbitant fees to migrant workers for placement in jobs abroad.
- ▶ Scenario B: A migrant worker arrives at their new job abroad, only to find that the working conditions, hours, and pay are far from what was promised during recruitment.

3. A Role-Play Simulation of Company-Migrant Worker Dialogues

This role-play simulation challenges students to participate in dialogues between companies and prospective migrant workers. In the initial stage, students interact without knowledge of the workers' nationalities, focusing solely on qualifications, experiences, and recruitment fairness. In the subsequent stage, the nationalities are revealed through resume information, potentially unearthing biases and assumptions. This exercise helps students uncover implicit biases in the recruitment process and promotes a more profound understanding of the importance of equality, transparency, and respect in engaging with migrant workers. It offers an insightful reflection on how personal backgrounds can inadvertently influence professional interactions and decision-making.

4. An Immersive Exercise to Imagine the Migration Journey

Explore the lives of migrant workers: **If you are looking for a job abroad**, what do you think the recruitment process looks like? What would you need to do? What information would you want to have available? What can you do to ensure the information from recruiters is accurate (e.g., checking their website, accreditations, reviews, checking with others who used this company before etc)? Students can have a role-playing activity where they take on the role of migrant workers and navigate the challenges at various stages (migration journey simulation) or a mock recruitment process to provide hands-on experience on how jobs are secured abroad, documentation required, etc.

5. Evaluating and Refining AI-Generated Insights on Fair Recruitment

This unique activity challenges students to engage with artificial intelligence by **examining prepared responses from ChatGPT on the subject of fair recruitment of migrant workers**. Students are asked to critically assess, correct, and refine these AI-generated answers, considering accuracy, depth, ethical considerations, and alignment with current standards and practices. This hands-on task promotes critical thinking and a nuanced understanding of the topic while offering a modern perspective on the intersection of technology and ethics in the business world. By involving students in the analysis and improvement of AI-produced content, they gain practical skills in evaluating information and contributing to informed discussions on fair recruitment practices.

UNIT 3: Business decisions to ensure the fair recruitment of workers

1. Exploring a Real-Life Case Study.

Explore the case study "Seeking to respect human rights in a challenging operating context: the case of Vinci in Qatar". Discuss with the students what worked, what did not work, and what needs to be monitored and improved. Think of recommendations you would give to Vinci.

2. A Stakeholder Role-Play on Fee Repayment Solutions

Students will engage in an **interactive role-play exercise where they represent various stakeholders, including suppliers at different tiers, workers, company executives, and regulators, working collectively to negotiate a solution to the challenge of fee repayments.** This scenario emphasizes the complexities of the recruitment process and the responsibilities of different entities in ensuring that workers are treated fairly. By negotiating solutions, students will deepen their understanding of the interdependencies between stakeholders and develop skills in problem-solving, negotiation, and ethical decision-making in a business context.

3. Inside the Fishbowl: A Collaborative Q&A Session with Key Recruitment Stakeholders

This fishbowl activity⁴² offers an immersive and dynamic Q&A session. A facilitator, along with 2-3 public or private stakeholders, will actively engage in discussing critical issues concerning fair recruitment. Meanwhile, other participants will observe, take notes, and reflect on the conversation. This method encourages deep insights into the real-world challenges of ensuring fairness in recruitment and offers a platform to hear directly from industry insiders. It fosters understanding and awareness of the various perspectives involved in this complex issue.

4. A Multi-Station Exploration of Business Decisions on Fair Recruitment

Students will embark on an **interactive exploration through five unique stations⁴³, each presenting distinct questions that delve into critical aspects of business decisions on fair recruitment.** The stations guide students in grappling with complex questions such as:

- a) How to evaluate suppliers in the context of fair recruitment?
- b) How to verify with workers that they haven't paid any recruitment fees?
- c) If workers are to be reimbursed for fees, who should bear the responsibility to pay?

By circulating through these stations, students will gain hands-on experience in confronting real-world challenges that businesses face in ensuring fair recruitment practices. This engaging activity fosters critical thinking, problem-solving, and ethical consideration, preparing students to make responsible and informed business decisions.

⁴² A fishbowl activity is a form of open dialogue and engagement. It consists of an inner circle (the "fishbowl") of participants who are actively discussing or debating a topic, while an outer circle of observers watch and listen without intervening.

1. **Setting Up:** Arrange chairs in two concentric circles. The inner circle (the fishbowl) has seats for the active participants, and the outer circle is for observers.
2. **Active Discussion:** The facilitator and selected stakeholders (public or private) sit in the inner circle and discuss a topic. This can include asking and answering questions, sharing perspectives, and engaging in a lively dialogue.
3. **Observation and Reflection:** Participants in the outer circle observe and take notes. They do not actively participate in the discussion but focus on understanding the various perspectives being shared.
4. **Rotation:** In some variations of the activity, the facilitator may invite observers to join the fishbowl, replacing one or more of the current participants, to inject new viewpoints.
5. **Debriefing:** After the activity, the facilitator may lead a debriefing session, where observers share what they learned, ask questions, and reflect on the topic.

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4. **Rotation:** After the time is up, groups rotate to the next station, continuing the process of exploration and discussion. This allows students to delve into different aspects of the theme, engaging with multiple perspectives and questions.
5. **Debriefing:** Once all groups have visited all stations, the class comes together for a debriefing session, where groups share their findings and insights, and the instructor facilitates a broader discussion.

5. Video Analysis of Business Perspectives on Fair Recruitment

Students watch a **3-minute video featuring a business representative in charge of recruitment, labour migration, or human rights**. After viewing, students break into small teams to critically engage with the content, analyzing and discussing the representative's views and practices concerning fair recruitment. This interactive activity prompts students to deeply examine real-world business approaches to recruitment, fostering critical thinking and collaboration. The firsthand insights offered in the video enrich the students' understanding of the complex landscape of ethical recruitment within the business world.

Glossary⁴⁴

Bilateral agreements / Memorandum of understanding

Bilateral agreements within the context of labour migration are legally binding treaties between a country of origin and a country of destination outlining the agreed terms, principles, and procedures governing labour migration between the two states. For destination countries, bilateral agreements help achieve an orderly flow of migrant workers that meets the needs of employers and industry. For the countries of origin, bilateral agreements ensure continued access to overseas labour markets and opportunities to promote the protection and welfare of their workers.

Memorandum of Understanding (MOU) governing labour migration are non-binding agreements outlining terms and conditions governing labour migration between two states.

Brain drain / Brain gain

Brain drain refers to the emigration of skilled individuals from their country of origin to another country, typically for higher wages or better working conditions.

Brain gain (also called “reverse brain drain”) refers to the immigration of skilled individuals into the destination country.

Circular migration

Circular migration refers to temporary movements of a repetitive character either formally or informally across borders. Managed or regulated circular migration programmes have emerged as a migration policy tool to mitigate the effects of brain drain and promote development in origin countries through a steady flow of remittances, return of skilled workers, and support for enterprise development.

Contract substitution

Contract substitution refers to the practice whereby the terms of employment to which the worker originally agreed upon (in writing or verbally) are substituted with another contract with less favourable terms – such as lower pay, poorer working and living conditions, and even a different worksite or job. This practice is illegal.

Debt bondage

Debt bondage – or bonded labour – is a position whereby a worker becomes bound to work for an employer as a means of repayment for a loan. Labourers may be working in an attempt to pay off an incurred or sometimes even inherited debt. The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses. Employers or recruiters make it difficult for workers to escape from a debt by undervaluing the work performed or inflating interest rates or charges for food and housing. Debt bondage reflects an imbalance of power between the worker-debtor and the employer-creditor, and is an indicator of forced labour. It has the effect of binding the worker to the employer for an unspecified period of time, anything from a single season, to years, or even successive generations. The imbalance of power between worker-debtor and the employer-creditor could render any debt-based labour relations unfree, regardless of the duration of the loan. It is concretely different to taking a normal loan from a bank or other independent lender, for repayment on mutually agreed and acceptable terms.

Decent work

Decent work is a concept encompassing opportunities for work that are productive and deliver a fair income, security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organise and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men. Decent work is a key element to achieving fair globalisation and poverty reduction. Decent work

⁴⁴ Adapted from the [ILO Media-Friendly Glossary on Migration: Middle East Edition](#)

requires job creation, rights at work, social protection, and social dialogue, with gender equality as a crosscutting objective.

Deception

Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing. Victims of forced labour are often recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions without the ability to escape. In these cases, workers have not given free and informed consent. Had they known the reality, they would never have accepted the job offer.

Deceptive recruitment practices can include false promises regarding working conditions and wages, but also regarding the type of work, housing and living conditions, acquisition of regular migration status, job location or the identity of the employer. Children may also be recruited based on false promises, made to them or their parents, concerning school attendance or the frequency of visits by or to their parents.

Discrimination / Equal opportunity

Discrimination includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, or national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (as defined in the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Discrimination in employment can be direct or indirect. Indirect discrimination occurs where rules or practices appear to be neutral but in practice lead to exclusions. For example, training courses organized outside normal working hours are likely to exclude workers with caregiving responsibilities. Workers who receive less training are then likely to be disadvantaged in subsequent job assignments or promotion prospects.

Equal opportunity in the world of work refers to equal entitlements in pay, working conditions, employment security and social security. Millions of women and men around the world are denied access to jobs and training, receive low wages, or are restricted to certain occupations simply on the basis of their sex, disability, skin colour, ethnicity or beliefs, without regard to their capabilities and skills.

Domestic worker

A domestic worker is an individual who performs domestic duties such as cleaning, cooking and care work (children, elderly and disabled) in a household within an employment relationship (i.e. paid work). Domestic workers also include gardeners, security guards and drivers. Domestic workers may be men or women, and are commonly migrant workers. Often domestic workers reside within the household of the employer(s) and are thus even more isolated than other workers and less likely to be identified as victims of exploitation and forced labour. In 2011 the ILO Convention on Decent Work for Domestic Workers, 2011 (No. 189) was adopted, extending a full range of labour rights protections to domestic workers. The term domestic worker is preferred to domestic helper, maid or servant because it underscores that domestic work is work, and that a domestic worker has labour rights.

Fair recruitment

‘Recruitment’ of workers includes in its scope the selection, transport, placement into employment and – for migrant workers – return to the country of origin of workers where appropriate.

According to the ILO, ‘fair recruitment’ is recruitment carried out within the law, in line with international labour standards, and with respect for human rights, without discrimination and while protecting workers from abuse. Further details of what constitutes ‘fair recruitment’ can be found in the adopted ILO’s [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#) (GPOG) that are derived from international labour standards and related instruments as well as UN Conventions and other relevant policy documents.

Forced labour

Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats

of denunciation to authorities. It is defined by the ILO Forced Labour Convention, 1930 (No. 29) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily.” Forced labour can occur where work is forced upon people by State authorities, by private enterprises or by individuals. The concept of forced labour is quite broadly defined and thus covers a wide range of coercive labour practices.

Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restrictions on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape. Forced labour can result from internal or international movement which renders some workers particularly vulnerable to deceptive recruitment and coercive labour practices. It also affects people in their home areas, born or manipulated into a status of bondage or servitude. Forced labour includes forced sexual services. In addition to being a serious violation of fundamental human rights, the exaction of forced labour is a criminal offence.

Forced labour, debt bondage, and trafficking in persons are closely related terms although not identical in a legal sense. Trafficking in persons can also be regarded as forced labour. The only exceptions to this are cases of trafficking for organ removal, forced marriage or adoption, unless the latter practices result in forced labour.

Labour migration

Labour migration is defined as the movement of persons from one geographical location to another in order to find gainful employment. Labour migration may be internal, for example rural to urban, or international, across borders.

Labour market mobility

Labour market mobility is generally defined as the movement of workers between occupations or employers, or between geographic locations within a country.

Migrant worker

A migrant worker is someone who is working in a state of which he or she is not a national. The term is used interchangeably with labour migrant, and refers to people who migrate specifically for the purpose of employment.

At the international level, general rules for migration and the rights to be enjoyed by migrant workers are set out in ILO Conventions Nos. 97 and 143 and in the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

Money lender

In order to finance recruitment and travel costs, individuals will often turn to money lenders to finance their migration abroad. Money lenders are typically individuals who informally charge high interest rates, sometimes between 30 and 60 per cent, and engage in exploitative and deceptive practices, without hesitating to resort to threats and violence if the debt is not repaid.

Outsourcing agency / labour broker

An outsourcing agency or company (also called ‘manpower’ companies) operates in a destination country to supply temporary labour to companies for a specific period of time. This is common in the construction sector, but also in services such as cleaning and security. Migrant workers do not receive their wages from the employing company, but from the outsourcing agency, who may take a percentage before paying the worker. In addition to being responsible for paying the workers’ salaries, the outsourcing agency typically provides housing, food and insurance coverage for the workers.

Special Economic Zones (also known as Export Processing Zones or Qualifying Industrial Zones)

A Special Economic Zone (SEZ) or Qualifying Industrial Zone (QIZ) is an industrial estate that specializes in manufacturing for export. These zones are established with special incentives to support free trade and

attract foreign investors. Working conditions and industrial relations in these zones often do not meet international labour standards.

Recruitment agencies

Migration of workers is increasingly facilitated by an inter-regional network of recruitment agencies. Public and private recruitment agencies, when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. When recruitment agencies hire workers, they should issue employment contracts, facilitate travel documents and work and residency permits, transport workers, place workers with employers at destination, and facilitate the return to the origin country of workers if needed. For these services, unethical recruitment agencies charge workers and employers, despite the fact that charging of fees to workers is prohibited by international law.

There are increasing concerns about abuses by the international recruitment industry, including deception about the terms and conditions of work and contract substitution, debt bondage linked to the repayment of recruitment fees, retention of passports, illegal wage deductions, and abuse by subagents and other intermediaries who operate outside the legal and regulatory framework.

Remittances

Remittances are monies earned or acquired by migrant workers that are transferred back to their country of origin. Remittances may be sent through formal bank transfer systems, often at high expense, or through informal money transfer systems, such as hawala and hundi that are commonly used throughout the Middle East and South Asia. The opportunity to earn high wages and send remittances to their country of origin is often the primary motivation of migrant workers to seek employment abroad.

Seasonal worker

A seasonal worker is a worker whose timing and duration of work is significantly influenced by seasonal factors such as climatic cycle, public holidays, and/or agricultural harvests. It is common in the agriculture, hospitality, and tourism industries. The term 'seasonal worker' is preferred to terms like 'guest worker', which imply a guest-host relationship that is not based on equal labour rights. Migrant workers are often brought into a country of destination to fill labour shortages, and such employment schemes are usually designed to be temporary.

Trafficking in persons

Trafficking in persons is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." (The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000, Art. 3(a)).

Trafficking in persons must meet the three criteria of **act** (recruitment, transport, transfer, harbouring and the receipt of persons), **means** (threat or use of force, coercion, abduction, fraud, deception and abuse of power or vulnerability), and the **purpose** (exploitation) (see also the UN "[Palermo Protocol](#)" on trafficking). (exploitation). Trafficking in persons can take place within one country, or across international borders. Child trafficking slightly differs, as the element of "means" are not considered. Human trafficking can be viewed as a subset of the broader issue of forced labour.

List of teaching resource authors and biographies

Business school lecturers



Charles AUTHEMAN - HEC Paris (France)

Independent consultant, he has been organizing and facilitating workshops for journalists, trade unionists and communicators for the past 10 years in over 20 countries, mostly in the Middle East, Africa, and South Asia. His areas of expertise include labour migration, forced labour, child labour, human trafficking, and international labour standards. He teaches Business and human rights at HEC Paris and is supporting the French national strategy to eliminate forced labour and child labour.



Dorothée BAUMANN-PAULY - University of Geneva (Switzerland)

Director of the Geneva Center for BHR. Since 2013, she is also the Research Director at the NYU Stern Center for BHR. She has extensive practical experience working on the implementation of human rights in multi-stakeholder settings and has published widely on topics at the intersection of business ethics, corporate responsibility, private governance mechanisms and human rights. For the last ten years, she has been teaching BHR-related classes at academic institutions in the US and Europe.



Oana BURCU - University of Nottingham (UK)

Researcher at the Rights Lab of the University of Nottingham, working on the determinants of migrants' vulnerabilities and forced labour. She also has interest and expertise in nationalism, diasporic communities, China's foreign policy and Asia-Pacific security.



Jenika GOBIND – Wits Business School (South Africa)

Senior Lecturer in Human Resources at the Wits Business School. Her research interest lies in employment relations as well as gender discrimination and HIV/AIDS in the workplace. She has extensive experience in the private sector, chairing multiple disciplinary hearings and consulting in labour legislation, employment relations, and HR issues.



Samentha GOETHALS – Skema Business School (France)

Assistant Professor in Human Rights and Business at SKEMA Business School. She has developed an interdisciplinary research profile combining perspectives from socio-legal, global governance and organization studies that reflect her experience in both policy and advocacy work and academic research in the field of BHR. Her research focuses on the meaning and translation of human rights in business organizations, the responsibility of business in contexts of forced migration, and human rights education in business schools.



Berit KNAAK – University of Geneva (Switzerland) Postdoctoral researcher at the Geneva Center for Business and Human Rights. Her research evolves around business perspectives on human rights and approaches to facilitate corporate engagement with human rights issues. In her work, Berit focuses on resilience and ethical supply chains, companies' impact in their ecosystems, and on children's rights, among others in a collaboration with UNICEF.



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Associate Professor of Human Resources and General Management at the School of Management of Kathmandu University. Her main research interest is in women leadership.



Sandra SANTAMARÍA ALVAREZ - Universidad EAFIT Medellín (Colombia)

Professor at Universidad EAFIT, where she teaches courses at the graduate and undergraduate level. Alongside her teaching and administrative positions, she does research in topics such as transnationalism, migration, international business of individuals, migrant entrepreneurship, and entrepreneurship.



Lucy SIERS – NYU Stern Center for Business and Human Rights (USA)

Research consultant at the NYU Stern Centre for Business and Human Rights, focusing on the construction industry and protections for migrant workers post-World Cup.

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