

Report on the Conference-Workshop

ORGANIZING THE ASSOCIATION OF EMPLOYMENT AGENCIES IN ASIA: MOVING FORWARD TO ACTION ON ETHICAL RECRUITMENT

**April 3-4, 2008, Astoria Plaza Hotel
Manila, Philippines**

The International Organization for Migration through its MRF (Mission with Regional Function) in Manila concluded the conference workshop on *Organizing the Association of Employment Agencies in Asia: Moving Forward to Action on Ethical Recruitment* on April 3-4, 2008, among employment agencies in nine Asian countries which included Bangladesh, China, Indonesia, Nepal, Pakistan, Philippines, Sri-Lanka, Thailand and Vietnam. The event was held as part of the implementation of the project *Promoting Regional Dialogue and Facilitating Legal Migration from Asia to Europe* funded under the AENEAS Programme of the European Commission.

The conference-workshop is a follow-up to an earlier resolution signed last February, 2007 among the employment agencies in Asia calling for the need to organize their ranks to better initiate and carry out joint or complementing activities, collaborate as well as share expertise and information on good practices in pursuit of ethical recruitment.

In his welcome message, IOM Regional Representative Charles Harns recognized the positive role well-regulated recruitment agencies can play in encouraging and enabling well-managed labour migration, noting that IOM has at times been asked to assist in better ensuring transparency, speed of processing, fuller protection of migrants' rights and the forging of better connections between migration and development. He shared observation about the complex challenges the recruitment agencies are facing amidst their growing role and opportunities in facilitating movements of migrant labour.

For his part, Roger De Backer, European Commission Counselor to the Philippines, highlighted that the issues associated with illegal immigration and human trafficking cannot be treated separately from policies concerning the admission of economic immigrants. He shared various EC initiatives in 2007 with the aim of setting the right environment for all stakeholders in observing ethical practices. He cited that the *European Programme for Action to Tackle the Critical Shortage of Health Workers in Developing Countries (2007-2013)* was approved and the EC is working on a set of principles to guide recruitment of health workers within the EU and from third countries. He likewise shared proposals by the EC for directives on the conditions for entry and residence of third-country nationals for highly qualified employment, single application procedure and the harmonization of national rules on sanctions against the employers of illegal immigrants.

The Administrator of the Philippine Overseas Employment Administration (POEA), Rosalinda D. Baldoz, outlined elements in observing Code of Ethics on Recruitment in her keynote message. These include adoption of legal framework on migration, strict adherence to government regulations, management of labor supply in *mission critical skills*, promotion of ratification of and compliance with international instruments and conventions and cultivating partnership with government.

Country presentations were made by their delegation head, sharing information on the general state of the industry in their respective countries.

WORKSHOP SESSIONS

Four workshop sessions were held with Ricardo Casco (National Programme Officer, IOM-MRF Manila) serving as Overall Facilitator. Aiko Kikkawa (Regional Programme Manager, IOM Dhaka), Azrah Karim Rajput (Labour Migration Officer, IOM, Geneva) and Mr. Victor Fernandez (Chairman, Philippine Association of Service Exporters Inc.) served as resource persons in the workshops.

Workshop 1

In the first Workshop, the tabulated responses to a checklist questionnaire distributed earlier to delegates were discussed. It revealed that employment agencies unanimously agree that the recruitment industry continues to struggle for good public image and recognized that trustworthiness and the concern for public good are the key to industry deregulation. The agencies ranked the foreign employer as their most important client, followed by the applicant workers, selected migrant workers and foreign broker in that order.

The biggest part of the financial resources of employment agencies is poured into recruitment operations, followed by market development, development of migrant workers and business networking. Government programs, crisis support program, family/community services, development of IT infrastructure and resolution of labour conflicts obtain less resource allocation per the survey.

The survey further indicates that policies, rules and regulations of governments of source country and the cut-throat competition among sending countries and recruitment agencies, in a tie-vote, top the list of challenges to the agencies' business operations. Second most important challenge is the lack of appropriate supply to meet demand. The malpractices of manpower brokers and recruiters in the host country and the restrictive host government policies run third.

The exploitative practices of foreign employers and manpower brokers in the host country as well as illegal recruitment are considered to be the most important social issues which the recruitment industry faces, according to the survey. The employment agencies displayed a high level of openness to dialogue with governments and other stake

holders, ranking it as the most important response to manage the challenges, followed by negotiation and implementing joint programs. Majority of the agencies, however, believe that governments must not compete in recruitment and placement services.

In terms of foresight, the employment agencies unanimously believe they will be led to expand into full circle of services to include training, pre-employment, pre-departure and post arrival orientation of migrant workers, have more strategic contribution to employment as well as stronger voice to policy-making.

In a succeeding exercise, the participants articulated the vision of the prospective association to be: A well-respected, credible, ethical organization helping to provide gainful overseas employment to people to improve their lives. The mission of the association is that of connecting human resources in Asia to the world and contributing to the development of the origin and destination countries. Professionalism, quality, service to humanity, integrity, trust, honesty, passion and fairness were enumerated as the core values by which to carry on the mission.

Workshop 2

A separate workshop was devoted to thresh out the factors perceived to hinder the employment agencies in practicing ethical recruitment. Overregulation and under-regulation of labour migration in some countries came first in the list of concerns.

Overregulation slows down labour mobility, increases pre-deployment costs and induces workers into the backdoor channel, the employment agencies said. Standards set beyond enforceable levels without consultation with the private sector and market practitioners are bound to be violated. In some countries, governments put undue responsibility as well as legal and financial obligations with the agencies which may not always be in full control of the behavior of foreign employers, workers and manpower brokers in the destination countries. This often relieves those committing abusive practices of liabilities.

On the other hand, under-regulation, the lack of legal framework and shared standards for protection as well as poor law enforcement and sanctions against abusive employers and recruiters are also causes of failure in capacitating employment agencies for higher standards of operation and efficiencies. The lack of capacities of foreign missions of some source countries to provide support to the recruitment industry in negotiations, image improvement and mutually acceptable monitoring mechanisms for employers, recruiters and workers must be addressed.

While the agencies acknowledged manpower supply shortfalls as a critical concern, the lack of a comprehensive government technical training programme and facilities in some countries worsens their pressure for sourcing qualified applicants to meet demand, unable to meet the standards of their employers.

The continuing competitive participation of some governments in the recruitment business sets in a “two standard system” in the playing field which does not maximize the potential for ethical conduct of business.

The agencies admitted that concern for corporate interests remain paramount over country interests, perpetuating cut-throat competition and prevalent unethical practices. Many of the agencies observably fail to undertake scoping or monitoring visits to their client employers and deployed workers at the company or project sites abroad. Neither do most of these agencies exert innovative approaches to educating and orienting their client employers about recruitment regulations, manpower supply situation, work ethic and culture of the workers.

The struggle for ethical practices is most seriously challenged by the abuses committed by foreign employers and manpower brokers in many host countries. There is the dire need to institutionalize a system of sharing information on abusive employers and manpower brokers.

The incentive programs for good performers among recruiters, employers and workers and the promotional support given to employment agencies and contractors in countries who have them (such as the Philippines, China and Bangladesh) should be sustained and replicated. The agencies recommended that government regulations be reviewed to engage more fairly the responsibility and liability of other stakeholders, encourage more consultation in policy making and make standards more realistic. Training program infrastructure must be made available to facilitate their mission to bridge qualified human resources to the needs of employers. Verification system on foreign employers and recruitment agencies must be improved. Agencies accept the need for them to be further educated and capacitated to undertake joint action and positioning against abusive market practitioners within the discipline of ethical practices.

Workshop 3

Workshop 3 was undertaken, leading to the conclusion of the instrument, *Commitment to Action in Pursuit of Ethical Recruitment*, embodying all the essential elements tackled in the previous sessions. The conference adopted this instrument as concrete reference for action in moving forward from the intentions and principles espoused from previous undertakings related to Code of Ethics in Recruitment as well as international conventions.

The commitments manifest the will of the employment agencies to:

1. Organize into a regional alliance to be known as the Alliance of Asian Associations of Overseas Employment Service Providers, adopting the vision, mission and core values carried forth from the conclusion of Workshop 1;
2. Establish working committees on the following themes:

- Advocacy programmes to promote universal principles relating to the rights of migrants and role of private employment agencies;
- Enhancement of partnership with government for the protection of migrant workers;
- Joint discussion on issues of common concerns, including strategies to address hindrances to ethical recruitment practices;
- Foreign employer client orientation programmes;
- Development of innovative approaches to streamline the sector and the recruitment processes
- Program of exchange of information and ideas and sharing and propagation of good practices

3. Establish administrative structure of the Alliance and mode of communication.

The Commitment was signed by all delegates except for a Pakistani delegate who departed earlier in the conference but whose signature will be subsequently sought.

It is to be noted that the employment agencies decided to be called *Overseas Employment Service Providers* with the foresight of broadening their scope of services and obligations in the future and leaving the stigma attached to the reference “*Recruiter*”.

Concluding Workshop

The last workshop arrived at the consensus that the Philippines, through the person of Mr. Victor Fernandez, Chairman of the Philippine Association of Service Exporters Inc., or PASEI, shall act as the Temporary Chairman of a 9-man Organizing Committee who shall take a one year task in addressing start-up actions in fleshing out the Alliance’s action programme, by-laws, membership rules, division of tasks and so forth.

The Philippine chairmanship is engaged by the conference in recognition of the relatively advanced state of the industry in the Philippines. The intention for a rotating leadership of the regional organization and hosting of activities and meetings was openly expressed by the participants.

It was agreed that membership to the Alliance’s begins with its founding chartered members in representation of their respective association. The designation of each country representative to the Organizing Committee shall be followed up by the IOM immediately following the conference.

The conference highly recommended that IOM-MRF, Manila continue its role as the Secretariat for the development phase of the association.

Closing Session

Together with Charles Harns, the DOLE Undersecretary for Employment, Luzviminda Padilla, witnessed the report on the outputs of the Conference presented by Aiko Kikkawa, Regional Programme Manager, IOM, Dhaka.

Charles Harns most favorably acknowledged the outputs of the conference and congratulated the participants. He expressed that the occasion is one rare event organized by the IOM for the employment agencies. Subsequently, Undersecretary Padilla, read the closing remarks of Secretary Marianito Roque.

The message highlighted that the conclusion of the conference to form the regional organization of placement agencies with a vision, mission and code of ethics is a tacit recognition of the sector's power and ability to help shape the global labor market. He acknowledged that it is a first tangible step of placement agencies in the region to give notice to the world that there is abundance of the greatest resource in the region-the people and skilled workers-without whom the economies of the developed world will not be where they are today.

Secretary Roque expressed hope that the institution will be at the forefront of protecting migrant workers through dialogue, advocacy, representation and joint programs of action and that, they would rid their ranks of unscrupulous players.

The Secretary reinforced his commitment to be fully supportive of IOM's programs and projects that promote legal migration, making reference to his good experiences and collaboration with IOM particularly in crisis situations when he was Administrator of the Overseas Workers Welfare Administration.

