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**PUBLIC EMPLOYMENT SERVICES
AND PRIVATE EMPLOYMENT
AGENCIES IN A CHANGING
RECRUITMENT LANDSCAPE**



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Training Toolkit on Establishing Fair Recruitment Processes – Module 3: Public employment services and private employment agencies in a changing recruitment landscape

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TABLE OF CONTENTS

General objectives	5
Introduction	6
Topic 1: Who are the main actors involved in employment and recruitment services?	7
Topic 2: Background and context on the modern recruitment landscape	9
Topic 3: Managing recruitment through statutory regulation and government-facilitated schemes	11
A. Typologies of statutory regulation	11
B. Institutional framework for regulating private recruitment agencies	13
C. Legal requirements for operating a private recruitment agency within a licensing system	14
D. Performance-based incentives and sanctions for private recruitment agencies	18
E. Challenges posed by the involvement of brokers and subagents in the recruitment process	19
F. Government-to-government recruitment initiatives	20
Topic 4: Alternatives to statutory regulation: mechanisms of self-regulation employed by private employment agencies ...	21
A. Associations of private employment agencies	21
B. Codes of practice for private employment agencies	22
Topic 5: Promoting partnerships between private employment agencies and public employment services	24
A. Rationale for public-private partnerships in employment	24
B. Types of private-public partnerships in service provision	25
C. Trends in public-private partnerships	28

Key learning points	29
Test your knowledge	31
Training Activities	33
Resources	37

GENERAL OBJECTIVES



- Appreciate the changing landscape of the recruitment industry
- Become acquainted with core international labour standards governing the regulation of private employment agencies
- Become familiar with the basic statutory regulation models and examples of their application
- Understand the common legal requirements for operating a private recruitment agency under a licensing scheme
- Be introduced to innovative tools and strategies utilized by countries to protect job seekers through the regulation of private recruitment agencies
- Clarify the role of public employment services within the context of a changing recruitment landscape and be introduced to examples of government-to-government recruitment initiatives
- Understand the rationale behind public-private partnerships in recruitment and placement
- Compare and contrast the different modes of partnership between private recruitment agencies and public employment services



INTRODUCTION

The modern recruitment landscape is constantly adapting in order to respond to rapidly changing labour market needs. In recent decades, it has been characterized by a rise in the prominence of private recruitment agencies. Governments, in their regulatory capacity, are required to determine the legal status and conditions for operating private employment agencies in any given national context and can do so through a variety of regulatory mechanisms.

This module will introduce participants to the key features of the contemporary recruitment landscape, the main actors involved in the employment process and mechanisms for the statutory regulation of private recruitment agencies. Moreover, it explores modes of partnership between private recruitment agencies and public employment services.

The module is organized as follows:

- **TOPIC 1** introduces the main actors involved in recruitment, outlining the key characteristics of public employment services, private recruitment agencies and temporary employment agencies, which constitute a specific type of private recruitment agencies.
- **TOPIC 2** provides a background on the key features of the modern recruitment landscape.
- **TOPIC 3** focuses on the legal requirements for the statutory regulation of private employment agencies.
- **TOPIC 4** presents mechanisms of self-regulation adopted by private employment agencies themselves.
- **TOPIC 5** explains the rationale behind public and private employment agencies partnerships and describes the three types of partnership that these actors can engage in.



TOPIC 1: WHO ARE THE MAIN ACTORS INVOLVED IN EMPLOYMENT AND RECRUITMENT SERVICES?

Employment services play a critical role in the effective and efficient organization of the labour market towards the goal of full, productive and freely chosen employment. They are provided both by governments through their Ministries of Labour and/or by private employment agencies.

PUBLIC EMPLOYMENT SERVICES plan and execute labour market policies. Their major responsibilities can be described as follows:

- providing accurate information about the labour market;
- assisting with job search and providing placement services;
- administering unemployment insurance benefits;
- administering a variety of labour market programmes;
- monitoring the activities of private recruitment agencies and enforcing regulations.



A strengthened and functional public employment service, combined with networks involving private and non-governmental providers, can support the achievement of decent work for migrant and national workers alike. It is also a useful means of promoting equal access to the labour market and of protecting the position of those who might otherwise be disadvantaged.

PRIVATE EMPLOYMENT AGENCIES also play an important role in the labour market. They provide an alternative means of job matching as their core service; they also offer training and up-skilling to meet employers' needs.

They are defined as “any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

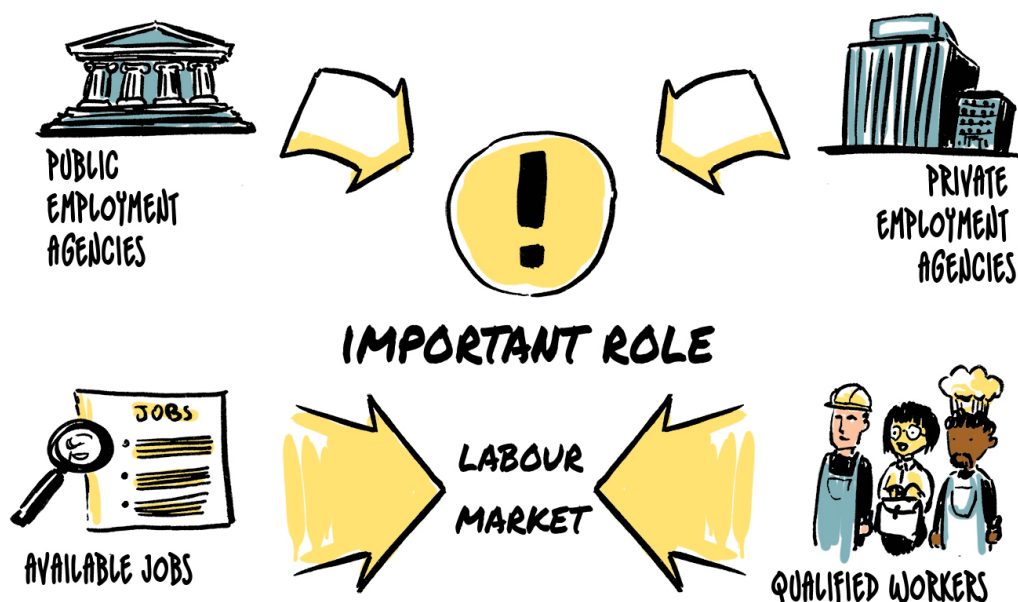
- services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;



- services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person which assigns their tasks and supervises their execution;
- other services relating to job seeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment."

TEMPORARY EMPLOYMENT AGENCY: a worker is employed by a **TEMPORARY WORK AGENCY** and then hired out to perform his/her work at the user company. There is considered to be no employment relationship between the temporary agency worker and the user company, although there could be legal obligations of the user company towards the temporary agency worker, especially when it comes to health and safety. The relevant labour contract is of limited or unspecified duration with no guarantee of continuation. The hiring firm pays fees to the agency, and the agency pays the wages. Flexibility for both worker and employer is a key feature of agency work.

Temporary agency work is considered an established feature of European labour markets, with a growing trend in the number of temporary workers and temporary agency workers in most EU Member States. More and more workers are offering their services through contracts with a fixed duration, where the conclusion of the contract is established by objective conditions such as reaching a specific date, completing a specific task or the occurrence of a specific event.



TOPIC 2: BACKGROUND AND CONTEXT ON THE MODERN RECRUITMENT LANDSCAPE

The growing role of private employment agencies in the modern recruitment landscape is the result of a number of factors: a rapidly changing and flexible labour market, constraints in the operations of public employment services, and the use of other networks for placement. Few industries in the world have changed their image as profoundly as the private recruitment industry. With companies increasingly seeking more mobile and flexible staff, and with workers willing to move across borders under diverse working arrangements, private recruiters have become even more important to the efficient functioning of labour markets.

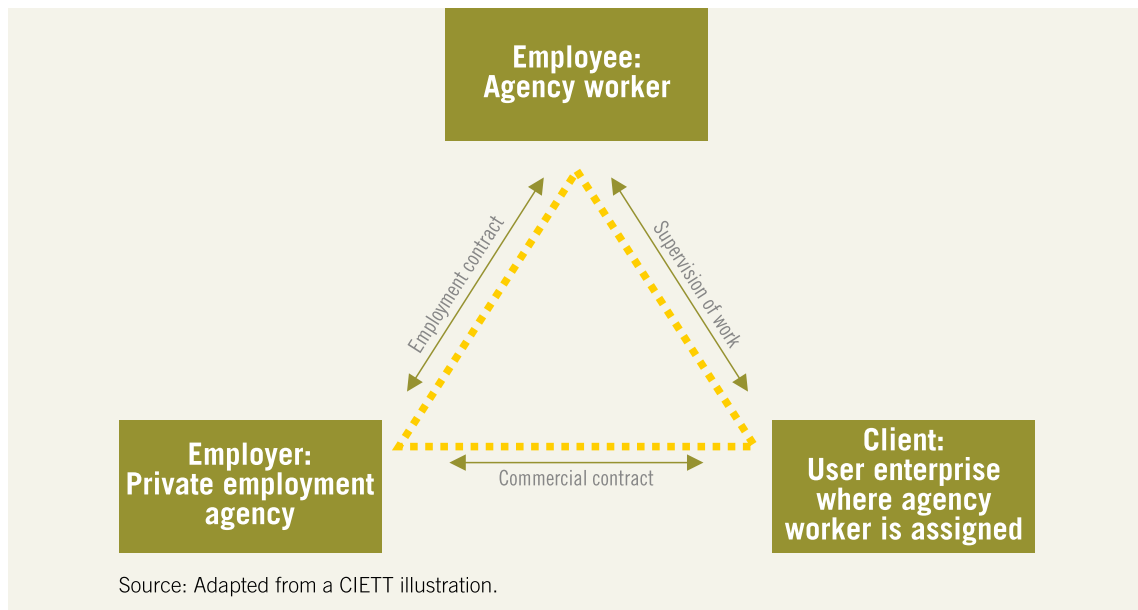


Accordingly, the first role of governments is to determine whether or not private employment agencies are allowed to operate as businesses and, if so, what conditions they must fulfil. This is the regulatory role of government over the functioning of business, and it is imposed on most sectors of private economic activity. The fact that private employment agencies are businesses that are basically providing labour market services under increasingly flexible conditions raises issues concerning possible abuse of clients.

Throughout the 1990s, more and more governments revised policies that had previously prevented private employment agencies from operating in the market and imposed a monopoly of public employment agencies. Against this changing landscape in the private recruitment industry, ILO constituents adopted the new **PRIVATE EMPLOYMENT AGENCIES CONVENTION NO. 181** in 1997, replacing earlier standards that had aimed at their abolition.

The adoption of the Convention marked a shift from the earlier ILO policy which recognized a public sector monopoly in the provision of labour market services. It recognizes the role that private employment agencies can play in the functioning of the labour market and sets general parameters for the regulation, placement, and employment of workers recruited by private employment agencies, and in particular temporary work agencies. At the same time, the Convention promotes **PARTNERSHIP BETWEEN PRIVATE EMPLOYMENT AGENCIES AND PUBLIC EMPLOYMENT SERVICES**, with the latter still maintaining the authority to formulate labour market policies. The accompanying Private Employment Agencies Recommendation No. 188 specifies provisions for this cooperation.

The **FIGURE** on the next page portrays triangular relationships intermediated through private employment agencies, which are governed by the national regulatory context in which they occur. The fortunes of the three actors involved in this relationship are intertwined: changes in the circumstances of one can have direct effects on the other two. This can constitute



a virtuous circle during economic booms and a vicious circle for all during recessions. During economic downturns, the importance of these relationships shrinks, as was the case from mid-2008. There is a close correlation in many industrialized countries between growth of gross domestic product and the use of temporary agency workers, so the recent financial and economic crisis – and the subsequent fall in global economic output – led to a contraction of the industry worldwide. Agency workers were often the first obliged to leave user enterprises in bad times, but were also often the first to be rehired when recovery began. While such workers sometimes remained employed by agencies in the short term, contractual obligations and rights often end rapidly when economic prospects are poor.

Private labour recruiters and employment agencies, like other businesses, operate along a continuum of formality and informality, compliance and non-compliance with regard to international labour standards. On one extreme end of the spectrum, they may operate in accordance with international labour standards, demonstrating a commitment to decent work and ethical recruitment. On the other hand, they may be responsible for the most serious violations of workers’ basic rights, including human trafficking and forced labour. In between, there is a broad spectrum of abusive and fraudulent practices, including deception about the nature and conditions of work, retention of passports and other identity documents, threats if workers want to leave the workplace, deductions and underpayment of wages, and charging of illegal recruitment fees and a series of related costs.

Aware of their negative image in certain quarters, leading private employment agencies have developed mechanisms of self-regulation to promote good business practice and receive recognition as legitimate players alongside the public employment service. **SELF-REGULATION**, however, cannot replace the role of national legislators and law enforcement agencies. National legislation has been seen as a means of **BALANCING THE INTEREST OF PRIVATE EMPLOYMENT AGENCIES WITH THE NEED TO PROTECT THE RIGHTS OF WORKERS**, as per ILO Convention No. 181 and Recommendation No. 188 on Private Employment Agencies.

TOPIC 3: MANAGING RECRUITMENT THROUGH STATUTORY REGULATION AND GOVERNMENT-FACILITATED SCHEMES

A. TYPOLOGIES OF STATUTORY REGULATION



The regulation of private employment agencies and of the recruitment process is essential for the protection of migrant workers. When migrant workers use irregular employment channels, they are likely to be exposed to abuse and exploitation. If human smugglers and traffickers are involved in these irregular channels, the migrant worker becomes more vulnerable.

Regulation can be understood as an activity that aims to influence the behaviour of various actors with a view to preventing undesirable conduct by using positive and negative incentives. For instance, it can reward law-abiding agencies through tax breaks or impose sanctions in the case of non-compliance.

Regulation of private employment agencies can take various forms:

- it can be **STATUTORY**, through laws and administrative decisions enacted by a legislative body or government authority and enforced by a government entity.
- regulation can also be **VOLUNTARY**, through measures adopted by an industry, business association, an individual company or a multi-stakeholder initiative involving various actors, including civil society organizations.
- finally, it can also be the outcome of a collective bargaining process or other non-statutory processes of negotiation.

The starting point for all regulation is to determine the **LEGAL STATUS AND CONDITIONS FOR OPERATING PRIVATE EMPLOYMENT AGENCIES** in any given national context. The Private Employment Agencies Convention requires Member States to govern their operations under a licensing or certification system. Governments may also choose to exclude agencies from operating altogether or from specific sectors of labour. There are three basic models of statutory regulation:

- **PROHIBITION**: private labour recruiters and employment agencies are banned from the labour market and state authorities, usually public services, have a monopoly on job matching and placement services. While a general government monopoly has become very rare, private labour recruiters and employment agencies may be prohibited from handling certain categories of workers – such as migrant workers, or certain types of services – such as making workers available to a user enterprise on a temporary basis.

- **LICENSING:** private labour recruiters and employment agencies must request a license that is granted when certain conditions are met, such as documented proof of the agency’s financial, professional and marketing capability. A license is generally renewed as long as the conditions are still met; otherwise it can be withdrawn. Licensing implies that the government establishes special administrative procedures to regularly inspect agencies, measure compliance, and imposes sanctions in the case of non-compliance. Licenses are generally granted after payment of an annual tax. They are issued under domestic commercial, trading or labour law and often monitored by the Ministry of Labour. In some countries, certain types of agencies are required to have a license while others may come under a general registration scheme.
- **REGISTRATION:** private labour recruiters and employment agencies are registered in the same way as any other industrial or commercial business and are subject to controls, just like other businesses.



Promoting government-to-government recruitment in the Republic of Korea

Few countries continue to maintain regulatory approaches that restrict private employment agencies from conducting cross-border recruitment: the Republic of Korea is a prime example in East Asia. The Republic of Korea operates temporary labour migration programmes for low-skilled jobs that are executed through bilateral Memoranda of Understanding (MoU) with the migrant workers’ countries of origin. The Employment Permit System (EPS) was introduced in 2004 as a temporary labour migration system aimed at achieving “smooth supply and demand of manpower and the balanced development of the national economy.” The EPS brought in protective provisions to limit abusive practices against workers. As of 2015, the Republic of Korea had signed MoUs with 15 countries, stipulating the duties and responsibilities of the respective governments regarding the recruitment, selection, and placement process, as well as the protection and employment conditions of the migrant workers in the Republic of Korea.

The United Kingdom’s Gangmasters and Labour Abuse Authority

The Gangmasters and Labour Abuse Authority (GLAA) is a non-departmental public body in the United Kingdom regulating the supply of workers to the agricultural, horticultural and shellfish industries. Before the adoption of the Gangmasters Licensing Act and the establishment of the GLAA in 2005, the provision of labour supply in these sectors through “gangmasters” had been carried out in a liberal, non-regulated manner. The licensing system they impose is based and developed from ILO standards. Employment agencies (labour providers) supplying workers into the food and drink industry have had to be licensed by the authority since 2006. The Act clearly states that gangmasters offering their services without having obtained a license before operating their business are guilty of an offense. Additionally, employers (labour users) who use the services of unlicensed gangmasters are held to be equally criminally liable. Agencies supplying workers from abroad must also be licensed by the Authority.

The German registration system and the adoption of quality standards

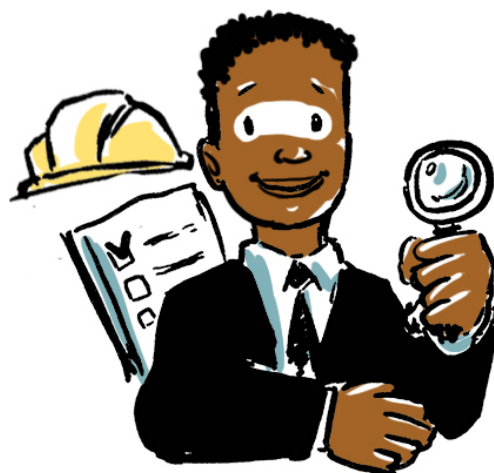
In 2002, the German Parliament adopted a new law that lifted licensing requirements for private recruitment agencies. Now such agencies only have to register their trade and adhere to the following clauses of the social protection law: (a) existence of a written contract stipulating job matching services; (b) payment of fees in the case of successful mediation; and (c) protection of data. The public employment service is responsible for the monitoring and enforcement of these regulations. At the same time, the legislator called on the Ministry of Labour and private business associations of recruitment agencies to initiate a dialogue on quality standards in the industry. This led to the adoption of the following minimum standards in 2003:

- personal qualifications, e.g. staff with no criminal records, financial capacity, registration certificate
- professional qualifications of staff, e.g. proof of professional experience, knowledge of legal regulations, and knowledge of the local/regional labour market;
- adequate institutional framework, e.g. transparent conditions of business, adequate premises, and protection of data.

These minimum standards are of a voluntary nature and it is the responsibility of associations of private recruitment agencies to ensure their effective application.

B. INSTITUTIONAL FRAMEWORK FOR REGULATING PRIVATE RECRUITMENT AGENCIES

Regulating and monitoring the activities of private recruitment agencies requires a responsible administrative authority for the enforcement of the legislation. In most countries, the authority lies with a specifically designated department within the Ministry of Labour, while other governments have created a separate authority. The latter option offers the advantage of involving the social partners, i.e. the workers' and employers' organizations, or NGOs, in the monitoring process as well as other government officials. This increases the legitimacy of the monitoring process and might possibly be more effective, as more stakeholders become involved.



The Philippines Overseas Employment Administration: a separate agency with a tripartite structure to regulate recruitment

The Philippines has the most well-developed labour migration apparatus in Asia and has become a model for other countries. Like many other countries, the Philippines uses licensing as its predominant form of regulation. The Philippines Overseas Employment Administration (POEA) is the licensing authority for private recruitment agencies. It was established to improve the safety and efficiency of labour migration. Its four core tasks are: regulation of the private labour recruitment industry, employment facilitation, worker protection and general administration. As industry regulator for overseas employment, the POEA is chiefly responsible for implementing minimum labour standards and supervising government anti-illegal recruitment initiatives. It issues licenses to private recruitment agencies, which must enter into legally enforceable work contracts with workers seeking employment abroad. The POEA approves these contracts, monitors malpractices, and prosecutes those who violate recruitment standards. The POEA formulates emigration policies, campaigns against trafficking, provides pre-departure information, addresses labour rights and violations abroad, and assists its nationals in destination countries. Notably, the POEA has a tripartite governing board consisting of the Secretary of Labour and Employment, representatives of other concerned government departments, a workers' representative from the Trade Union Congress of the Philippines, and an employers' representative from the association of private recruitment agencies.

C. LEGAL REQUIREMENTS FOR OPERATING A PRIVATE RECRUITMENT AGENCY WITHIN A LICENSING SYSTEM

Globally, the prevalent mechanism for regulating the activities of private recruitment agencies is through registration and licensing. **REGISTRATION** means that private recruitment agencies are registered with a government authority while **LICENSING** requires a private recruitment agency to be authorized before commencing business.

Regulation, through a licensing system, helps to keep records of recruitment agencies; it provides information, such as business addresses of actors involved in the job placement market, as well as the types of services recruitment agencies offer their clients.

Although recruitment agencies, in general, operate as a normal private business, their activities and operations relate to people wishing to find suitable employment. Services related to human resource management require specific skills and an understanding of human beings with their different needs and aspirations. Recruitment agencies should therefore be registered as a special category of private business to avoid malpractice and abuse of clients. In adopting licensing regulations, seeking the input of the social partners can give useful references as to the specific need for the operation of private recruitment agencies in the labour market.

The licensing system proposed should not be a complex one that will create unnecessary problems and burdens for entrepreneurs. A license is used mainly as a means of improving the functioning of the labour market, not as a means of restricting competition. If a licensing system for the operation of recruitment agencies is set up, a register of all licensed recruitment agencies can be made public.

Disseminating public registers in Singapore and the Philippines

In an effort to increase transparency in the recruitment process, countries like Singapore and the Philippines make a list of all currently licensed agencies publicly available. This allows job seekers to double-check whether an agency they are dealing with is licensed or not. The Philippine list also includes all agencies whose licenses have been suspended, revoked, cancelled or banned, with full details of the agencies' representatives. The Philippine list is available both online and in the form of brochures, to take into account the financial situation of many migrant workers seeking the services of private recruitment agencies.

In general, governments impose a series of requirements before issuing a license to operate a private recruitment agency:

- if a registration or licensing procedure exists, it is common to collect a **REGISTRATION FEE** from private recruitment agencies. However, they should not be deterred from starting their businesses by excessively high registration fees and neither should existing private recruitment agencies (previously not required to pay registration fees) be deterred from continuing their business. Payment of a registration fee can be seen as a proof of the financial capacity of the agency wishing to enter the market. Making the registration fee dependent upon the actual size of the agency would allow small and medium-sized enterprises to enter the market. If the registration fee is not accurately adjusted to the consumption capacity prevailing in the country, it might drive some agencies to operate outside the legal framework, making monitoring and supervision more difficult.
- the **FINANCIAL CAPABILITIES** of a private recruitment agency are an important criterion for assessing its business conduct. Before recruitment agencies start their operations, a number of countries require them to put up a bond with the authorities as security. A deposit can serve as a safeguard to ensure that the agency complies with legislative provisions. In addition, any loss or damage due to non-compliance can be repaid from the deposit. In that regard a deposit may serve as a safeguarding measure to protect the worker.

Protecting vulnerable categories of workers through increased financial obligations

Certain categories of workers in countries of origin, for instance female workers, are considered particularly vulnerable to abuse and exploitation abroad. In Bangladesh, after a 1998 ban against sending women abroad as domestic workers, the government realized that migration through irregular channels and trafficking of women had increased as a result. The ban was eventually lifted in 2003, but the government restricted the number of recruitment agencies that were allowed to place female domestic workers to around 20. These agencies have to pay extra security bonds of approximately 20,000 dollars to the government.

Other important criteria when issuing a license to operate a private recruitment agency relate to the personal, professional, managerial and marketing capabilities of applicants.

- **PERSONAL CRITERIA** include the applicant's age and the reliability of the license holder as attested by previous lawful behaviour, which may be restricted to specific offences relating to labour law.
- several countries have incorporated certain requirements for demonstrating **PROFESSIONAL COMPETENCE** (e.g. proof of experience and knowledge of legal regulations and of the local/regional labour market) to ensure quality control regarding services provided.
- the criterion of **MANAGEMENT CAPABILITY** refers to the applicant's competence to organize and manage a business. It is very important that any licence applicant should be competent to identify and select qualified nationals for jobs and identify suitable job opportunities for them abroad, as this is the basic requirement for any job placement activity.
- Finally, evidence of **MARKETING CAPABILITIES** mainly concerns the competence of private recruitment agencies to identify employment opportunities for job seekers and negotiate contracts that benefit the workers to be engaged as well as the agency. These measures are one way to restrict the market to agencies that are sufficiently qualified and able to prove that a new market for their activities actually exists.

Testing and certifying managerial competencies in Singapore

In Singapore, all new license applicants for private recruitment agencies, must pass two modules of the Certificate for Employment Agencies test conducted by the Singapore Polytechnic and the Ministry of Manpower in addition to fulfilling age requirements and having no criminal record. The certificate aims to provide prospective agents with the necessary knowledge of managing and operating private recruitment agencies in Singapore, with a focus on the legislative framework and management and counseling capabilities.

Standards and Requirements for Licensing Recruitment Agencies

Standard	Purpose	Proof
Legal personality	To certify the business to legally operate.	<ul style="list-style-type: none"> ■ Articles of Incorporation for corporations; ■ Articles of Partnership for partnerships; ■ Certificate of Single Proprietorship for single owners.
Corporate personality	To show that it can exist as an enterprise.	<ul style="list-style-type: none"> ■ Certificate of bank deposit stating the minimum paid-up capital specified by law; ■ Income tax return or incorporators within 2 years; ■ Corporate tax paid by the agency for those seeking re-licensing; ■ Clearance of the incorporators or owners from any criminal liability which may cast doubt on the enterprise to exist legally.
Financial capability	To provide financial resources for international operations and the ability to absorb consequences of possible failure in the market.	<ul style="list-style-type: none"> ■ Certificate of an agreement with a reputable bank covering sufficient amount to answer valid legal claims as a consequence of recruitment or contract violations. ■ Surety bond from accredited banks as assurance that the agency will not default on their obligations to the recruited applicants.
Marketing capability	To exhibit competence in looking for or identifying employment opportunities existing overseas.	<ul style="list-style-type: none"> ■ Duly executed special power of attorney, authenticated by embassy or consulate officials or labour attachés regarding the existence of the employer in the receiving state; ■ Duly executed special power of attorney, authenticated by embassy or consulate officials or labour attachés regarding the existence of the project in the receiving state; ■ An authorized job order request with prescribed number of workers.
Recruitment capability	To ensure the competence of the agency to scrutinize, assess, identify qualified applicants to the needs job requests.	<ul style="list-style-type: none"> ■ List of recruitment personnel; ■ Their individual curriculum vitae; ■ Proof of academic qualification preferably with degree in Psychology or Human Resources, or any similar experiential qualification in interviewing and giving examinations.
Management capability	To ensure the capability of management and the adequacy of equipment or facilities for continued operation.	<ul style="list-style-type: none"> ■ List of administrators and personnel; ■ Their curriculum vitae; ■ Copy of contracts or lease of ownership of buildings or office spaces and the office address; ■ Assurance, duly sworn, in that the agency will recruit only medically fit applicants.

Source: IOM (2005b).

D. PERFORMANCE-BASED INCENTIVES AND SANCTIONS FOR PRIVATE RECRUITMENT AGENCIES

Some countries make license renewal dependent on performance, meaning that a recruitment agency failing to place a minimum number of workers may see its license revoked. Countries adopt a series of licence renewal measures in order to prevent abusive practices by rogue agencies.

Imposing stringent obligations for license renewal

The Indonesian regulatory framework imposes obligations on agencies to submit detailed work plans with marketing targets and anticipated placement figures as a precondition for renewing their licenses after the first year of operation. In the Philippines, on the other hand, agencies operating for the first year are granted a provisional license before being granted a full four-year license pending satisfactory performance. Recruitment agencies have to deliver a security bond that is usually substantial before receiving their license. In the event of fraudulent conduct by a recruitment agency toward workers, the government may utilize the security to settle the agency's obligations.

Sanctions for non-compliance with legislation and regulations usually depend on the type of offence and whether or not this is the agency's first offence. Measures can range from minor administrative to severe criminal sanctions. In cases where the private recruitment agency has been found guilty of slight misconduct, the enforcing authority could give appropriate advice to the private recruitment agency on how to rectify its procedures or practices. At the other extreme, administrative sanctions may include the possibility of withdrawing a license in cases of severe or repeated misconduct. Sanctions that permanently ban private recruitment agencies engaged in fraudulent recruitment and placement activities from trading can act as a deterrent and protect private recruitment agencies that recruit workers ethically.

At the same time, the best performing agencies are rewarded in recognition of their contribution to national development. There are several ways in which government authorities can create positive incentives for private recruitment agencies to ensure compliance with national law. These measures include, but are not limited to:

- extension of license for a longer period, or waiver of renewal requirement;
- tax incentives;
- contracts are processed more speedily or automatically;
- inclusion in a formal and publicly available list of recommended agencies;
- invitation to participate in government missions for foreign market development;
- offer to fill quotas as part of bilateral agreements;
- other promotional incentives designed to market law-abiding agencies.

Agency grading and award schemes as an incentive for adherence to good practices

In an attempt to promote ethical recruitment among agency workers, the Philippines adheres to a grading scheme in which exemplary agencies earn Top Performer Awards and are eventually granted Awards of Excellence if they are recognized to have delivered top performance on three occasions. A Sri Lanka grading scheme was launched in 2006 and implemented in 2012 with the specific goals of paving the way for growth and development in the employment agency field, recognizing and appreciating agencies delivering high performance, and encouraging other agencies to follow good practices. Grading assessment criteria within the scheme include the number of recruitments finalized, efficiency in dispute settlement, enrolment into new job markets and diversification of markets, professionalism of agency staff, and adherence to principles such as free recruitment. The scheme also provides for point deductions for complaints received about a specific recruitment agency. According to this system, the highest ranking agencies are granted special privileges, such as participation in multi-stakeholder national advisory committees, and opportunities to participate in international conferences and marketing programmes. In addition to the scheme applied to local recruitment agencies, the Sri Lankan government also provides for a system to assess foreign recruitment agencies placing Sri Lankan migrant workers abroad.

E. CHALLENGES POSED BY THE INVOLVEMENT OF BROKERS AND SUBAGENTS IN THE RECRUITMENT PROCESS

Private recruitment agencies rarely work alone; they use a network of informal subagents or brokers to find prospective migrants or employers, creating another layer of recruitment agencies. In Bangladesh, for instance, most recruitment agencies work with brokers in destination countries. These brokers typically work for factories looking for employees overseas. At the same time, private recruitment agencies also work with local subagents who refer prospective migrants from villages and areas far from city centres. Essentially the subagents are not formally connected or accountable to the agencies they work with or to the migrants they eventually help to place. The likelihood of placement is often dependent on the willingness of prospective migrants to pay unauthorized recruitment fees. Subagents are often the original source of deception, false promises and financial exploitation of workers.

Weeding out unqualified recruiters requires the formulation of effective regulations to control subagents and brokers. Certain policies set out to completely bypass the middlemen by stepping up TV adverts promoting the services of formal licensed recruitment agencies in order to reach out to the great numbers of migrants in remote villages who cannot read newspaper advertisements. Awareness raising campaigns that warn against dishonest subagents are also important. Because of their informal status in the industry there is no fixed price for the services of subagents.

However, in spite of the abuses they routinely commit, subagents perform a critical role, and there is concern among regulators that impeding their operations too much would have a negative impact on the number of migrants placed, and drive the subagents further underground. Some governments also recognize the need to bring subagents, who work almost entirely outside the regulated sector, into the formal market. This approach has recently been adopted in Sri Lanka, where a private recruitment agency can apply for the licenses of up to ten affiliated subagents, or in Nepal, where subagents can apply for their own licenses.

F. GOVERNMENT-TO-GOVERNMENT RECRUITMENT INITIATIVES

In addition to regulating private recruiters, some governments also conduct recruitment themselves. A number of examples of managing the recruitment process through public channels can be observed in Asia, especially among Colombo Process countries.

One approach is to recruit on behalf of private foreign employers. For instance, Thailand's Overseas Employment Administration Office (TOEA), under the Department of Employment, actively matches Thai workers with employers abroad.

Another approach, and the most prevalent in the region, is to recruit directly from other governments using various schemes. The Philippines, for instance, has agreements to recruit directly for 17 government clients, including the Republic of Korea. The Republic of Korea, for its part, operates one of the biggest government-management schemes in the region today (i.e. the Employment Permit System).

Experiences with government-run recruitment in Thailand, the Philippines and among other Colombo Process countries that have joined the Employment Permit System highlight some interesting features and innovative elements that are critical to ensuring the effective operation of government-management recruitment:

- in order to hire Thai workers, **EMPLOYERS MUST BE REGISTERED OR ACCREDITED** by TOEA and prove capability by showing various documents, such as a business registration permit certificate or a standard employment contract and visa forms for workers. Once registered, employers have access to a pool of registered workers.
- the TOEA **MAINTAINS A POOL OF WORKERS READY FOR PLACEMENT**, minimizing the wait time for employers and allowing workers to access more employers.
- **USE OF A STANDARD LABOUR CONTRACT** to ensure provisions related to the protection of workers are addressed.



TOPIC 4: ALTERNATIVES TO STATUTORY REGULATION: MECHANISMS OF SELF-REGULATION EMPLOYED BY PRIVATE EMPLOYMENT AGENCIES

While effective registration and licensing are key to implementing the principles of Convention 181, it is important to note the positive role played by professional codes of practice and other voluntary industry standards through **SELF-REGULATION**. A number of practices exist to promote industry self-regulation and in developed countries, some private employment agencies have organized themselves into national industry associations that use industry codes of practice as a criterion for membership.

A. ASSOCIATIONS OF PRIVATE EMPLOYMENT AGENCIES

Across different countries, private employment agencies have organized themselves to gain visibility and legitimacy in national and global labour markets. Private business associations have been key in creating a positive image of private employment agencies and raising standards in the industry. They also help to ensure that private employment agencies are consulted when new legislation affecting their business is being drafted.

Private employment agency associations can also facilitate the exchange of information between their members and government authorities. Without a solid understanding of the market and the constraints of private employment agencies, legal regulations may poorly reflect the reality and thus, be met with resistance. At the same time, private employment agency associations can also collect information on high risk agencies through regular screenings of their members, as well as new membership applications. Standards in the industry are also raised through training seminars that private employment agency associations organize. Since recruitment is not a certified profession, business associations are crucial for disseminating know-how and good business practice.

Associations can unite in one specific country or be of one specific type. The rules governing the members of an association are specified in the bylaws. These usually contain conditions of eligibility, membership fees, and regulations on the expulsion of members. National associations can form an international federation able to represent their interests on a broader basis.

A prime example of an international confederation of national associations is CIETT, the International Confederation on Private Employment Agencies. CIETT's main objective is to seek greater recognition of the contribution of agency work to overall employment

creation, integration in the labour market and economic growth. Its members are national associations of temporary work agencies and large multinationals like Manpower and Adecco. It has played a leading role in establishing worldwide standards for its private employment agency members in the recruitment industry.



B. CODES OF PRACTICE FOR PRIVATE EMPLOYMENT AGENCIES

Although necessary for curbing abusive recruitment practices, policing by States will not, in itself, be sufficient, given the forces of demand and supply at play. Industry associations have been formed and have the potential to develop and enforce **VOLUNTARY CODES OF CONDUCT**.

Codes of practice can be put in place by individual companies or by an association. They are not legally binding but should be based on international standards and national law. These standards address issues of business ethics and promote quality in service delivery. This is important in order to ensure the credibility of the code of practice and to facilitate reputable management of the company or association. Their value is ethical: a code of practice is a promise and a commitment towards clients and the public at large.

Past experience has shown that the development of codes of conduct is more effective when the following practices are adhered to:

1. while the specific standards to be included in the code are an internal matter for a company or private association, they should nonetheless be discussed with trade unions, government, and civil society organizations;
2. independent monitoring mechanisms that stipulate clear criteria and sanctions for non-compliance should be included;
3. the code must be communicated to the public;
4. a code should be clearly distinct from the by-laws of a federation or private business association, though a combination of these two documents could be used to increase the threshold of membership.

In 1997, a meeting of international experts organized by the ILO drew up recommendations to encourage self-regulation of private employment agencies engaged in recruitment for employment abroad. It was recommended that codes of practice for overseas recruitment agencies should cover the following items:

- minimum standards for the professionalization of private agency services, including specifications regarding minimum qualifications of agency staff and managers;

- the full and unambiguous disclosure of all charges and terms of business to clients;
- the principle that private agents must obtain all information pertaining to the job (i.e. specific functions and responsibilities, wages, salaries, and other benefits, working conditions, travel and accommodation arrangements) from the employer in as much detail as possible before advertising positions;
- the principle that private agents should not knowingly recruit workers for jobs where they would face undue risks and hazards or where they may be subjected to abuse or discrimination of any kind;
- the principle that migrant workers should be informed of the terms and conditions of employment in their mother tongue or a language they are familiar with;
- the agency should refrain from bidding down wages of migrant workers;
- the agency should keep a register of all migrants recruited or placed through them, to be available for inspection by the competent authorities.

A growing number of codes of conduct have been developed by private employment agencies or their associations. The best known is that developed by the International Confederation of Temporary Work Agencies (CIETT), which establishes general rules to be adopted by national business associations. CIETT supports the principle of self-regulation by private employment agencies through cooperation with the relevant institutions.

In addition to voluntary codes of conduct, some private employment agencies have favoured more competitive systems of self-regulation, such as rating or labelling. Major multinational companies have encouraged the labelling system. The result was the introduction of the ISO 9000 label of quality management by the International Organization for Standardization. Throughout the ISO 9000 family, emphasis is placed on client satisfaction. For example, in 2002, Kelly Services was certified to ISO 9002 quality standards and, like many private employment agencies, now includes ISO 9000 labels in its advertising and marketing campaigns as a guarantee of fair practice.



TOPIC 5: PROMOTING PARTNERSHIPS BETWEEN PRIVATE EMPLOYMENT AGENCIES AND PUBLIC EMPLOYMENT SERVICES

A. RATIONALE FOR PUBLIC-PRIVATE PARTNERSHIPS IN EMPLOYMENT

Article 13 of the Private Employment Agencies Convention promotes cooperation between the public employment service and private employment agencies to ensure labour market efficiency, with the national labour market authority retaining responsibility for formulating labour market policies. It specifies:

“A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish, and periodically review conditions to promote cooperation between the public employment service and private employment agencies.”

Such cooperation must be based on the principle that the public authorities “retain final authority” for formulating labour market policy [and for] utilizing or controlling the use of public funds earmarked for the implementation of that policy.

There is no doubt that the public employment service has moral and historical *raison d'être*. It is an agency of the government, usually created with the support of the social partners and holds responsibility for improving recruitment, ensuring the transparency of the whole placement process and providing free access to labour market services for all job seekers. The public employment service has gained a solid reputation with its clients in many countries. Its territorial infrastructure and the professional skills of its staff are its key assets.

At the same time, the recent growth of private employment agencies reflects the inability of public employment services to serve the entire labour market adequately. Rising unemployment and demands for more specialized employment services, along with severe constraints on government budgets in a number of countries, have created a market for private services.

Exempt from the obligation to promote public policies, private employment agencies can target specific groups of job seekers and highly skilled workers. In particular, they can excel in areas of the labour market such as temporary work. The strength of private employment agencies lies in their ability to intervene rapidly and efficiently in a

designated sector of the labour market, delivering personalized quality services in a more flexible manner.

The mandate of public employment services, on the other hand, is to provide universal services rather than to favour one segment of the market. In addition, the public employment service has to promote overall social inclusion as well as labour market efficiency (effective job placement) goals.

Public and private employment agencies are motivated to cooperate by common points of interest. For private agencies, cooperation means recognition of their role as legitimate and successful providers of labour market services. Cooperation with the public employment service also gives them better access to labour market information and other data at the disposal of public employment services, as well as being a further possible source of revenue and profit. For public employment services, cooperation means optimizing the use of public funds through cost savings and higher efficiency in the delivery of labour market services. It also means gaining greater overall understanding of labour market developments.

B. TYPES OF PRIVATE-PUBLIC PARTNERSHIPS IN SERVICE PROVISION

There are numerous options for interaction between public and private employment agencies. ILO Private Employment Agencies Recommendation No. 188 (1997) supplementing ILO Convention No. 181 on Private Employment Agencies (1997) gives broad guidance on how cooperation between public and private employment services could be carried out. Paragraph 17 states:

- measures to promote cooperation between the public employment service and private employment agencies could include:
- a. pooling of information and use of common terminology so as to improve transparency of labour market functioning;
 - b. exchanging vacancy notices;
 - c. launching of joint projects, for example in training;
 - d. concluding agreements between the public employment service and private recruitment agencies regarding the execution of certain activities, such as projects for the integration of the long-term unemployment;
 - e. training of staff;
 - f. consulting regularly with a view to improving professional practices.

Among these possible activities, it is necessary to distinguish between **NON-COMMERCIAL** and **COMMERCIAL** relationships. In the first case, public and private employment agencies cooperate in ways that do not involve the expenditure of funds in exchange for the services provided. The second case involves the decision to allocate public resources to for-profit or non-profit agencies to carry out employment services. Among partnership alternatives, the non-commercial exchange of information regarding vacancies appears to be the most widespread.

The European Commission has identified three categories of relationships between public employment services and private employment agencies: first, **COOPERATION** in the fields of information and basic matching services and in active brokerage and adjustment; second, **COMPLEMENTARITY** in the provision of services to particular labour market groups; and third, **COMPETITION** in providing services. Each of these modes of partnership is discussed below.

Cooperation between private recruitment agencies and public employment services in service provision

The first form of partnership is cooperation in the exchange of information to facilitate job brokering or labour exchange activities. It may also include the exchange of broader information on general labour market conditions. This form of partnership appears to be the one that commercial, for-profit employment agencies are most likely to participate in because it most directly supports their business goals. Although this cooperation is largely non-financial, both partners gain: private agencies boost revenues for private placements, and the result supports overall public sector employment goals at minimal public cost.

INFORMATION-SHARING is essential for several reasons. First, it effectively expands the pool of job seekers and vacancies, increasing the probability of a good match. Increasing the number of good matches benefits employers and workers through shorter searches and reduced associated costs, increased satisfaction and fewer resignations or dismissals. Better matching of skills increases productivity, which benefits firms, workers and the economy as a whole.

Second, the provision of effective placement services requires an extensive network of contacts for any given subsector of the labour market. Establishing and maintaining such a network is costly, particularly as the geographical scope of coverage expands. Networks of local agencies can fill the information gaps that public employment services may have. However, by virtue of their larger scope of coverage, public employment services have a better global picture of employment trends, which can help private recruitment agencies to fine-tune their services and prepare for labour market changes in the medium and long-term.

Finally, registration of job vacancies and job seekers is a useful but insufficient source of labour market information. However, relying on public employment service registrations can result in a distorted view of the labour market; placement information from private recruitment agencies can significantly supplement data provided by the public employment service.

Complementarity between public employment services and private recruitment agencies in service provision

The second form of partnership, based upon complementarity, involves the **CONTRACTING OUT OR OUTSOURCING OF GOVERNMENT EMPLOYMENT SERVICES**, usually labour market programme activities, to private contractors –both for-profit and non-profit agencies. Public sector funds are used to accomplish public policy goals, but the service delivery agency is outside the public sector. In this form of partnership, the Ministry of Labour or the public employment service retains the dominant role as planner and overall manager of the programmes. In addition, the choice of services to be contracted out is based on the need to complement rather than directly compete with the services directly provided by the public sector. Such an approach acknowledges that the public employment service may have gaps in services provision. Customers may demand services which already exist in the private sector and for which the public employment service offers no comparative advantage, for example. In such cases, it makes better management sense to subcontract to private recruitment agencies rather than to provide the service directly.

Competition between public employment services and private recruitment agencies in service provision

In the competitive form of partnership, government employment services are outsourced through a bidding or tendering process to commercial employment agencies, private non-profit agencies, public employment services, and sometimes other public institutions (for training programmes for example). The difference here is that the public and private organizations compete on a level playing field and there is no restricted or preferential service delivery role for the public employment service; it has to compete with everyone else to win a mandate to provide services. This management approach, known as contestability, is a means of motivating public employment services to concentrate its limited resources upon what it does best or what only the public service can do, and leave it up to private recruitment agencies and other agencies to deliver the services they are best equipped to provide.

One feature of this approach is that it demands overall management from a public institution that is relatively independent of the public entities competing for services. This is essential to ensure neutral, objective analysis of rival bids for service contracts from the public service and from non-government providers. This neutrality can also be achieved through the use of government advisory bodies that represent the interests of the various stakeholders.

C. TRENDS IN PUBLIC-PRIVATE PARTNERSHIPS

It should be noted that complementary and competitive forms of public-private partnerships are present mainly, but not entirely, in developed countries. There are three reasons for this situation: 1) developed country governments spend more on employment services, particularly on labour market programmes, which are often contracted out; 2) private agencies with the expertise to deliver such services are not plentiful in a number of developing countries; and 3) the more sophisticated and transparent public planning and management infrastructure necessary to support these partnership processes is beyond the capacities of the governments of many developing countries.

In developing countries, private employment agencies are emerging to fill a vacuum that exists due to the absence or scarcity of public resources dedicated to employment services. One exception to this trend is the emerging development of labour market services, including Internet job banks, which are funded by private resources in countries where there is an underdeveloped public employment agency and sparsely distributed private recruitment agencies.

The public employment service is often being pulled into two directions: in some countries, it is withdrawing somewhat as the monopolistic direct provider of all public employment services but is retaining or expanding its role as the overall coordinator of publicly funded employment services in the country. In other countries, the public employment service no longer has an overall steering role; instead, it is simply another service provider, dependent upon successfully bidding to provide services that are funded and managed overall by other public entities. And regardless of the direction in which the public employment service is moving, new options are opening up for relationships with private employment agencies.



KEY LEARNING POINTS



- The main actors involved in employment and recruitment services are **PUBLIC EMPLOYMENT SERVICES AND PRIVATE EMPLOYMENT AGENCIES**. **PUBLIC EMPLOYMENT SERVICES** plan and execute labour market policies. **PRIVATE EMPLOYMENT AGENCIES** provide an alternative means of job matching as their core service.
- **TEMPORARY AGENCY EMPLOYMENT** occurs when a worker is employed by a **TEMPORARY WORK AGENCY** and then hired out to perform his/her work at a user company.
- Recent decades have witnessed the rapid growth of private employment agencies in the recruitment landscape. The role of governments is to determine whether or not private employment agencies are allowed to operate as businesses and, if so, what conditions they must fulfil.
- The ILO's adoption of the Private Employment Agencies Convention in 1997 recognizes the role of private employment agencies and promotes partnership between them and public employment services.
- Private labour recruiters and employment agencies may operate in accordance with international labour standards and commit to decent work and fair recruitment, but on the other hand, they may be responsible for **ABUSIVE AND FRAUDULENT PRACTICES**.
- Regulation of private employment agencies can take various forms. It can be **STATUTORY**, through laws and administrative decisions enacted by a legislative body or government authority. It can also be **VOLUNTARY**, through measures adopted by an industry, business association, individual company or multi-stakeholder initiative involving various actors. It can also be the **OUTCOME OF A COLLECTIVE BARGAINING PROCESS OR ANOTHER NON-STATUTORY PROCESS OF NEGOTIATION**.
- There are three basic models of statutory regulation:
 - **PROHIBITION**, where private recruitment agencies are banned from the labour market.
 - **LICENSING**, where employment agencies must request a license that is granted when certain conditions are met.
 - **REGISTRATION**, where private employment agencies are registered in the same way as any other business and subject to controls.
- Regulation and monitoring of the activities of private recruitment agencies requires a responsible administrative authority to enforce the legislation.
- **SELF-REGULATION MECHANISMS** of private employment agencies **CANNOT** replace the role of national legislators and law enforcement agencies
- Governments generally impose a series of requirements before issuing a license to operate a private recruitment agency: collection of a registration fee, proof of financial capacity, professional competence, and management and marketing capabilities.

- The European Commission has identified three categories of relationships between public employment services and private employment agencies:
 - **COOPERATION** in the fields of information and basic matching services and active brokerage and adjustment;
 - **COMPLEMENTARITY** in the provision of services to particular labour market groups;
 - **COMPETITION** in providing services.

TEST YOUR KNOWLEDGE



QUIZ:

- 1) What are the main responsibilities of public employment services? (several possible answers)
 - a. Promoting employment opportunities exclusively in the public sector.
 - b. Providing accurate information about the labour market.
 - c. Monitoring the activities of the private recruitment agencies and enforcing regulations.
 - d. Assisting with job search and providing placement services.
- 2) Private employment agencies also play an important role in the labour market. They provide an _____ means of job matching as their core services.
 - a. Alternative
 - b. Illegal
 - c. Efficient
- 3) There is considered to be no employment relationship between the temporary agency worker and the user company, although the user company could have legal obligations towards the temporary agency worker.
 - a. TRUE
 - b. FALSE
- 4) Temporary agency work is considered an established feature of European labour markets, with a growing trend in the number of temporary workers and temporary agency workers in most EU Member States.
 - a. TRUE
 - b. FALSE
- 5) The rapid growth of private employment agencies is the result of a number of factors:
 - a. a rapidly changing and flexible labour market
 - b. constraints in the way public employment services operate
 - c. the use of other networks for placement
 - d. all of the above
- 6) Which of the following sentences is FALSE?
 - a. Private labour recruiters and employment agencies, like other businesses, operate along a continuum of formality and informality, and compliance and non-compliance with regard to international labour standards

- b. Private employment agencies may operate in accordance with international labour standards, demonstrating a commitment to decent work and ethical recruitment
 - c. Private employment agencies may be responsible for the most serious violations of workers' basic rights, including human trafficking and forced labour.
 - d. Private employment agencies are always responsible for the most serious violations of workers' basic rights, including human trafficking and forced labour.
- 7) Self-regulation mechanisms operated by private employment agencies can replace the role of national legislators and law enforcement agencies
- a. TRUE
 - b. FALSE
- 8) Which of the following sentences are FALSE?
- a. Regulation of private employment agencies and of the recruitment process is essential for protecting migrant workers.
 - b. When migrant workers use irregular employment channels, they are less likely to be exposed to abuse and exploitation.
 - c. If human smugglers and traffickers are involved in irregular employment channels, migrant workers become less vulnerable.
- 9) What regulatory forms apply to private employment agencies?
- a. Statutory
 - b. Voluntary
 - c. The outcome of a collective bargaining process or other non-statutory processes of negotiation
 - d. a) and b)
 - e. a), b) and c)
- 10) The European Commission has identified three categories of relationships between public employment services and private employment agencies:
- a. cooperation
 - b. commercialism
 - c. complementarity
 - d. competition
 - e. non-commercialism

Correct answers:

1) b, c, d; 2) a; 3) a; 4) a; 5) d; 6) d; 7) b; 8) b, c; 9) e; 10) a, c, d.

TRAINING ACTIVITIES



TRAINING ACTIVITY 1

WORLD CAFÉ



OBJECTIVES:



- become familiar with the different types of recruitment agencies (public, private, and temporary);
- understand the roles and responsibilities of public employment services and private employment agencies;
- identify the advantages of promoting public-private partnerships, appreciating the different types of partnerships; i.e. cooperation, complementarity, and competition;
- brainstorm and discuss innovative recruitment methods and strategies, understanding the importance of international labour standards.

INSTRUCTIONS FOR THE TRAINER



Divide participants into groups of four or five, all the while ensuring that the groups are as heterogeneous as possible (in terms of expertise/ institutional background and country).

Organize the room in order to create a Café scenario, with several “Café Tables” (3 or 4) where the discussions will be held. Provide each table with material for writing, drawing and/or connecting ideas. Each table will be facilitated by a Host who will welcome and introduce the conversation activity to the group and guide the table’s discussion interactions. The Host will draw one Question Card (example in Annex 1) to set the table debates and discussions in motion.

Participants will have 10-15 minutes to discuss and share ideas; the host should encourage everyone to participate.

Once the discussion time is over each member of the group will go to a different table, while the Table Host will remain at the table to welcome the new group of people and introduce them to the previously discussed ideas and topics. The Host is encouraged to follow the conversations closely to identify links between ideas stemming from the various groups.

When the last round of Café table discussions is over, the Table Hosts will share the ideas discussed with the rest of the Café participants.

TIPS



- Ensure each group is made up of approximately four or five members.
- Facilitators should be able to create a hospitable atmosphere, welcoming each participant’s ideas and encouraging personal contributions.
- Open Questions enhance fruitful discussions.
- Hosts facilitate and guide while introducing the new group of people to the former topics but are recommended to refrain from suggesting discussion content.
- Table Hosts are encouraged to connect ideas and conclusions from the different groups.

MATERIALS



- Paper sheets.
- Writing materials
- Set of post-its.
- Question Cards.

TIME



- 10 - 15 minutes conversation per table (depending on the number of tables)
- 5 minutes for hosts to present in plenary session
- 10 minutes for Q&A

ANNEX: WORLD CAFÉ - QUESTION SET EXAMPLES

- What do you expect from public and private recruitment agency partnerships?
- What tools and strategies would you promote in order to improve recruitment methods and practices?
- Why are partnerships between public employment services and private employment agencies being encouraged?
- Why are there regulations and restrictions governing private employment agencies?
- Why is there rapid growth of private employment agencies?

TRAINING ACTIVITY 2

SWOT ANALYSIS



OBJECTIVES:



- identify characteristics, advantages, and disadvantages of each type of recruitment entity or strategy (i.e. public recruitment agencies, private employment agencies, and government-to-government agreements)
- generate a helpful information matrix to offer a deeper understanding of employment service capacities and challenges.
- produce a transparent description of recruitment methods, highlighting their strengths, weaknesses, opportunities, and threats.
- organize information and encourage the sharing of ideas within the working groups.
- identify barriers limiting the accomplishment of objectives and recognize complementarities between the recruitment models and strategies.

INSTRUCTIONS FOR THE TRAINER



Divide participants into three groups, all the while ensuring that the groups are as heterogeneous as possible (in terms of expertise/institutional background and country).

Each group will be working on a separate table, discussing a different type of recruitment modality. Group 1 will generate a SWOT analysis for public employment agencies, while Group 2 will discuss on private employment agencies. Finally, Group 3 will brainstorm government-to-government agreements.

Prepare a long paper sheet, writing material and post-its for each table. The long paper sheet will constitute the SWOT matrix, which will be divided into four sub-topics: strengths, weaknesses, opportunities, and threats.

Participants will have 30 minutes to share their ideas with the working group in order to complete the SWOT matrix using the writing material (post-its, for example).

Once the three SWOT matrices are complete (after 30 minutes), participants will present their results to the other working groups in plenary session (15 minutes).

TIPS



- Ensure participants are distributed evenly between the groups.
- Encourage brainstorming within the working groups.
- Identify barriers that limit objectives.
- Recognize complementarities between the recruitment models.
- Compare the different types of recruitment models, identifying their similarities and differences.
- Promote a discussion that is “people-centred”, i.e. that places the interests of the worker at the centre of the discussion.

MATERIALS



- Long paper sheets.
- Writing material.
- Set of post-its.

TIME



- 30 minutes for the working table.
- 15 to present in plenary session
- 15 minutes for Q&A.

RESOURCES

Guide to Private Employment Agencies

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_083275.pdf

Private Employment Agencies, Temporary Agency Work and their Contribution to the Labour Market

https://www.wecglobal.org/fileadmin/templates/ciETT/docs/Public_Affairs/ILO_C181_WPrEA_2009.pdf

Regulating Recruitment to Prevent Human Trafficking and Foster Fair Migration: Models, Challenges, Opportunities

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_377813.pdf

Labour Migration from Colombo Process Countries: Good Practices, Challenges and Way Forward

http://publications.iom.int/system/files/pdf/colomboprocessstudy_final.pdf

Private Employment Agencies, Promotion of Decent Work, and Improving the Functioning of Labour Markets in Private Sectors

http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/meetingdocument/wcms_164611.pdf

Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination

<https://www.osce.org/eea/19242?download=true>

Protection of Migrant Workers in the Recruitment and Third Party Process

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_448662.pdf

Migrant Labour Recruitment to Qatar

http://www.qscience.com/userimages/ContentEditor/1404811243939/Migrant_Labour_Recruitment_to_Qatar_Web_Final.pdf

ILO Decent Work across Border Migration Notes

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_351261.pdf

Regulating Recruitment in the Asia-Middle East Migration Corridor

<https://www.migrationpolicy.org/research/regulating-private-recruitment-asia-middle-east>

The Cost: Causes of and Potential Redress for High Recruitment and Migration Costs in Bangladesh

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_303633.pdf

The Public Employment Service in a Changing Labour Market

https://www.ilo.org/public/libdoc/ilo/2001/101B09_8_engl.pdf

Employment Services in the Evolving World of Work

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/---cepol/documents/publication/wcms_372786.pdf

Employment for Social Justice and a Fair Globalization: Employment Services

http://www.oit.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_140947.pdf

Public-Private Partnerships in Employment Services

http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_103882.pdf

- 1 Why fair recruitment matters
- 2 The legal and normative framework for fair recruitment
- 3 Public employment services and private employment agencies in a changing recruitment landscape
- 4 Monitoring and enforcement of recruitment regulations
- 5 Business and private sector engagement for promoting fair recruitment

Training Toolkit on Establishing Fair Recruitment Processes