



**How to Remediate and Prevent
Modern Slavery: Advances in Policy,
Theory and Practice.**

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Recruitment fees & related costs

In broad terms these fees and costs refer to:

“any or all fees, charges, expenses or financial obligations incurred in the recruitment process in order for workers to secure employment, regardless of the manner, timing or location of their imposition or collection, and whether they are deducted from wages, paid back in wages or benefit concessions, remitted in connection with recruitment, or collected by an employer or a third party, including but not limited to agents, labour recruiters, staffing firms, subsidiaries/affiliates of the employer and any agent or employee of such entities.”

ILO,

[General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs \(2019\)](#)

What are recruitment fees?



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.

These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials, organizing travel and transportation, and placement into employment.

What are related costs?

- i. **Medical costs:** payments for medical examinations, tests or vaccinations;
- ii. **Insurance costs:** costs to insure the lives, health and safety of workers, including enrollment in migrant welfare funds;
- iii. **Costs for skills and qualification tests:** costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing;
- iv. **Costs for training and orientation:** expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers;
- v. **Equipment costs:** costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively;
- vi. **Travel and lodging costs:** expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation;
- vii. **Administrative costs:** application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' employment contracts, identity documents, passports, visas, background checks, security and exit clearances, banking services, and work and residence permits.

Who has responsibility to provide remedy?

- ILO [Forced Labour Protocol \(2014\) \(PO29\)](#) (42 [ratifications](#) incl UK, France, Spain, Thailand....)
 - **Article 3:** Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.
 - **Article 4:** 1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.
- **UN Guiding Principles on Business and Human Rights (2011):**
 - Principle 22. Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes
- [Pledge](#) by UK, Australia, Canada, US and NZ (2018) principles for nations to adopt to tackle modern slavery in global supply chains:
 - **Governments should take steps to prevent and address human trafficking in government procurement practices...(including due diligence)**
 - **Governments should encourage the private sector to prevent and address human trafficking in its supply chains**
 - work in partnership with business, workers and survivors to set clear expectations for private sector entities on their responsibility to conduct appropriate due diligence in their supply chains to identify, prevent and mitigate human trafficking

Remediation golden rules (Electronics Watch)



1. Immediate Repayment of Recruitment Fees and Related Costs



2. Employer Burden of Proof



3. Independent Monitoring and Verification



4. Zero Cost Recruitment



5. Equitable Burden