



# Good Practices for a fair recruitment

---



Organización  
Internacional  
del Trabajo



## INTRODUCTION

### Fair Recruitment Good Practices CIERTO's Ethical Recruitment Process



The government of the United States, through its Department of Labor (DOL) has increased the number of permits for temporary foreign workers in the US agricultural sector. Between 2016 and 2018, the number of H-2A visas – destined for agriculture - went from 134,368 to 240,000.

As business look at an increasingly mobile and flexible workforce, and as workers are willing to move across borders under a diversity of labor arrangements, state recruitment policies and private recruiters have become even more important to labor markets' efficiency.

Like other companies, private recruiters and employment agencies in labor migration operate on a continuum of formality and informality, compliance and non-compliance with international labor standards. At one end of the spectrum, they may respect international labor standards, demonstrating a commitment to decent work and ethical recruitment. On the other hand, they may be responsible for the most serious violations of basic workers' rights, including trafficking and forced labor. In between, there is a wide spectrum of abusive and fraudulent practices, including deception about the nature and conditions of work, document confiscation, threats to prevent workers from leaving the workplace, underpayment of wages and collection of illegal recruitment fees and a range of related costs.

It is essential to understand that the solution to diminish and eradicate these irregular practices and human rights violations requires each actor in the productive chain to take responsibility for guaranteeing that the product being sold is free from abuse, fraud or deceit: the supermarket that recognizes farms' efforts to improve their processes; the farm that guarantees that the recruitment process is free of fraud or deceit; the recruitment agency that provides transparent information on working conditions and offers free recruitment services; the community and the workers that have certainty about their labor conditions and can thus improve their productivity, and the governments that supervise these processes.

Given this reality, the International Labor Organization (ILO) adopted in 2016 the General Principles and Operational Guidelines for Fair Recruitment (Principles and Guidelines), which aim to outline the responsibilities and obligations of governments, employers and recruiters, as well as workers' organizations, in protecting workers during the recruitment phase.

Given this reality, the International Labor Organization (ILO) adopted in 2016 the **General Principles and Operational Guidelines for Fair Recruitment (Principles and Guidelines)**, which aim to outline the responsibilities and obligations of governments, employers and recruiters, as well as workers' organizations, in protecting workers during the recruitment phase.

To assist in the dissemination of the Principles and Guidelines, the ILO is currently implementing the project "Global Action to Improve the Recruitment Framework Labor Migration (REFRAME)". This project is implemented under the framework of the ILO Fair Recruitment Initiative, which adopts a global, rights-based and gender-sensitive approach based on international labor standards, guided by the Decent Work Agenda, and supports the dissemination and implementation of the ILO's General Principles and Operational Guidelines for Fair Recruitment (ILO, 2019).

Under this project's framework, the ILO has provided technical assistance to promote the adherence of the CIERTO's recruitment model to the Principles and Guidelines. Throughout this process, it has been possible to identify and systematize good recruitment practices implemented by CIERTO.

Similarly, CIERTO follows the Principles and Operational Guidelines for Fair Contracting by seeking to professionalize agricultural work; by registering and complying with laws in the countries; by interacting with all actors in the production chain, including the supermarket and local counterparts, and by including independent monitoring processes in the communities of origin that make sure job offers are real and free of fraud or illegal fees.

The ten fact sheets that integrate this document present **ten recruitment Good Practices** implemented by CIERTO and their relationship to the ILO General Principles and Operational Guidelines. Each one highlights a good practice developed by CIERTO, describes its procedure, establishes its direct and indirect benefits and describes its alignment with these General Principles.

With this document, CIERTO seeks to divulge effective and alternative models of labor migration recruitment in compliance with labor rights, laws and regulations that have a strong impact on the recruitment of migrant workers. It represents a technical cooperation exercise that reflects on efforts to improve fair and ethical recruitment.

## 10 Fair Recruitment Good Practices



### What does CIERTO Global do?



### Alignment with the General principles and operational guidelines for fair recruitment

#### GOOD PRACTICE 1. Respectful and sensitive recruitment that heeds community impact

CIERTO is sensitive to recruitment-related risks in labor shortage contexts and seeks to mitigate its impact on communities. CIERTO also considers the impact of the H2-A temporary work program on the family and collective well-being of the community, including measures to mitigate its possible negative impacts.

Likewise, CIERTO carries out the recruitment process respecting community uses and customs, ensuring a human-rights based approach.

**Principle 1.** “Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights.”

**Principle 9.** “Workers’ agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion”

#### GOOD PRACTICE 2. Recruitment practices sensitive to ethnic, linguistic and gender diversity.

CIERTO provides translation services during the recruitment process to indigenous applicants. This guarantees a human-rights based recruitment process that integrates the social, economic and cultural rights of indigenous peoples. The selection process also considers the profiles of the most vulnerable population and applies gender equity criteria.

**Principle 8.** “The terms and conditions of a worker’s employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.”

#### GOOD PRACTICE 3. Migrant workers’ recruitment through a skill homologation approach

CIERTO’s recruitment establishes a skills homologation approach to match the worker’s labor profile with the crops to be harvested, instead of selecting workers following gender or number criteria. Through its recruitment strategy, CIERTO ensures that both the migrant worker and the employing farm benefit from the employment relationship, guaranteeing that migrant workers have the skills, experience and abilities required by the labor market they are entering in the country of employment, and can thus continue their professionalization.

**Principle 2.** “Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work.”

**Principle 4.** “Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”

#### GOOD PRACTICE 4. Professionalization of migrant agricultural workers through training

CIERTO provides comprehensive training about labor markets and conditions to migrant workers prior to their departure. This empowers migrant workers, decreases the visible and invisible costs of labor migration and promotes the development of capacities and skills so that their agricultural work is gradually professionalized, positively impacting the entire food production chain and the exercise of their rights.

**Principle 10.** “Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment.”

**Principle 13.** “Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”

#### GOOD PRACTICE 5. A shared responsibility approach in the labor supply chain to ensure adequate protection of migrant workers

By defining and assigning responsibilities to the partners involved in the recruitment, CIERTO seeks to ensure the protection of migrant workers. This is evident in the type of agreements with service providers and selection criteria for transport, accommodation and food supply companies, based on standards of quality, safety and transparency.

**Principle 5.** “Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labor inspectorate and the use of standardized registration, licensing or certification systems should be highlighted.”

**Operational Guideline 25.** “Temporary employment agencies and user enterprises should agree on the allocation of responsibilities of the agency and of the user enterprise, and ensure that they are clearly allocated with a view to guaranteeing adequate protection to the workers concerned.”

## 10 Fair Recruitment Good Practices



### What does CIERTO Global do?



### Alignment with the General principles and operational guidelines for fair recruitment

#### **GOOD PRACTICE 6.** Technical accompaniment of employers to ensure that migrant workers' employment and living conditions are as promised and comply with the legislation

CIERTO provides technical accompaniment to participating farms to ensure that they are fully aware of the requirements for hiring temporary workers under the H-2A visa program. CIERTO can also provide technical accompaniment in the selection of providers of two key services: food and housing. In this way, it also ensures that the farm complies with all regulations and safety standards, and guarantees the quality in the provision of housing, transportation, health coverage and food services, as well as developing mechanisms to increase its gender-equitable hiring practices.

**Principle 2.** "Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work."

**Principle 3.** "Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers."

#### **GOOD PRACTICE 7.** Contribution to the reduction of the agricultural sector's decent work deficit

CIERTO seeks to mitigate the deficiencies in fair working conditions, from the selection of the territories of the communities of origin of migrant workers according to climatic and geographical affinities with the community of destination, to the processes of selection, training, technical accompaniment and mechanisms of verification of the recruitment conditions.

Through continuous communication with the employing farm and the workers, CIERTO seeks to identify a continuous improvement process to reduce poor working conditions. Likewise, a comprehensive training on the labor contract terms is also one of the main commitments of CIERTO.

**Principle 1.** "Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labor standards..."

#### **GOOD PRACTICE 8.** Monitoring and evaluation of recruitment practices and technical accompaniment of the recruitment process through third-party verifiers specialized in the protection of migrant workers' rights

Through independent mechanisms of evaluation and verification, CIERTO can identify challenges in its recruitment practices and provide technical support in the recruitment process, thus expanding the range of rights protected by the program. The trainings and the questionnaires developed by the local verifying partners, as well as the evaluation workshops with migrant workers, have this purpose.

**Principle 13.** "Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred."

#### **GOOD PRACTICE 9.** Work with national and international partners to ensure transparency and value added throughout the production chain

CIERTO not only establishes close monitoring of the working conditions on the farms, but it also increases its rentability, so companies have a greater margin for maneuver in promoting fair recruitment and decent work. Through the training and professionalization of the migrant workforce, coupled with the work made with employers that strive to provide optimal working conditions and quality provision, CIERTO seeks to ensure that all the actors in the production chain benefit from increased transparency in the recruitment practices by recognizing its impact on the farm's productivity.

**Principle 3.** "Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers."

**Principle 4.** "Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications."

#### **GOOD PRACTICE 10.** Demonstrate the benefits of fair recruitment by including every actor in the production chain

Through its work with all partners in the process and its knowledge of legislation and regulations, CIERTO demonstrates the importance of developing fair recruitment processes in compliance with national laws and consistent with the General principles and guidelines for fair recruitment established by the International Labor Organization (ILO). In these processes, CIERTO can identify some shortcomings in the regulations and make recommendations so that they can better respond to the realities and needs of all actors in the production chain, particularly migrant workers.

**Principle 7:** "No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers."

**Principle 12.** "Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer."



**CIERTO**

*Creating Value In The Supply Chain*



Organización  
Internacional  
del Trabajo

