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IOM Briefing on Ethical Recruitment of Migrants

May 22, 2014

- I am happy to be here representing the International Organization of Employers (IOE), the world's largest and most representative business organization, with members in over 142 countries. Among its roles and activities, the IOE represents Employers in the International Labor Organization (ILO).
- It is my job this morning to speak to the role of business responsibility to respect human rights in the context of the challenges surrounding the subject of ethical recruitment - challenges that are well described in the excellent background paper for today's session. I will say a few words about the stake in and role of employers in migration policy in general, and then focus in particular on recruitment - the ways we can and should engage with respect to the most vulnerable migrant workers.
- Employers, who create jobs and stimulate development, and who are frequent and important users of national migration systems, have an essential role to play in the migration debate.

- Their experiences with the practical workings of immigration laws and procedures, as well as their valuable knowledge of markets and staffing trends, can supply vital practice-based information to assist governments to clarify and improve their regulatory regimes.
- It is important to recognize that the labor market needs of the private sector vary greatly among countries and regions, as well as among and even within industries. However, it is in the interest of all responsible employers, wherever they do business, to have clear, transparent, and efficient national immigration laws and policies that permit the movement of employees when and where they are needed.
- It is also important, to the extent possible, that these national laws be harmonized across borders. Employers doing business in more than one country - and today that means millions of businesses of all sizes -- suffer from the lack of international harmonization of immigration terms and conditions of employment. They may find themselves caught by disparities between the laws of sending and receiving countries. They may find themselves operating in vacuums, i.e. in foreign jurisdictions where regulations are either silent or so poorly enforced, understood or respected as to be irrelevant.

Sometimes the opposite problem applies. Overly complex systems may make compliance with national laws difficult and thereby hinder labor market protections. This is a particular challenge for smaller enterprises that lack the human and legal resources to monitor complex and ever changing regulations, and to navigate elaborate bureaucracies.

- A recent survey conducted by the Council for Global Immigration provides data on the costs that companies incur in exercising the immigration function in their own operation. Counting outside counsel, government fees and in-house personnel, it can cost large companies millions of dollars annually simply to move their own employees around the world.
- So, just as governments face significant political pressure as they seek to balance migration with local employment and social needs, enterprises - particularly smaller enterprises -- face significant practical challenges as they seek to hire and/or to transfer employees across borders in an efficient and predictable manner, and to be satisfied that the terms under which these workers are employed are accurately represented and their rights respected.

- In sum, improved regulatory regimes, both national and international, including their implementation and enforcement, are important to companies concerned with competitiveness, efficiency and productivity. And they are equally essential to realizing the societal objectives of migration policies and to ensuring the protection of workers.
- Different types of employment and different situations obviously require different policies and interventions. For example, the issues facing the employers or recruiters of highly skilled personnel or the subjects of executive searches, are quite different from those entailed in large scale recruitment of unskilled labor. While the former often migrate by choice rather than for reasons of economic necessity, the latter are among the most vulnerable of populations.
- And here we come to the partnership between the IOE and IOM. With more people than ever migrating for work, the potential for recruitment exploitation and abuse is rising. An NYT exposé just this week concerning working conditions of migrant workers in the UAE highlighted both the dangers to workers and the reputational risks for those even indirectly employing them, who often have no way of knowing what kind of recruitment practices are taking place overseas and what workers have been subjected to or promised by intermediaries.

- Specifically, IOE and IOM have agreed to partner in a voluntary certification process for international recruiters to help protect migrant workers and their employers from abusive practices. This initiative known as IRIS (International Recruitment Integrity System) will bring together a variety of interested stakeholders. For the IOE, it will be a demonstration that employers adhere to fair recruitment practices and are fully committed to fight forced labour and trafficking.
- IRIS recognizes and builds on a number of existing initiatives. For example it builds on ILO Convention 181, which recognizes the legitimate role of private employment agencies, and it promotes the principles that comprise the CIETT guidelines on recruitment.
- Will IRIS end human trafficking and the exploitation of migrant labor? Sadly not. Does it replace the need for international legal instruments or supplant the array of other initiatives out there? Of course not. It is a step and a contribution - something we can do together to fight debt bondage and exploitation. It can help create a level playing field and protect the reputations of the businesses that participate, and it can be an important platform for dialogue among a variety of

stakeholders. It can also be used to fill in some of the gaps in legislation.

- Ensuring that international recruitment is ethical and fair requires innovative approaches and broad partnerships. IOM and IOE are committed to working together and building a broad coalition with governments, employers, like-minded intermediaries and civil society to develop practical solutions to this global problem.