



Business and Migration Roundtable For Collective Action ***Strengthening migrant worker protection in the supply chain***

London, 24th March 2010

With generous support from Manpower Inc. and Pentland

Roundtable 1 - Executive Summary

This roundtable was the first in a series, convening companies and other stakeholders to address issues of migrant worker protection in the supply chain. The meeting brought together 35 representatives from global retail brands, the recruitment industry, NGOs, international trade unions and government to explore:

- (i) risk mapping and mitigation by individual companies;
- (ii) possibilities for collective action between brands, suppliers and recruitment agencies; and
- (iii) collective engagement with government in both sending and receiving countries on matters of migration policy germane to the private sector. The accompanying full report gives a comprehensive account of the rich and detailed discussion of the meeting and lists participating companies and organisations.



<http://www.business-migration-initiative.org/roundtable-1.html>

Mapping the risks

The lack of international policy or protection mechanism for migrant workers creates a 'governance gap' in which the risk of human rights violations is high. Brands are becoming increasingly concerned by the risk to their business posed by abuse of migrant workers in their supply chain in both recruitment and employment practices. Key risk areas identified include the following:

1. Recruitment agents present a significant problem - lack of regulation, lack of incentive to end abusive practices. Effective 'naming and shaming' and legal sanctions used by the UK's Gangmasters' Licensing Authority are not replicated elsewhere.
2. Recruitment fees paid by migrant workers to unscrupulous recruitment agencies to secure work overseas plus other hidden salary deductions are creating widespread debt bondage.
3. The commonplace retention of migrant workers' identity documents by employers is leading to bonded labour in a number of countries.
4. Lack of awareness of rights, lack of appropriate grievance procedures and access to justice heighten the vulnerability of migrant workers.
5. In many countries, eg. Malaysia, labour laws discriminate against migrant workers. Where government is weak and labour laws are not enforced, endemic abusive practices arise. Sending country governments often lack the power to influence counterparts in the receiving country with regard to migrant welfare. The Philippines government links with counterparts in the UAE provide a useful model which other countries, eg. Bangladesh, are considering.
6. Audits are not identifying the problems migrant workers are facing within the workplace. Raising awareness with suppliers on these issues can be problematic and tackling complex problems requires long-term investment by brands.

Mitigating the risks

Key points emerging

- Recruitment agencies represent a considerable area of risk in the current supply chain of workers, both to the migrant workers themselves and to the business of suppliers and brands.
- Collective action by brands is the only realistic way of making progress on issues of migrant worker protection and risk management, through developing common sets of standards for responsible recruitment and tools for working with suppliers to improve practice.
- Leadership and cooperation is required by high-profile brands to engage government in dialogue around common areas of risk and poor practice.
- Partnership between brands, suppliers and recruitment agencies is paramount to make sustainable progress in migrant worker protection.

At an individual company level:

- Include human rights risk assessments and due diligence with suppliers. Migrant worker guidelines should draw on ILO recommendations. (Details in main report.)
- Forge relationships with the factories and supervisors to establish a reliable picture of the situation of migrants in their employment. Stress the importance of non-discrimination towards all workers, including migrants. Share examples of good practice from other suppliers, eg. the provision of skype phones for migrants to call home, passports made available on request within 24 hours.
- Encourage local language training, translation of contracts and H&S instructions into appropriate languages and make allowances for illiteracy.
- Direct recruitment of workers by employers wherever possible is preferable to avoid potential exploitation by unregulated recruitment agencies.

Collectively:

- Business needs to take the issue of migration to a level beyond individual suppliers. Companies must engage collectively with government if there is to be any systemic progress on this issue.
- Labour providers, employers and brands must sit round the table together to find common approaches. Shared responses are the only key to progress.
- A central portal/repository of information on good practice is required to capture existing pockets of good practice, tools, benchmarks.
- Common approaches by brands, for example, aiming towards a common set of principles on migrant worker recruitment and employment, will allow scale and impact beyond the occasional 'islands of good practice' which exist currently.

Collective action

There was unanimous agreement throughout the meeting that collective action and a common framework were essential for companies to make progress on issues around strengthening protection of migrant workers' rights, at both practice and policy levels:

Practice

- Brands need to provide suppliers with clear principles, policies and guidance on recruitment and employment of migrant workers. A number of companies have already developed and implemented these guidelines.
- A forum is required to facilitate the sharing of good practice, guidelines, tools etc and to continue to debate common challenges and appropriate responses.

Policy

- There is an urgent need for better regulation of recruitment and employment practices for migrant workers. Recruitment fees and document retention are two key entry points for this.

- Business, unions and NGOs all agreed on the need for collective action to engage governments internationally on the need for better enforcement of labour law.
- There is a need to establish a regular lobbying / campaign forum from which to leverage influence internationally.
- Similar discussions to those today need to happen in the supply base in-country, e.g. Bangladesh, bringing together brands, suppliers and recruitment agencies to discuss risks, challenges, good practice and to work towards developing a common set of principles for responsible recruitment and employment of migrant workers.
- In the UK the London Olympics 2012 could provide an opportunity to exert leverage in the catering and hotel sector, and a media hook for calling for the extension of the GLA to the hospitality and construction sectors. (IBLF and IHRB will lead on this.)

Next steps

1. In-country engagement will be considered at two levels of policy and practice to trial common guidelines, share good practice, and identify common approaches to tackling systemic and endemic problems within the migrant worker supply chain:
 - i. High-profile brands to engage with relevant government ministries in dialogue on key migration policy and labour law enforcement issues.
 - ii. Practice-orientated roundtables with brands, suppliers and recruitment agencies to address key risks, challenges, opportunities regarding migrant worker protection. Possible locations for these roundtables: Bangladesh, Jordan/UAE, Vietnam.
2. Establish a multi-stakeholder forum to share good practice, develop a governance agenda for collective dialogue with government, and work towards a common set of principles for responsible migrant worker recruitment and employment.
(ETI will lead on this.)

This roundtable was jointly organised by IBLF, IHRB and ETI. We thank all participants and look forward to continuing engagement on these critical issues.

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