



KEY PRACTICES IN RESPONSIBLE RECRUITMENT

The Fostering Accountability in Recruitment
for Fishery Workers (FAIR Fish) Project

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ABBREVIATIONS

BSCI	Business Social Compliance Initiative
BSI	British Standards Institution
CoC	Code of Conduct
CSO	Civil Society Organization
CSO-NET	Civil Society Organization to End Trafficking
CV	Curriculum Vitae
DOE	Thailand's Department of Employment
EU	European Union
FAIR Fish	Fostering Accountability in Recruitment for Fishery Workers
FAQs	Frequently Asked Questions
FEA	Fair Employment Agency
FEF	Fair Employment Foundation
FESTA	Female Empowerment in Science and Technology Academia
FL	Forced Labor
FTA	Foreign Trade Association
FTC	Fair Training Center
GES	Gender Equity Seal
HPE	Hewlett Packard Enterprise
HR	Human Resources
HT	Human Trafficking
IEC	Information, Education and Communications
IHRB	Institute for Human Rights and Business
ILO	International Labor Organization
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System
MSI	Multi-stakeholder Initiative
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
PRA	Cross-border Private Recruitment Agency
SA8000	Social Accountability 8000
SAAS	Social Accountability Accreditation Services
SAI	Social Accountability International
SEP	Standards of Ethical Practices
SME	Small- and Medium-Sized Enterprise
UN	United Nations
UNHRC	United Nations Human Rights Council

1. INTRODUCTION

1.1. Background and Purpose

The elimination of forced labor (FL) and human trafficking (HT) in the recruitment of workers requires the creation and enforcement of international standards based on the Universal Declaration of Human Rights, International Labor Organization (ILO) Conventions, and national labor laws. In adherence to those standards, more and more businesses are taking steps to tackle these problems by establishing multi-stakeholder platforms to enhance social responsibility and sustainable development, and to mitigate risks that can affect their own reputations.

In Thailand, large companies, such as Thai Union Group and Sea Fresh, have developed their own direct recruitment initiatives. However, small- and medium-sized enterprises (SMEs) struggle to keep up due to their limited budgets and human resources.

Since the practices of the large companies, such as direct recruitment in the source countries, require lots of human resources and budgets, it is quite challenging for the SMEs to adopt those practices. Still, it is important to compile summaries and case studies of the key practices in responsible recruitment adopted by the large companies, as well as civil society organizations (CSOs), to serve the two purposes of this report: (1) being good resources for SMEs to learn from those practices and consider applying some practices, in part or whole, where feasible, to their businesses; and (2) informing the development of a responsible recruitment model for seafood processing SMEs, which is currently being piloted by the Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) project of Plan International.

The project aims to engage Thai SMEs to reduce FL/HT in the seafood processing sector in Thailand. To do so, the project works with two pilot companies in Rayong, an Eastern Thai province, to improve their recruitment approaches and recruitment-related policies and procedures. The project recognizes the SMEs are key actors that drive the Thai seafood processing industry. SMEs make up more than 99 percent of total companies in Thailand. As of 2018, SMEs in the manufacturing sector accounted for approximately three million jobs nationwide.¹ An important deliverable for the FAIR Fish project will be a responsible recruitment model that is both practical and affordable for SMEs, as well as founded on international standards and key practices. The findings of this report will help to inform that responsible recruitment model.

This report relied on two data collection methods, including document reviews and interviews, with two SMEs. As such, documents on responsible recruitment published between 2015 and 2019 were mainly reviewed, along with some documents published before 2015 as supplementary data sources. The rationale for reviewing documents within this timeframe is because during this period Thai businesses in the fishing and seafood processing sectors began to take heed of human rights due diligence schemes, and FL/HT issues in fishing and seafood supply chains as a result of the European Union (EU) issuance of a “yellow card” on seafood products from Thailand in April 2015. The yellow card warning was a threat against Thailand’s seafood exports to the EU, which was worth more than 600 million euros (\$641 million) a year.² At the same time, it prompted international buyers to strictly require Thai seafood producers to comply with their social compliance programs. In addition to document

¹ The Office of Small and Medium Enterprises. 2019. “The Number of SMEs in 2018 and Their Employment.” *SMEs White Paper*: 1-8. Bangkok: OSMEP.

² Stearns, Jonathan. 2015. “Thailand faces EU threat of seafood ban over fishing rules.” *Bloomberg*, April 21, 2015. <https://www.bloomberg.com/news/articles/2015-04-21/thailand-faces-eu-threat-of-seafood-ban-on-fishing-rules>.

reviews, the interviews with the two SMEs were also conducted to capture views with regard to the possibility of applying the identified key practices to Thai seafood processing SMEs.

Based on the findings of the document reviews and interviews, the FAIR Fish team hopes to recommend the most suitable practices for the project's pilot companies and, subsequently, that the pilot companies would then adopt the recommended practices as part of a responsible recruitment model, leading to improvements in company-led practices to reduce and ultimately eliminate the incidence of FL and HT in their labor supply chain.

1.2. The Definition of Key Practices

For this paper, we are defining a “key practice” as an action or set of actions, that are expected to achieve a specific goal, in this case responsible recruitment. Key practices do not as yet rise to the level of promising or best practices because they have not been sufficiently tested. However, since these practices are based on internationally recognized codes of conduct (CoCs), ethical standards, and organizational guidelines and principles that represent the highest standards in labor recruitment they are expected to be effective. While these recruitment practices are not specifically for use in the fish processing industry, they can be applied to a multitude of work environments. We assert that the proposed key practices, when applied to fishing and integrated into a recruitment agency's hiring procedures, should result in lower incidence of labor exploitation among men and women hired through these agencies to work in seafood processing.

Key practices were identified through the review and analysis of guidelines, CoCs, and principles developed by stakeholders, such as ILOs, trade associations, and large multinational corporations. The criteria for selecting key practices for this report are (1) the availability and accessibility of the online resources and (2) the practices that are in line with the international standards on responsible recruitment.

2. Description of Current Recruitment Standards

From the document review, the research team found that most of the current recruitment standards are voluntary, while some, especially individual company standards, such as Thai Union, are mandatory. The voluntary labor standards were introduced as individual CoCs that evolved into multi-stakeholder initiatives (MSIs) in the early 1990s in response to the poor working conditions and labor rights violations by requesting its suppliers to comply with the requirements if they wanted to supply materials to each company. Then, the NGO, such as Social Accountability International (SAI), and trade association, such as Foreign Trade Association (FTA) or later, amfori, developed standards with a certification process based on the ILO Conventions and national laws. This part of the report will introduce the labor standards, particularly those involved with the recruitment of labor and the practice in the seafood processing sector.

2.1. Voluntary Labor Standards

Voluntary labor standards were introduced to global supply chains in the early 1990s in response to the growing concerns about poor working conditions in developing countries. In 1991, labor rights violations, including low wages and poor working conditions, in Nike's outsourcing factory in Indonesia were reported by an American activist and drew public attention to labor abuses in the global production chains.³ As a result, American apparel retailers, particularly Nike, were urged by consumers, trade unions, and civil society organizations (CSOs) to take actions to address this problem. In the following year, Nike adopted its first supplier CoC, which set out minimum requirements for its suppliers to control and manage working conditions, which it used to monitor its suppliers across Asia. Nike was a pioneer company at the time, having developed its own labor standards. Now, an individual supplier code of conduct is widely used by many known brands, such as Walmart, Costco, H&M, Ikea, Nestle, Mars, Coca Cola, and Thai Union, which have all adopted individual supplier codes of conduct as a mechanism to improve working conditions in their supply chains.

In addition to the individual codes of conduct, there were several MSIs developed in North America and Europe during the 1990s, such as the SAI in the USA, the Fair Wear Foundation in the Netherlands, and the Roundtable on Sustainable Palm Oil in Switzerland. Many of the MSIs evolved from individual company initiatives and took advantage of economies of scale in the field of product sourcing and monitoring –auditing and visiting. The objective of these initiatives was to develop a collective code of conduct or standard for regulating suppliers and sharing audit results. Some went further by providing their member companies with additional support in the field of reporting, training, monitoring, and due diligence, or by working with suppliers to improve their social performance.⁴ Furthermore, some initiatives engaged a wide spectrum of stakeholders, including CSOs, local governments, and trade unions, which helped to increase their credibility and impact.

Since the 1990s, numerous business-led initiatives emerged that “*vary significantly according to their geographic and industry coverage, their membership and governance structures, and their approaches to monitoring and verification.*”⁵ However, these initiatives, regardless of their characteristic, commonly uphold fundamental rights at work, including child labor, forced labor, the freedom of association and collective bargaining, and non-discrimination and have mechanisms in place to make their standards enforceable.

³ Nisen, Max. 2013. “How Nike Solved Its Sweatshop Problem.” *Business Insider*, May 10, 2013. <https://www.businessinsider.com/how-nike-solved-its-sweatshop-problem-2013-5>.

⁴ Boris Verbrugge, Boris, and Huib Huyse. 2019. In *Towards Socially Sustainable Supply Chains? Belgian Companies' Approaches to Human Rights and Working Conditions in Their Supply Chains* 25. Leuven: Research Institute for Work and Society.

⁵ Newitt, Kirsten. 2013. *Private Sector Voluntary Initiatives on Labor Standards* 6. London: Ergon Associates Limited.

There are many reasons for businesses to engage in MSIs. Involvement in a voluntary MSI is a good strategy for a company to mitigate reputational risks related to labor abuses, which greatly undermine its brand value and corporate revenue. Engaging in the initiative allows companies to protect their brands from risks of being involved with exploitative working conditions in outsourcing countries.⁶ The initiative also helps companies to effectively manage their suppliers because there are relevant mechanisms, such as a periodic audit and information sharing, which make companies alert to labor abuses when they are found in a particular country, and prevent any public allegations by dealing with the problems before they are exposed by external actors. From a financial perspective, the initiative helps companies boost their profits since conscientious consumers favorably purchase and pay a premium for products that are made with fair working conditions. For suppliers and exporters, the most straightforward incentive is that compliance with voluntary standards is a commercial necessity. “Complying with labor standards can lead to better market access, closer ties to global companies, and sometimes price premiums⁷” Moreover, technical knowledge transfers through training and experience-sharing activities may be beneficial to suppliers, who consider workers’ well-being a benefit, as these will result in the improvement of human resource management systems and the return on investment in terms of workers’ well-being over the long term.

However, the MSIs are more attached to the big companies, and it is quite top-down to the suppliers and local smaller companies, such as SMEs, to comply. The members of MSIs, or even individual companies, should engage and build capacity for the local companies and suppliers so that they can comply with the least limitation and challenges. The flexibility also needs to be considered since some countries may have lower or higher regulations than the MSIs. The incentive to the suppliers, especially for those who are in the countries that have lower regulation, should be provided. As mentioned, the MSIs or individual standards are voluntary, so there are no laws or regulations to compel companies to comply with the standards.

The individual company code of conduct is an effective tool for improving working conditions in global supply chains by requesting the suppliers to comply with the requirement. As a result, accidents in the workplace were reduced, and the workers were empowered to raise their grievances and exercise their rights.⁸ This kind of code of conduct also helps to strengthen cooperative actions between buyers and suppliers; however, this report places its focus on standards that are MSIs. The MSIs presented in this report will be summarized and used by the FAIR Fish project to develop practical tools, helping Thai SMEs to improve conformity with migrant worker recruitment requirements in multi-stakeholder standards.

The standards presented in this report have: (1) specific requirements to address unethical recruitment of migrant workers; (2) systematic measures to regulate an adoption of their standards to ensure recruitment practices of companies are in line with the requirements; and (3) key principles that show significant components of responsible recruitment. These are worth integrating into the FAIR Fish project’s model. The integration of the recruitment-related requirements, measures, and principles of the selected multi-stakeholder standards can assist to fill regulatory gaps regarding responsible recruitment in Thailand because some elements in the standards are stronger than local labor laws. For example, rights to freedom of association and collective bargaining, where Thai labor law does not allow migrant workers to establish a union but can join the welfare committee in the workplace. Most importantly, it could help to enhance internationally recognized practices of recruiting migrant workers among seafood processing SMEs in Thailand.

⁶ Newitt, Kirsten. 2013. *Private Sector Voluntary Initiatives on Labor Standards* 6. London: Ergon Associates Limited., 10.

⁷ Ibid, 10.

⁸ Ibid, 14.

2.2 The Business Social Compliance Initiative (BSCI) Code of Conduct (CoC)

- **Type:** Voluntary
- **Initiator:** *amfori*
- **User:** BSCI members and their suppliers
- **Beneficiaries:** Employees
- **Certification:** No
- **Monitoring and Auditing:** Yes

BSCI is a business-led initiative under the roof of the FTA, which became *amfori* in 2018. *amfori* is a European-based trade association working to promote open and sustainable trade and currently has more than 2,300 members, including retailers, importers, brand manufacturers, and associations in Asia, Australia, Europe, and North America. BSCI was first launched in 2003. In the early years, the BSCI members collaboratively developed management and monitoring tools and piloted them by auditing suppliers in four countries, including Turkey and Vietnam. *amfori* used the Foreign Trade Association of German Retailers model for social responsibility as a CoC.

BSCI is based on three pillars: (1) monitoring producers; (2) empowering participants and producers; and (3) engaging with stakeholders. These three pillars reflect the prime objective of BSCI to create a single platform where the companies can jointly monitor production units in supply chains, have access to the results of supplier assessments and good practices of peer companies, and engage in comprehensive training programs and multi-stakeholder activities. The key components of BSCI are presented in more detail below.

2.2.1. Pillar 1: Monitoring Producers

- ***amfori* BSCI Platform:** The platform is an online, multi-function, supplier management portal that allows the members to map their supply chains, effectively manage the social performance of suppliers, and respond in a timely manner to incidents of labor abuses through an alert system. The results of audits and other monitoring activities are uploaded to the platform, which are accessible by all members. Having access to this information helps to reduce the duplication of resources spent for auditing suppliers, and minimizes suppliers' burdens to conduct unnecessary and duplicative audits.
- **Auditing Integrity Program:** This program comprises three components, including (1) audit company acceptance criteria, (2) audit quality program, and (3) certification and training. Under this program, BSCI auditors have to meet minimum requirements and are regularly monitored by an audit quality partner; namely, KPMG, a large accounting and audit firm. The auditor monitoring mechanism includes an off-site system review, witness audit, audit quality survey, etc. On the BSCI website, *amfori* mentions that more than 70 audit quality activities were conducted globally in 2018 to ensure the transparency and high quality of audit operations
- **Sustainability Intelligence Dashboard:** The dashboard is a digital platform that contains the list of suppliers worldwide and information about suppliers' social performance, sophisticatedly presented by vivid charts and graphics. This dashboard assists the members to identify a high-risk area and compare suppliers' data to make informed decisions on supply chain management.

2.2.2. Pillar 2: Empowering Participants and Producers

- **amfori Academy:** The academy offers the members training opportunities with a wide array of topics in various formats, from e-learning courses to face-to-face sessions. Considering the importance of cascading positive effects down through supply chains, the members are allowed to invite their suppliers to participate in the Academy, which strengthens the capacity of suppliers to comply with the BSCI CoC. According to the 2017-2018 annual report, *amfori* reported that 15,000 participants completed online courses, and 8,900 people attended workshops. In addition to FL, child labor, and health and safety modules, *amfori* launched its responsible recruitment training module in 2017 with more than 100 attendees. The training features a step-by-step approach to identify, prevent, and remediate recruitment abuses.

2.2.3. Pillar 3: Engaging with Stakeholders

- **Partnership Building:** *amfori* works closely with many strategic partners, including governments, industrial associations, certification institutions, and international organizations, to address labor issues in global supply chains. In 2017, *amfori* partnered with the Ministry of Commerce in Thailand to hold training sessions and on-site visits that provided management staff with knowledge and essential skills on how to improve due diligence processes with a focus on recruiter monitoring and grievance mechanisms. *amfori*, moreover, signed a Memorandum of Understanding with the International Organization for Migration (IOM) in 2017. This collaboration aimed to eliminate exploitative practices in recruiting and employing migrant workers through technical knowledge exchanges and jointly held public fora.⁹

2.2.4. BSCI CoC

The BSCI CoC lays out the minimum requirements for suppliers that develop business relationships with BSCI members, regardless of their location, sector, or size. The CoC embraces human rights principles and international labor laws enshrined by the United Nations (UN) Universal Declaration of Human Rights, the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, and the ILO Conventions, and it comprises 11 principles; for example, fair remuneration, no child labor, no FL, and occupational health and safety.¹⁰

2.2.5. Responsible Recruitment

amfori initially launched the Responsible Recruitment Guideline for BSCI participants in September 2017. The guideline recognizes the socioeconomic impacts of migration on host countries and expresses concerns about unethical practices, such as contract deception, psychological violence, and inflated job placement fees, which migrant workers frequently encounter through recruitment processes in both sending and receiving countries. These issues potentially create negative effects for BSCI members as to whether they directly hire migrant workers or indirectly recruit them through recruitment agencies or brokers. Importantly, the guideline points out that it is possible for BSCI members to nurture a conducive environment for abusive recruitment practices through their purchasing practices and by omitting supply chain due diligence.

In the guideline, *amfori* does not clearly define what responsible recruitment is but does provide the list of abusive recruitment practices that BSCI members should avoid. The guideline provides a step-by-step approach that helps BSCI members to handle recruitment issues in their supply chains (see **Figure 1**). The approach is similar to a due diligence process and is comprised of four steps: (1) defining the scope of unethical recruitment by countries and supply chains; (2) developing a risk mitigation strategy and

⁹ *amfori*. 2019. "amfori and IOM Join Forces to Protect Migrant Workers." <https://www.amfori.org/content/amfori-and-iom-join-forces-protect-migrant-workers>.

¹⁰ *amfori*. 2019 "The amfori BSCI Code of Conduct." <https://www.amfori.org/content/amfori-bsci-code-conduct->.

communicating commitment to business partners; (3) monitoring suppliers; and, finally, (4) taking remedial action. The guideline also suggests that suppliers use direct employment, rely only on licensed recruiting agencies, assist migrant workers to complete a registration process in line with national legislation, and compensate victims who are treated abusively through recruitment processes.¹¹

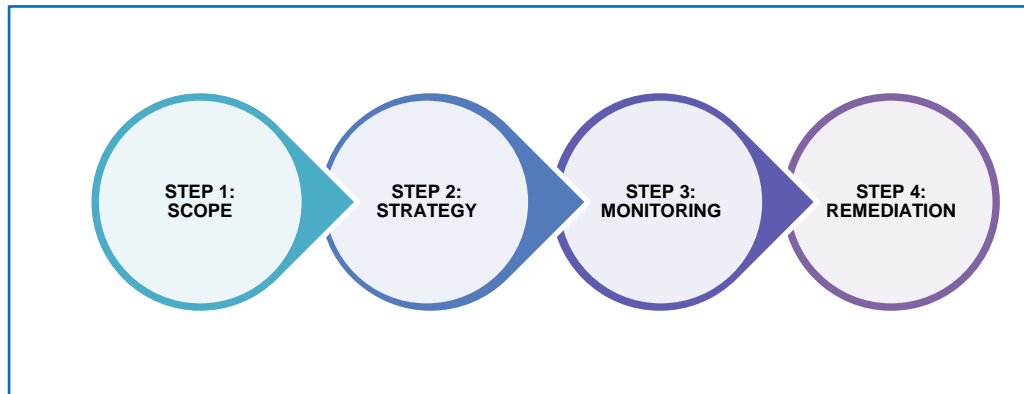


Figure 1: Recommended Actions for BSCI Participants

Source: *amfori*. 2019. Responsible Recruitment Guidelines for BSCI Participants 4-6. Brussels.

In addition, the BSCI System Manual was updated by *amfori* in July 2018, which has 18 how-to guidelines in the annexes. One of them is related to the responsible recruitment. This is the first official document released by *amfori* that indicates the principles of its responsible recruitment and specific requirements for the members and suppliers. The three principles include:¹²

- Transparency:
 - Jobseekers receive accurate information on employment conditions; i.e., payment, duties, and responsibilities, before they leave their location of origin.
 - Workers receive the contract terms in a language they understand.
 - Recruitment does not include any form of coercion to force workers into employment.
- Security:
 - Workers are not subject to any form of coercion in the work relationship.
 - Workers can keep their passports and personal possessions without risk of retention or loss.
 - Workers are free to resign respecting the legal notice period.
- Employer Costs:
 - Workers are not charged for costs related to recruitment.
 - Workers do not get deductions from their wages to compensate for recruitment costs.

¹¹ *amfori*. 2019. "Responsible Recruitment Guidelines for BSCI Participants," October 25, 2019. <https://www.amfori.org/news/new-tools-enhance-responsible-recruitment-practices-supply-chains>.

¹² *amfori*. 2020. "Annex 17: How to Promote Responsible Recruitment." <https://www.amfori.org/content/amfori-bsci-system-manual-annexes>.

2.3. Social Accountability 8000 (SA8000)

- **Type: Voluntary**
- **Initiator: Social Accountability International (SAI)**
- **User: Employers and Their Suppliers**
- **Beneficiaries: Employees**
- **Certification: Yes**
- **Audit: Yes**

SA8000 is a voluntary standard established by SAI in 1997 as an MSI. The SA8000 standard aims to improve working conditions and ensure all personnel in an organization are treated ethically. The core principles of the standard are based on the UN Declaration of Human Rights, ILO's Conventions, international human rights norms, and national labor laws. The standard consists of nine requirements:

1. No child labor
2. No forced or compulsory labor
3. Health and safety
4. Freedom of association and right to collective bargaining
5. No discrimination
6. Disciplinary practices: treat all personnel with dignity and respect and no corporal punishment, mental or physical coercion, or verbal abuse of personnel
7. Working hours: follow the applicable law
8. Remuneration
9. Management systems: leads, facilitates, and monitors the compliance of SA8000 of companies, suppliers, and contractors

In addition to those requirements, in April 2012, SA8000 worked with the United Nations Entity for Gender Equality and the Empowerment of Women, or UN Women, to develop the Gender Equity Seal (GES) Certification to provide a standard that will protect and empower all personnel, women and men, within an organization as well as by its suppliers, contractors, sub-suppliers, contracted workers, homeworkers, and temporary workers.¹³ To comply with this, the company must establish the policy on gender equity; provide equal opportunity to women and men in employment, decision-making, and career development; and ensure the equal pay of all personnel. The GES certificate will be given after each organization has committed, applied in the management system, and passed verification by the certification body.

2.4. The General Principles and Operational Guidelines for Fair Recruitment

- **Type: Voluntary**
- **Initiator: International Labor Organization (ILO)**
- **User: Government agencies, employers, and recruitment agencies**
- **Beneficiary: Overseas workers**
- **Certification: No**
- **Monitoring and Auditing: No**

¹³ Moss, Craig, Caroline Lewis, and Jane Hwang. 2012. *UN Women Gender Equity Seal Certification System and Implementation Strategy 7*. Cairo: UN Women.

In 2014, ILO launched an MSI, called the Fair Recruitment Initiative, to prevent HT and FL, protect migrant workers from abusive practices during job placement processes, and reduce the cost of labor migration. Under this initiative, the Principles and Operational Guidelines for Fair Recruitment were developed and adopted by the governing body of ILO, widely representing workers, employers, and governmental organizations. The guideline is a non-legally binding instrument. Its principles are derived from a number of internationally recognized standards, mainly ILO's Conventions and Recommendations.

According to the Guidelines, there are two types of principles – general principles and operational principles. The general principles are intended to orient implementation at all levels, while operational guidelines present the responsibilities of relevant actors, including government, employer, and recruiter. The general principles are the following:¹⁴

1. Respect for internationally recognized human rights
2. Labor market needs and decent work
3. Coverage of relevant legislation and policies related to all aspects of the recruitment process
4. Promotion of efficiency, transparency, and protection for workers in the recruitment process
5. Effective law enforcement
6. Recruitment across borders with respect for human rights
7. Prohibition of charging fees and costs to workers
8. Clear and transparent contracts
9. Migrants agreeing freely without coercion to the terms and conditions of employment
10. Free, comprehensive, and accurate information
11. No retention of identity documents and the freedom of movement
12. Termination of employment and permission to change employer
13. Access to grievance and other dispute resolution mechanisms

The Guidelines emphasize the importance of collaboration among governments, recruiters, and employers to make recruitment processes more responsible, and indicates specific roles of each party in upholding the protection and fulfillment of the rights of workers enshrined in the general principles (see **Table 1**). For issues related to the recruitment of migrant workers, the Guidelines mention that “recruitment across international borders should respect the applicable national laws, regulations, employment contracts, applicable collective agreements of countries of origin, transit and destination, and internationally recognized human rights” and encourages countries of origin, transit, and destination to develop legislative frameworks, specifically bilateral agreements and multilateral agreements, to promote universal respect for human rights across borders.¹⁵ The Guidelines also suggest that governments should engage social partners through the creation, implementation, and monitoring of the framework, and establish oversight mechanisms, such as tripartite committees, to ensure the frameworks are implemented in an effective way. For international recruiters, they must respect the mutual agreements of countries concerned, particularly when no adequate protection is provided by one or other jurisdictions.

¹⁴ International Labour Organization. 2019. General principles and operational guidelines for fair recruitment & definition of recruitment fees and related costs 12-14. Geneva: ILO.

¹⁵ Moss, Craig, Caroline Lewis, and Jane Hwang. 2012. *UN Women Gender Equity Seal Certification System and Implementation Strategy 7*. Cairo: UN Women.

Table 1: Responsibilities of Each Actor to Comply with the General Principles

General Principles	Government	Recruiter	Employer
No. 1	X	X	X
No. 2	X	X	
No. 3	X		
No. 4	X		X
No. 5	X		
No. 6	X	X	
No. 7	X	X	
No. 8	X		X
No. 9		X	X
No. 10	X		X
No. 11		X	X
No. 12			X
No. 13	X		X

Source: International Labor Organization. 2019. General Principles and Operational Guidelines for Fair Recruitment & Definition of Recruitment Fees and Related Costs 11-22. Geneva: ILO.

In addition, the Guidelines are obviously sensitive to the vulnerability of migrant workers, providing many measures to protect them from HT and FL as follows:

- Provision of a written contract in a language migrant workers can understand and in advance of departure from their country of origin
- Provision of training and accurate information on living conditions and labor laws
- Accessibility to grievance and other dispute resolution mechanisms
- Verification of working conditions and the legitimacy of employers in destination countries
- No interference of migrant workers' free access to their own passports, identity documents, and residency papers
- No employment conditions requiring migrant workers to renounce their rights to join and form workers' organizations and to bargain collectively
- No employer permission required to terminate or change employment and leave the host country if the worker so desires

The advantage of the Guidelines is that they provide clear definitions of recruitment fee and related costs. **Figure 2** shows the four types of recruitment fees that workers may pay to recruiters, labor brokers, employers, subcontractors, or any other parties.

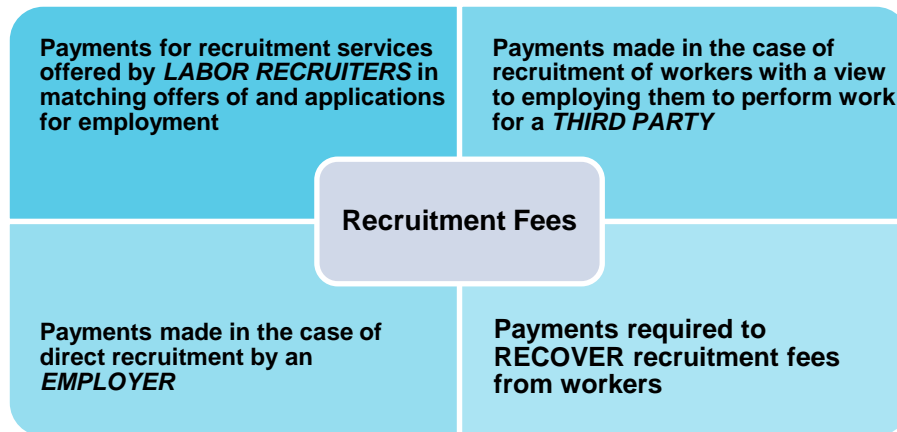


Figure 2: Definition of Recruitment Fees

Source: International Labor Organization. *General Principles and Operational Guidelines for Fair Recruitment & Definition of Recruitment Fees and Related Costs* 28. Geneva: ILO.

Related Costs:¹⁶

- **Medical costs:** payments for medical examinations, tests, or vaccinations
- **Insurance costs:** costs to insure the lives, health, and safety of workers, including enrollment in migrant welfare funds
- **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
- **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
- **Equipment costs:** costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively
- **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
- **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.

Box 1 illustrates ILO work to implement the General Principles and Operational Guidelines for Fair Recruitment.

¹⁶ International Labor Organization. General principles and operational guidelines for fair recruitment & definition of recruitment fees and related costs, 29.

Box 1: Improving Recruitment Practices in Mexico

The REFRAME project is ILO's effort to disseminate and operationalize the General Principles and Operational Guidelines for Fair Recruitment. One of the two migration corridors the project operates in is the Guatemala-Mexico corridor, where one-fifth Guatemalan migrant workers, especially women, cross the border without any documents and end up working irregularly in agriculture, domestic work, construction, and retail sectors.

To operationalize the principles and guidelines, the project supports the development of specific tools, such as a fair recruitment toolkit for the agricultural sector and the integration of a module on fair recruitment into the employers' union's code of conduct. In March 2019, the project collaborated with the International Fruit and Vegetable Alliance (AHIFORES), a private-sector association in Mexico, to assist membered agricultural producers to implement the fair recruitment practices and integrate them throughout their management systems.

Source: International Labor Organization. "Fair Recruitment in the agricultural sector in Mexico." Accessed April 7, 2020. https://www.ilo.org/global/topics/labor-migration/projects/reframe/WCMS_676272/lang-en/index.htm; International Labor Organization. 2019. *Fair Recruitment Country Brief: Guatemala to Mexico corridor*, 1-5.

2.5. The International Recruitment Integrity System (IRIS) Standard

- **Type:** Voluntary
- **Initiator:** International Organization for Migration (IOM)
- **User:** Cross-border recruitment agencies
- **Beneficiary:** Overseas jobseekers
- **Certification:** Yes
- **Audit:** Yes

IRIS is a voluntary certification scheme developed by IOM in cooperation with the Social Accountability Accreditation Services (SAAS) and British Standards Institution (BSI). The objective of the scheme is to promote ethical recruitment that is fair for workers, recruiters, and employers and to combat HT and FL globally. Due to the lack of a clear definition of who is an ethical labor recruiter, it is difficult to tackle the problems that occur before workers arrive at factories or farms. Therefore, IOM tried to develop a mechanism based on a systems management approach to regulate and monitor international recruitment agencies. The mechanism consists of three pillars, including: (1) standard; (2) certification process; and (3) monitoring and compliance mechanism. The details of each pillar follow below.

2.5.1. Pillar 1: IRIS Standard

The IRIS standard comprises seven principles, derived from a range of human rights and labor rights international laws, including the UN Guiding Principles on Business and Human Rights, ILO Conventions, and Dhaka Principles for Migration with Dignity, as well as best practices in the international recruitment industry. The standard was developed to define what operational practices for ethical recruitment agencies are and to provide the set of criteria by which ethical recruitment agencies must comply. The standard specifically applies to recruitment agencies only and is currently piloted by six agencies in Canada and the Philippines. The seven principles are as follows:

1. Respect for Laws, Fundamental Principles, and Rights at Work

-
2. Respect for Ethical and Professional Conduct
 3. Prohibition of Recruitment Fees to Jobseekers
 4. Respect for Freedom of Movement
 5. Respect for Transparency of Terms and Conditions of Employment
 6. Respect for Confidentiality and Data Protection
 7. Respect for Access to Remedy

As IOM envisions the elimination of debt bondage, the IRIS standard fully embraces the Employer Pays Principle and indicates that “the labor recruiters must not charge directly or indirectly, in whole or in part, any fees or related costs to migrant workers....” And, the standard requires that recruitment agencies not confiscate personal documents or withhold workers’ and their family members’ property or monetary assets as a way to bond workers to (unfair) job placement services or employment. Furthermore, recruitment agencies have to establish due diligence processes to ensure the recruitment chains of their business stakeholders, both upstream and downstream, including subcontractors, subagents, and end-user employers, continue complying with the IRIS standard and applicable local laws.

2.5.2 Pillar 2: Certification Process

The IRIS certification process was built by social compliance experts from independent certification organizations; namely, SAAS and BSI. The process for observing the IRIS standard has five phases that include: (1) self-assessment; (2) application submission; (3) engagement with an audit body; (4) labor recruiter assessment; and (5) certification decision. All processes are implemented and supervised by SAAS (the IRIS Scheme Manager), which is appointed by the IOM (the IRIS Scheme Owner). In addition to the management of the certification process, SAAS is responsible for monitoring and accrediting the IRIS auditing companies and auditors to ensure the accountability and integrity of the IRIS audit body.

The methodologies used for IRIS verification are desk review and on-site assessment. Third-party auditors who are trained by IRIS review relevant documents, such as policies and procedures, submitted by recruitment agencies, and carry out on-site interviews with workers, recruiters, and business partners to verify the conformity with the standard on the ground. If a recruitment agency’s performance complies with the standard, it would get the certification; hence, the agency’s name with relevant details is added to the IRIS Scheme Manager’s website. If not, then they would develop a performance improvement plan detailing how they will eliminate the causes of nonconformities and what actions they will take to improve their management system.

2.5.3 Pillar 3: Monitoring and Compliance Mechanism

The compliance monitoring is both complaint-driven and periodic with mandatory recertification assessments. The oversight of the audit and certification process is carried out by the IRIS Scheme Manager. Following the initial certification decision, a recruiter undergoes two surveillance audits after six and 12 months. Surveillance audits are considered lighter audits. After two years, a recruiter will need to go through the two-stage assessment process again to be re-certified. When a recruiter has been certified for the second time, only one surveillance audit will be conducted after 12 months. After two-years, the recruiter will need to go through the two-stage assessment process again to be recertified.¹⁷

¹⁷ International Organization for Migration. 2019. “Factsheet 2: IRIS Certification System.” <https://iris.iom.int/sites/default/files/Factsheet%20-%20IRIS%20Certification.pdf>.

2.6. Ethical Framework for Cross-Border Labor Recruitment

- **Type: Voluntary**
- **Initiator: Verité and Manpower Group**
- **User: Cross-border Recruitment Agency**
- **Beneficiary: Jobseeker**
- **Certification: Yes**
- **Audit: Yes**

The Ethical Framework for Cross-Border Labor Recruitment aims to combat FL and HT in cross-border recruitment, as well as to ensure a safe, effective, and transparent system for cross-border recruitment. The framework released in 2012 by Verité, a leading global NGO founded in 1995 to protect human rights and labor rights, and the Manpower Group, a global corporation founded in 1948 to provide innovative workforce solutions that serve both large and small organizations across all industry sectors. The framework offers a set of specific operational practices called “Standards of Ethical Practices (SEP),” including checklists, for cross-border recruitment firms.

The SEP are aligned with norms and practices developed by the UN system, including ILO and the United Nations Human Rights Council’s (UNHRC) Ruggie Principles, the Athens Ethical Principles and the Luxor Protocol, the Dhaka Principles, the Staffing Industry Code of Conduct, and the industry-specific efforts, including the Global Social Compliance Program, the Sustainable Apparel Coalition, and the Electronics Industry Citizenship Coalition. The framework consists of the following SEP:¹⁸

- **Formal incorporation of principles into corporate policies:** A cross-border private recruitment agency (PRA) must have a CoC committing to the protection of workers in all phases of its operations that references and reflects the principles of international agreements, including the UN Universal Declaration on Human Rights, the UNHRC Guiding Principles for Business and Human Rights, and the ILO Conventions on Core Labor Standards.
- **Legal compliance:** The PRA must have licenses and permits for all countries of operation, and requires partners of agents who are working on its behalf to be licensed as well.
- **Transparency and equal access to information:** The PRA shall provide jobseekers with accurate details of working conditions, including wages, benefits, and duration of contract, and communicate these details in a language that jobseekers understand.
- **No fees to jobseekers:** Neither PRA nor its employers, agents, or subagents charge fees or costs to jobseekers for job placement services. Other charges permitted or required by law shall be fully disclosed to jobseekers with market rates.
- **Protection of worker health and safety:** The PRA must evaluate the risk profile of any job or location where jobseekers will be placed and identify the relevant risks and strategies to mitigate them prior to the signing of employment contracts. The PRA shall provide appropriate safety and health training or conduct due diligence to ensure such training is provided by the employer. The employment contract also needs to provide the information about health care or insurance provided by the PRA or employer, and what is not covered.

¹⁸ ManpowerGroup and Verité. 2012. An Ethical Framework for Cross Border Labor Recruitment: An Industry/Stakeholder Collaboration to Reduce the Risks of Forced Labor and Human Trafficking 14-21.

- **Respect for diversity and nondiscrimination:** The PRA shall establish and promote a non-discrimination policy against age, civil status, cultural practices, ethnic or social origin, gender, nationality, physical or mental disability, political beliefs, pregnancy status, religion, sexual orientation, union affiliation, or any other form of discrimination covered by national law and practice, as well as commit to equal employment opportunity.
- **Workers' rights and decent work:** The PRA shall undertake due diligence with clients and take affirmative steps to ensure the workers are employed under a contractual agreement that does not harm workers' rights.
- **Confidentiality:** The PRA has the responsibility to maintain procedures for protecting the confidentiality of any information or documents received from employers, employees, and jobseekers.
- **Avoidance of corruption and conflict of interest:** The PRA shall not engage or tolerate any type of fraud, including extortion, bribery, collusion, graft, or corruption. The PRA must conduct due diligence on the content of job orders and on the companies presenting those orders to ensure accuracy of the openings and reasonable terms of employment. In case of the job cancellation, the PRA must immediately inform the candidate.

2.7. Thai Union's Sea Change® Strategy and Ethical Migrant Recruitment Policy

- **Type:** Compulsory
- **Initiator:** Thai Union Group (TU)
- **User:** Recruitment agency
- **Beneficiary:** Jobseekers
- **Certification:** No
- **Audit:** Yes

SeaChange® is a sustainability strategy and guidance, covering all aspects of seafood business, that promotes seafood sustainability, worker safety, legal employment, worker empowerment, and responsible supply chain and vessels. The strategy was introduced in 2015 by the Thai Union Group, one of the world's largest seafood processors based in Thailand. There are four programs under the SeaChange® strategy. One of the four programs pertains to recruitment; namely, "safe and legal labor" aims to provide safe, legal, and freely chosen employment in Thai Union Group's facilities and supply chains.

2.7.1. Ethical Migrant Recruitment Policy

As part of the SeaChange® strategy's safe and legal program, the Thai Union Group progressively implemented the ethical migrant recruitment policy in 2016 (shown in more detail in **Box 2**), including the zero recruitment fees for migrant workers. Zero recruitment fees is one of the keys the Thai Union Group uses to eliminate potential abuse of labor and debt bondage in collaboration with the Samut Sakhon-based local NGO, the Migrant Workers Rights Network, which supports the Thai Union Group in conducting a post-arrival verification to ensure all workers recruited by the Thai Union Group have not paid fees and are voluntarily employed. For migrant workers, zero recruitment fees means they do not need to resort to taking loans from loan sharks to secure employment. Such loans carry very high interest rates and often result in steep amounts that migrant workers find hard to pay back.

The ethical migrant recruitment policy standardizes recruitment and hiring processes that are fairly and transparently managed. Also, the policy aims to ensure the safe migration and reduction of the risk of labor exploitation, including the worst forms of child labor and HT. The

policy covers all aspects of recruitment and hiring for migrant labor throughout the Thai Union Group and its subsidiaries and clearly defines that migrant workers must only be recruited from registered/licensed third-party recruitment agencies or, preferably, through direct recruitment by the Thai Union Group.

The policy's procedures also require a recruitment agency to conduct an interview that is aligned with the Thai Union Group criteria and to make sure workers have freely accepted the terms and conditions communicated in their own language and that the pre-departure training is provided to the successful candidates.

Box 2: The Evaluation of Thai Union's Ethical Migrant Recruitment Policy

Impactt, an ethical trade consultancy, conducted an evaluation of the Thai Union Group's ethical migrant recruitment policy, which was implemented in 2016. This independent evaluation aimed to understand successes and challenges of the Thai Union Group's efforts in responsible recruitment and also capture impacts of this policy on their migrant workers and other stakeholders. According to the evaluation report, migrant workers who were recruited under this policy paid fees around USD 128, which was lower than previous cohorts of migrant workers recruited by the company. They also reported they felt safe during their recruitment journey and enjoyed higher job satisfaction compared with those who were recruited before the company started implementing the policy. In terms of impacts on the company, the report stated the worker turnover was significantly reduced, and it was easier for its partner recruitment agency to recruit migrant workers from Myanmar since the number of job applications received were more than required.

However, Thai Union fully met only 12 of 23 indicators that Impactt developed from international frameworks related to responsible recruitment. Other indicators did not or were partly met by the company. The 12 achievable indicators follow:

- Workers clear on any fees they have paid and have received receipts
- Terms and conditions clearly communicated to workers prior to contract signing
- Terms and conditions accurate and non-deceptive
- Effective and transparent management of document processing
- Safe and free transport
- Effective management of worker probation period
- Passports and other worker documentation with workers upon arrival
- Contract between recruiter and employer clear, transparent, and fair to both parties
- Business operating in accordance with relevant national laws
- Worker data managed confidentially during the recruitment process
- Workers report satisfaction with each part of the recruitment process
- No perceived discrimination in the job interview/recruitment process

Source: Impactt, Ethical Recruitment: Translating Policy into Practice, (2019), 11-23.

2.7.2. Zero Recruitment Fees

Thai Union Group is committed to zero recruitment fees for migrant workers as specified in the ethical migrant recruitment policy. Zero recruitment fees means the Thai Union Group and its subsidiaries will cover the cost for recruitment services as follows:¹⁹

¹⁹ Thai Union Group. 2016. Ethical Migrant Recruitment Policy 3-4.

- Thai Union Group or its subsidiary pays
 - All recruitment fees, including:
 - Contract development or contract signing ceremony cost²⁰
 - Recommendation or approval documents
 - Pre-departure training costs, including food and accommodation during the training
 - Food and drinking water during the trip from the appointed departure point (i.e., Yangon) in the country of origin, to the Thai border, and to the Thai Union Group or its subsidiaries' factories
 - Transportation expenses from the Thai border or pre-departure training point to the Thai Union Group or its subsidiary's factories
 - Costs of uniform, health, and safety equipment
- Employees pay
 - At home country:
 - Visa application fees, including passport, visa, photos, and forms
 - Medical service fee and medical check-up costs
 - Labor card or origin country required documents
 - Travel and food costs traveling to and from the interview, passport processing, pre-departure training, contract signing, and to agreed departure point to Thailand
 - Accommodation costs during interview, passport processing, and contract signing
 - At host country (Thailand):
 - Visa costs
 - Work permit documents' renewal fees every two years for employment extension after the first two years, including a work permit fee, visa fee, health checkup, and other expenses related to employment extension
- Recruitment agency should communicate and share the updated or adjusted charges with the Thai Union Group and its subsidiaries to ensure transparency. The recruitment agency must have policies and procedures in place to ensure the subagents do not charge any additional fees beyond those agreed to by the Thai Union Group, its subsidiaries, and the recruitment agency.

2.8. The Adoption of Responsible Recruitment Standards in the Seafood Processing Sector

There are limited available secondary sources about responsible recruitment in the seafood processing sector. The 2018 KnowTheChain Benchmarking Finding report is the only report reviewed by the authors that mentions anything about recruitment performance in the global food and beverage sector. Among the seven themes of the benchmark, recruitment was the lowest scoring theme. Only eight out of 38 companies involved in the benchmark disclose that they monitor recruitment agencies in their supply chains. Eighteen out of 38 companies have a policy prohibiting worker-paid recruitment fees, but only four require fees to be reimbursed to workers when discovered.²¹ The findings from this report show the big picture in a global

²⁰ Contract signing ceremony is the language used in Thai Union's policy.

²¹ KnowTheChain. 2018. Food and Beverage Benchmark Findings Report 37-39.

food and beverage industry but do not pay attention to responsible recruitment issues in Thailand, particularly. Generally speaking, many seafood processing companies worldwide are certified by BSCI or SA8000, but only members can access the information about findings of audit activities, showing the level of compliance with the standards. Hence, it is difficult to identify the level of compliance against responsible recruitment among seafood processing companies.

2.9. Conclusion

All of the selected standards have specific requirements related to responsible recruitment, with the exception of SA8000. BSCI and SA8000 are standards intended to apply to employers, while the IRIS standard and Verité framework aim to define what operational practices recruitment agencies should carry out to prevent FL, HT, and other forms of labor abuses. Similar to the ILO's general principles and operational guidelines for fair recruitment, the first part of the document demonstrates what fair recruitment is, and the second part guides governments, employers, and recruiters on how to implement the 13 principles on fair recruitment. Furthermore, the Thai Union Group's SeaChange® strategy and ethical migrant recruitment policy are not a standard by themselves, but they provide a direction for the company, its subsidiaries, and third-party recruitment agencies on how to recruit migrant workers responsibly. They also show the integration of the zero recruitment fees principle into a corporate strategy. Even though the selected standards share a common objective, which is to eliminate HT and FL in cross-border recruitment processes, they contain different components of responsible recruitment. The component of some standards is to go beyond recruitment but to cover the employment period.

As illustrated in **Table 2**, the Component Nos. 1, 2, 4, 11, and 12 are mentioned in all identified responsible recruitment standards, while Component No. 3, Occupational Health and Safety, is rarely integrated into the standards. In terms of comprehensiveness, the IRIS standard and Verité framework cover 12 out of 13 components, while the Thai Union policy has only five elements. Although BSCI, SA8000, ILO, and Thai Union do not incorporate some components, such as ethical behavior, corruption, and occupational health and safety, in their responsible recruitment documents, it does not mean these organizations do not pay any attention to these components because some components are addressed in other documents, such as a CoC and standard's manual. The development of this table aims to inform similarities and differences in the identified standards. Each component reflects an operational practice of companies and recruiters that promotes the fulfillment of migrant workers' rights. This would be beneficial to Thai SMEs for drawing their own responsible recruitment policies and individual codes, and to the FAIR Fish project to develop its responsible recruitment model.

Table 2: Components of Responsible Recruitment in Selected Standards²²

Responsible Recruitment Components	BSCI (Annex 17)	ILO	IRIS	Verité	Thai Union
(1) License and Respect for Law	X	X	X	X	X
(2) Zero Recruitment Fees	X	X	X	X	X
(3) Occupational Health and Safety				X	
(4) Decent Work and Core Labor Standards		X	X	X	X
(5) Corruption and Conflict of Interest				X	
(6) Confidentiality and Data Protection			X	X	
(7) Free to Resign and Return	X	X		X	
(8) No Document Retention	X	X	X	X	
(9) Grievance and Remediation	X	X	X	X	X
(10) Transparency of Contract	X	X	X	X	X
(11) Access to Information	X	X	X	X	X
(12) Pre-departure Training		X	X	X	X
(13) Due Diligence	X	X	X	X	

²² SA8000 is excluded from this table because it does not have a specific standard on responsible recruitment.

3. Key Practices of Responsible Recruitment

3.1. Reimbursing Worker-Paid Recruitment Fees and Related Costs

As part of the due diligence process, companies should remediate adverse impacts for individuals and communities when their business operations cause negative impacts on their workers. In the context of migrant worker recruitment, migrant workers commonly borrow money from informal lenders, banks, recruiters, friends, or relatives to pay recruitment fees and costs for overseas job placements. This potentially causes them to fall into situations of FL and HT because they may not earn enough money to pay back the fees and costs. Many recent studies confirmed excessive recruitment fees and related costs are some of the factors that increase the vulnerability of migrant workers and keep them in exploitative employment conditions. To deal with this problem, there are many companies that embrace the zero fees recruitment (employer pays) principle and have a policy in place to repay migrant workers for recruitment fees and related costs. The reimbursement of any costs paid by migrant workers is a way to minimize negative impacts to migrant workers and families, as it helps migrant workers fully repay loans and, importantly, allows them to send more money back to their families in the countries of origin.

Many studies show that some of the industry-leading companies use this remediation practice with suppliers. According to the 2017 study by the Institute for Human Rights and Business (IHRB), five companies, including Apple, Qatari Diar Vinci Construction, Patagonia, HP Inc., Hewlett Packard Enterprise (HPE), and NXP Semiconductors, attempt to remediate adverse impacts on migrant workers during recruitment processes by making the full reimbursement of all expenses incurred at the countries of origin and destination. Three out of five companies require their suppliers to reimburse all recruitment fees and costs to migrant workers within 30 days of the start of employment or of the worker arriving in the country of destination. However, in cases where the full reimbursement is not possible for suppliers, some companies suggest their supplier make a partial payment. Aside from the IHRB study, the 2018 KnowTheChain Benchmark reports, an initiative under Humanity United in which 24 information technology (IT) companies,²³ 18 food and beverage companies,²⁴ and 10 apparel²⁵ and footwear companies were selected in its FL sectoral benchmarks, disclosed in their public reports that they have policies in place to prohibit recruitment fees charged to factory workers. Among these companies, eight companies, including Adidas, Ralph Lauren, Samsung, Lululemon, and Intel, reimbursed the fees to workers and cascaded down this policy to their suppliers. For example, Lululemon, a Canadian yoga wear retailer, reported that in 2017 its supplier did not pay airfare costs to migrant workers, as this had been agreed to in employment contracts. The company partnered with another brand to engage with the supplier and ensured costs were reimbursed to the workers.²⁶

3.1.1. Adidas

Adidas ranked in the top three among 40 companies involved in the KnowTheChain apparel and footwear benchmark in 2018 and has the second highest score for recruitment. In 2017, the company started focusing its efforts toward implementing a responsible recruitment approach to ensure migrant workers hired by their suppliers retained control of their travel documents, had freedom of movement, and were free from debt bondage.²⁷ In 2018, the company published the responsible recruitment policy outlining its commitment to eliminate

²³ KnowTheChain. 2018. Information and Communications Technology Benchmark Findings Report 5.

²⁴ KnowTheChain. 2018. Food and Beverage Benchmark Findings Report 16.

²⁵ KnowTheChain. 2018. Apparel and Footwear Benchmark Findings Report 43.

²⁶ Ibid, 45.

²⁷ Human Rights, Adidas. 2019. "Adidas recognizes its corporate responsibility to respect human rights." <https://www.adidas-group.com/en/sustainability/compliance/human-rights/#/uk-modern-slavery-act/our-progress/>.

the practice of migrant workers paying recruitment fees and related costs to secure their employment and its promise to work with their suppliers to ensure the rights of migrant workers were respected from the moment of recruitment, during employment, and throughout their employment or safe return home.²⁸ Apart from the zero recruitment fees principle, the document recognized the freedom of movement and right to be informed about employment terms and conditions, and reaffirmed that the company does not tolerate any form of FL and HT.

The use of intermediary recruitment agencies reduces the overall transparency of the recruitment process, Adidas therefore requires their suppliers to “know” and “show” that recruitment agencies they use are in compliance with its responsible recruitment policy. The company also requires their suppliers, especially those in high-risk migration corridors, to disclose the names of recruitment agencies they use, assess the agencies to determine what level of fees are paid by workers,²⁹ and take actions to ensure workers have access to appropriate remedies when incidents related to a breach of its supplier code are identified.

The 2018 KnowTheChain report states Adidas disclosed evidence that recruitment fees have been reimbursed to workers. Adidas found that its outsourcing factory in Malaysia unlawfully deducted wages from Myanmar migrant workers to cover air tickets, forced saving, and illegal termination. After identifying this nonconformance, the company worked with the factory to reimburse approximately USD 650 to each worker and reinstated the workers’ employment.³⁰

3.1.2. Ralph Lauren

Ralph Lauren is an American luxury fashion company placed at 12 and 11 in the FL ranking in 2016 and 2018 conducted by KnowTheChain. The 2016 KnowTheChain report mentions that the company requires its suppliers to ensure migrant workers recruited to work pay no fees to obtain their employment. In 2016, when its third-party auditors identified that 33 Bangladeshi workers working for one of its suppliers in Jordan were charged recruitment fees, the company took actions to ensure the workers were reimbursed. In addition, Ralph Lauren’s migrant worker standard explicitly states requirements about ethical recruitment and has a specific session on fees and finance, detailing requirements for suppliers to pay all service fees for hiring foreign migrant workers charged by labor agents and to reimburse excessive fees within 30 days of their discovery. The relevant requirements are as follows:

- **No fees recruitment:** Migrant workers shall not pay any fees in conjunction with their recruitment and hiring, either to the factory or to labor agents, with the sole exception of reasonable and market rate local travel and accommodations within the sending country. If it is not feasible for workers to complete the recruitment process in the sending country without temporarily paying a cost for documentation, medical examinations, or a similar government-required cost, workers shall be refunded in full for the cost of the item within 30 days upon provision of a receipt.
- **Reimbursement:** A supplier shall ensure migrant workers are reimbursed for fees paid in excess of the applicable brand or legal limit, referred to as overcharges, in a timely manner (within 30 days of their discovery).
- **Bonds, deposits, and loans:** Foreign migrant workers shall not be required during recruitment or employment to lodge deposits, take out loans, or post bonds, unless a deposit is legally required.³¹

²⁸ Human Rights, Adidas. 2019. “Adidas recognizes its corporate responsibility to respect human rights.” <https://www.adidas-group.com/en/sustainability/compliance/human-rights/#/uk-modern-slavery-act/our-progress/>.

²⁹ KnowTheChain. 2016. 2016 Apparel and Footwear Benchmark Findings Report 21.

³⁰ KnowTheChain, 2018 Apparel and Footwear Benchmark Findings Report, 44.

³¹ Ralph Lauren Corp. 2019. *Ralph Lauren Foreign Migrant Worker Standards 7*. Global Human Rights Compliance Department.

3.1.3. Samsung Electric

Samsung Electric, one of the biggest South Korean electronic device producers, has approximately 2,300 first-tier suppliers globally. The company officially released a migrant worker guideline in 2016, which reflects its commitment to eliminate unethical recruitment and employment practices. An important part of this guideline is to ensure migrant workers are not responsible for paying fees and costs, in part or whole, in connection with securing job placements and returning to their home countries. Compared to the two above-mentioned companies, the guideline of Samsung Electric explicitly indicates what costs the company pays and does not pay for migrant workers (see **Table 3**).³² This helps their suppliers and subsidiary companies located in different countries to understand the company’s policy in the same way and apply it consistently.

Although the guideline does not mention remediation measures, the company reported to the Business and Human Rights Resource Center that it encouraged its suppliers in Malaysia to repay recruitment fees to migrant workers. In 2018, the company was accused of failing to protect the rights of migrant workers in its Malaysian supplier factories providing materials for microwave ovens. The article published by the Guardian revealed that 21 Bangladeshi workers paid very high recruitment fees and were deceived about earnings, causing them to be unable to pay back loans taken out to cover the fees.³³ In response to this incident, the company conducted on-site audits in its supply factories to verify the facts, and abusive recruitment practices were detected. After that, it worked with suppliers to develop plans to reimburse recruitment fees and revise policies for prohibiting the unlawful wage deduction of recruitment fees and levies from workers.³⁴

Table 3: Recruitment Fees Paid by Samsung and Migrant Workers

Samsung	Migrant Worker
1. Passport	1. Cost of replacing a visa, passport, or work permit due to loss
2. Work permit	2. Costs for any legally allowable levies
3. Police clearance fee	3. Expenses related to preparing for an employment interview - CV copies, photos, copies of existing documents, any certificates, incidentals, transportation, accommodation, and meals
4. Birth Certificate fee	4. Expenses related to the migrant worker returning to their home country during leave or holiday
5. Certificate of Good Behavior Fee	5. Reasonable costs of accommodation and meals provided by the employer or agency; such costs shall be charged to migrant worker at fair market value
6. Other certificate, identity, or clearance documents required for residing in the receiving country	
7. Recruitment agency fees; documentation, translation, and service fees	
8. Medical test in the sending and receiving countries	
9. Visa fee, including exit clearances and others related to immigration processing costs	
10. Training or orientation in the sending and receiving countries	
11. Transportation <ul style="list-style-type: none"> • From the sending country (migrant worker’s home) to the receiving country port of entry • From the receiving country port of entry to workplace or provided accommodations • Return to migrant worker’s home country at the end of employment 	

Source: Samsung Electronics. 2016. *Samsung Migrant Worker Guidelines* 6.

³² Samsung Electronics. 2016. *Samsung Migrant Worker Guidelines* 6.

³³ Pattison, Pete. 2018. “Samsung Should Try Imagining a World Where Big Firms Respect Workers.” *The Guardian*, November 8, 2018. <https://www.theguardian.com/global-development/2018/nov/08/samsung-should-try-imagining-a-world-where-big-firms-respect-workers>.

³⁴ Samsung Electronics. 2016. *Samsung Migrant Worker Guidelines* 8.

3.1.4 HPE

HPE is among the five founding members of the Leadership Group for Responsible Recruitment, which was launched in May 2016. HPE has its own standard called “HP Supply Chain Foreign Migrant Worker Standard,”³⁵ which aims to establish the minimum requirements for their suppliers to have ethical recruitment of migrant workers. The standard states clearly in the appendix document³⁶ about the cost and fees that must be covered by the supplier to recruit the migrant workers, including service fees in sending and receiving countries, documentation, transportation, and any fees required by the governments (**Table 4**). The standard also requires the supplier to pay back the cost upon arrival or within one month once the workers arrive in the receiving country, in case migrant workers are legally required by law to pay for any fees.

Table 4: Fees and Costs to be Covered by Supplier

No.	Fees and Costs
1	Agency service fee, recruitment or placement service fees in both sending and receiving countries
2	Airfare or fare for other mode of transportation, terminal fees, and travel taxes
3	Passport
4	Visa
5	Work and/or residence permits (including renewals)
6	Pre-deployment skills tests, certifications, medical exams, or other requirements for employment by receiving country or supplier
7	Receiving country medical exams
8	Pre-and/or post-departure training or orientation
9	Transportation in receiving country to and from airport to supplier facility or provided accommodations
10	Security deposits or bonds
11	Levy or other government-required fees
12	Insurance
13	Contributions to worker welfare funds or government-provided benefits in sending countries required to be paid by supplier

Source: HP. 2015. *HP Supply Chain Foreign Migrant Worker Standard 7*.

3.2. Interviewing Jobseekers at Countries of Origin

There is significant evidence that migrant workers are not provided sufficient information about the type of job and working conditions prior to being deployed to countries of destination, and do not clearly understand the content of contracts they sign. As a result, some companies assign staff to the countries of origin to conduct interviews, provide information, and oversee the recruitment of jobseekers directly. Interviewing the candidates with their own staff allows companies to have more control over the recruitment processes and reduces reliance on recruitment agencies for screening and selecting candidates. Through interview sessions, companies’ staff can directly provide basic information on living and working conditions, explain terms and conditions of employment contracts, and identify unethical practices that migrant workers face. As a result, this practice can help companies ensure prospective migrant workers can learn of their rights to access information and be recruited through transparent processes.

The report, published by Interfaith Center on Corporate Responsibility in 2019, mentions that Charoen Pokphand Food, an agro-industrial and food processing company in Thailand,

³⁵ HP. 2015. *HP Supply Chain Foreign Migrant Worker Standard*.

³⁶ *Ibid*, 7.

established a mechanism for direct recruiting of migrant workers from their countries of origin. In addition, two other companies (i.e., Princes Group and Seafresh Industry) disclosed in their public reports that they carried out this practice as well.

3.2.1. Princes Group

Princes Group, a food and beverage producer and retailer based in the United Kingdom, employs more than 7,000 people worldwide, and 17 percent of its workforce is from Bangladesh.³⁷ The company has a tomato processing site in Italy and two tuna processing sites in Mauritius, where migrant labor exploitation is widespread. According to its business report for 2018/2019, the company commits to respecting, protecting, and championing the human rights of all workers in their supply chain and supports an ethical recruitment approach and the Employer Pays Principle, where recruitment fees are borne by the employer, not the worker. The company reports that its subsidiary company in Mauritius carries a direct recruitment approach to mitigate risks associated with HT and FL. Princes' Mauritius Human Resources (HR) staff are sent to Bangladesh three or four times a year to interview candidates, and hiring decisions are made by their staff, not a recruitment agency. The company also holds a pre-induction meeting offering an opportunity for selected candidates to review their employment contracts with the support of a translator and ask questions about life in Mauritius and working conditions at its production site before signing the contract.³⁸

3.2.2. Seafresh Industry

Seafresh Industry is a leading frozen shrimp exporter in Thailand. The company hires approximately 2,600 migrant workers, and the majority of them are from Myanmar.³⁹ The company disclosed in its 2018 sustainability report that it tried to ensure all migrant worker recruitment processes were in compliance with local regulations and international standards. The company's HR staff travel to Myanmar to recruit migrant workers. During the recruitment processes, the job description and information related to wage, fringe benefits, accommodations, and labor laws are provided to candidates so that they can make informed decisions about their employment. To simulate the working environment, they set up a mock work station, allowing candidates to put on the company's uniform and place their hands in an ice bucket as they will work in cool temperatures and wet conditions.⁴⁰ Furthermore, the company, in partnership with the Issara Institute, provides migrant workers with resources and information about their rights and channels for filing complaints see **Box 3**).

³⁷ Princes Group UK. 2018. *Business Report 2018 /19* 12. Liverpool: Princes Ltd.

³⁸ Princes. 2017. "Responsible Recruitment of Migrant Workers – Princes Tuna (Mauritius)," *plate2planet*, November 8, 2017. <https://www.plate2planet.co.uk/responsible-recruitment-of-migrant-workers-princes-tuna-mauritius/>.

³⁹ "CSO-Private Sector Showed Labour Treatment Practices after the EU lifted "Yellow Card" on Thailand's IUU," *Prachatai*, July 31, 2019. <https://prachatai.com/journal/2019/07/83655>.

⁴⁰ *Ibid.*

Box 3: Issara Institute's Worker Voice Channel

Golden Dreams application was developed by the Issara Institution in 2017, targeting current and prospective migrant workers from Cambodia and Myanmar. This mobile application is a platform in which the migrant workers can access up-to-date information about local regulations and their rights in their language; provide feedback on their experiences in working with Thai employers and using job placement services of recruiters in Thailand and their home countries; and seek assistance or file complaints to the Issara team through a 24-hour hotline and direct messaging function and also to other civil organizations as their contacts are provided in the application. According to the Google Play website, the application has been downloaded over 10,000 times. Moreover, under its community outreach and empowerment program, returnee migrant workers were appointed to be Golden Dream Ambassadors who provide relevant information to jobseekers to prevent them from being exploited by informal labor brokers or recruiters, and assist them in regularly migrating to Thailand.

Source: Issara Institution. "Issara Lab: Data Analysis and Technology." Accessed April 8, 2020. <https://www.issarainstitute.org/library-publications-videos>; Google Play. "Golden Dreams." Accessed April 8, 2020. <https://play.google.com/store/apps/details?id=com.wwg.issara&hl=en>; and Issara Institution. 2017. *Golden Dreams*, 1-2.

3.3. Enhancing Gender Equality in Recruitment Processes

A principle of non-discrimination is a part of fundamental rights and core labor rights. Workers should not be treated unfavorably based on their gender, race, marriage status, age, nationality, etc., at any stage of human resource management. It is also essential to ensure recruitment processes, from job advertisement to selection, are not discriminating against a particular group of candidates, especially young and adult female workers. Even with ILO Convention 111 concerning discrimination with respect to employment and occupation, there is still rampant and unconscious bias to discriminate against race, gender, and disability in recruitment. The following is a practice that analyzes the recruitment processes for potential gender biases, helping to promote equal opportunities for female migrant workers to access overseas job opportunities.

3.3.1. Female Empowerment in Science and Technology Academia (FESTA)

FESTA was an EU program that took place from 2012-2017, responding to the need for a systematic approach to promote gender equality and diversity in the science and technology workforce. FESTA project partners were from universities with different geographical locations and sizes.

A key focus of the FESTA was gender equality in the recruitment, appointment, and promotion process. FESTA's partners from five countries (i.e., Italy, Ireland, Germany, Turkey, and Bulgaria) found there were criteria-related and process-related biases in the recruitment and appointment process for senior academic positions.⁴¹ Criteria-related biases were found in the job descriptions formulation, male dominance on the decision-making committee, and job profiles that disproportionately reduced the number of potential female applicants. To analyze gender biases in the recruitment and appointment process, FESTA's university partners produced a handbook in January 2015 called *Gender-sensitive Design of Criteria and Recruitment, Appointment and Promotion Processes in Academia*.

This handbook aims to ensure a fair process with equal opportunities for female and male researchers, support staff who are involved in hiring processes and applicants who understand the formal processes, and to create awareness of the biases that can influence appointment processes and criteria. The handbook provides an analysis of the recruitment process that

⁴¹ Lübke, Eva et al. 2015. Gender Issues in Recruitment, Appointment and Promotion Processes – Recommendations for a Gender Sensitive Application of Excellence Criteria 1. FESTA.

results in gender bias and recommendations in each step. For example, checking the proportion of genders in the selection and recruitment process and ensuring all the interview questions are qualification-based.

3.4. Sharing Information about Recruitment Agencies

One solution for preventing the use of fraudulent recruitment agencies is to ensure both migrant workers and employers are informed of feedback from previous clients about the recruitment agencies' performance. On the employer's side, having access to information about recruitment agencies in online platforms helps to effectively screen and assess recruitment agencies to ensure they only use agencies that have operating licenses in countries of origin and destinations that comply with relevant labor regulations and human rights principles. On the employee's side, receiving information from previous or current migrant workers allows prospective migrant workers to be able to make more informed decisions about which agencies they will seek out for assistance. The availability and accessibility of information about recruitment agencies' practices substantially lead to the promotion of transparency of cross-border recruitment processes and allow employers to avoid risks of breaking national legislations, such as labor laws and a bilateral agreement between sending and receiving countries, and international labor standards.

There are a few online platforms developed by a CSO, a trade union, and a recruiter association that aim to help both migrant workers and employers avoid using unscrupulous recruitment agencies which charge inflated recruitment fees, withhold identity documents, and fail to provide job placements abroad. The most prevalent method used is to share the list of banned recruitment agencies through an organization's website. For example, the Nepal Association of Foreign Employment Agencies provides a special section on its website where migrant workers and foreign companies can search for banned recruitment agencies in Nepal and other popular destinations. Another good example is from the Malaysian Association of Employment Agencies, which published a list of agencies that have had their membership status revoked or suspended by a government agency because of allegations of migrant worker abuses. In addition, Fair Employment Foundation (FEF) in Hong Kong initiated an online platform for job applications and provides useful information on recruitment, such as pricing and frequently ask questions (FAQs). Aside from the above-mentioned methods, sharing experience with other workers is another way for reducing the risk of being a client of fraudulent agencies. Prospective migrant workers would not seek to use services from recruitment agencies with unpleasant feedback from former clients. As a result, these can cause the agencies difficulties with recruiting new workers and make them less attractive to employers, compared to other agencies that treat workers in accordance with internationally recognized standards and have good reputations among migrant workers. Under a difficult business situation, the agencies may adopt responsible recruitment practices to make their businesses survive and thrive. There are platforms, such as the Pantau PJTKI and Recruitment Advisor, that allow migrant workers to share views and rate the recruitment agencies that they use.

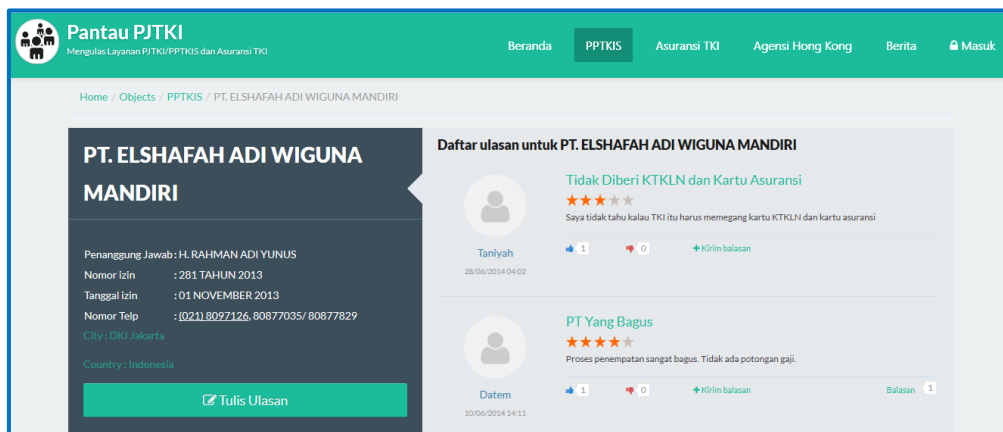
3.4.1 Pantau PJTKI⁴²

Pantau PJTKI is a platform for Indonesian migrant workers, particularly women domestic workers, to rate Indonesian recruitment agencies. The platform's objectives are to promote an open space for migrant workers to share experiences regarding services offered by recruitment agencies and also incentivize recruitment agencies to improve their practices in placing migrant workers abroad. In this platform, migrant workers can rate recruitment agencies against seven criteria, including pre-training services, wait time for overseas jobs, and contract explanations, by taking an online questionnaire. They can also upload comments or photos on the website. Additionally, recruitment agencies have sometimes engaged with

⁴² Pantau PJTKI. 2019. <http://pantaupjtki.buruhmigran.or.id/>.

the platform by updating basic information about their agencies and licenses, uploading their registration certificates, and responding to worker complaints.⁴³ **Picture 1** represents a profile of a recruiting agency on Pantau PJTKI’s website.

Picture 1: The Profile of a Recruitment Agency on Pantau PJTKI’s Website with Feedback from Its Clients



Source: Pantua PJTKI. 2019. “PPTKIS.”
[http://pantaujtki.buruhmigran.or.id/index.php/pptkis.](http://pantaujtki.buruhmigran.or.id/index.php/pptkis)

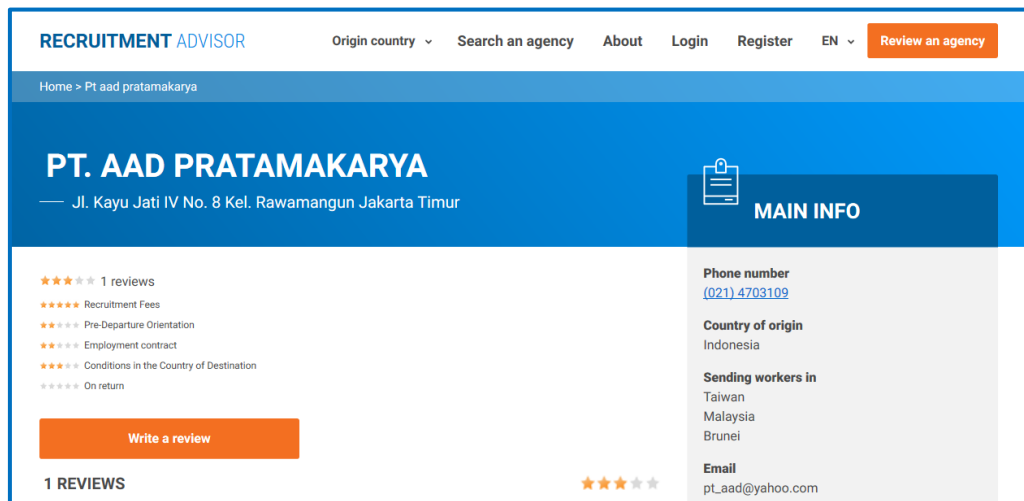
3.4.2 Recruitment Advisor⁴⁴

Recruitment Advisor, developed by Information Technology Users Council, with support from the ILO Fair Recruitment Initiative, allows migrant workers access to information about recruitment agencies and to learn about their rights. The web-based platform lists more than 3,000 recruitment agencies across Indonesia, Nepal, the Philippines, and Kenya. The rating criteria cover five topics, including recruitment fees, pre-departure orientation, employment contracts, working conditions, and return. Its search function is very user-friendly; migrant workers can sort recruitment agencies by name, location, review, and rating. An initial version is available in English, Indonesian, Nepali, and Tagalog, and it will be further developed in more languages. The platform is promoted to workers by a network of trade unions and CSOs in all target countries that engage directly with migrant workers to collect offline reviews to be uploaded to the website. Lists of licensed agencies were provided by participating governments. **Picture 2** shows a profile of a recruitment agency’s profile on the Recruitment Advisor’s website.

⁴³ Farbenblum, Bassina, Laurie Berg, and Angela Kintominas. 2018. *Transformative Technology for Migrant Workers: Opportunities, Challenges, and Risks* 19. New York: Open Society Foundation.

⁴⁴ Recruitment Advisor. 2020. <https://www.recruitmentadvisor.org/>.

Picture 2: Recruitment Agency's Profile on Recruitment Advisor's Website with Feedback from a Client



Source: Recruitment Advisor. 2019. "Search an agency."
https://www.recruitmentadvisor.org/agency/pt-aad-pratamakarya_

Although many companies have an online recruitment agency screening process in place, there is no available evidence about the volume of engagement companies have with the above-mentioned platforms and whether or not they take feedback pertaining to recruitment agencies' performance into consideration when they select recruitment agencies. Information on these digital platforms is definitely helpful for employers to make informed decisions about recruitment agencies and enhance their risk mitigation strategies on recruiting migrant workers through intermediary agents.


3.5. Responsible Business Model for Cross-Border Recruitment

3.5.1. FEF

FEF is a Hong Kong-based non-profit organization. The foundation has its mission to build market solutions to end FL of migrant workers across Asia by using three critical intervention points, which are: (1) establishing employment agencies that operate ethically, thereby proving a business model without worker placement fees; (2) proving the value of training centers for their potential to equip workers for successful migration; and (3) equipping employers with practical tools for ethical recruitment and enabling them to drive change in the market.⁴⁵ FEF's responsible business model is presented in **Picture 3**.

⁴⁵ Fair Employment Foundation. 2019. *Fair Employment Foundation Annual Report 2018 5*. Sheung Wan: Fair Employment Foundation.

Picture 3: Fair Employment Model of the FEF

FAIR EMPLOYMENT MODEL 									
Forced labour is a market problem, so we build market solutions to make it work better for everyone. This model is positioned to drive market consolidation and make exploitative recruitment unprofitable. We have building this recruitment pathway sequentially, and now ready to unify our solutions for an end-to-end solution:									
	RECRUITMENT	SENDING EMPLOYMENT AGENCY	TRAINING CENTER	SENDING COUNTRY GOVERNMENT	M I G R A T I O N	RECEIVING COUNTRY GOVERNMENT	RECEIVING EMPLOYMENT AGENCY	EMPLOYER (Home, Factory, Restaurant, Hotel)	BRAND (N/A for domestic work)
ROLE	Find Workers Online	Sells directly to employer Recruits, interviews and vets workers	Prepares workers for job and migration	Tracks data and investigates Receiving Country Agency and employers if success rates aren't satisfactory		Tracks data and investigates Receiving Country Agency and employers if success rates aren't satisfactory	Monitors working conditions and responds to issues Facilitates visa with government	Manages workers Works with Sending Country Agency during recruitment	Ensures that employer's are budgeting for recruitment Responds to data if there are problems reported
BENEFITS	Lower cost Better qualified workers Bigger candidate pools	Increased revenue direct from employers Improved reputation	Less commoditised market as migration results will emerge	Previous agency fees converted to remittances for country Better information for enforcement		Improved reputation Better information for enforcement	Aren't selling a service they are disconnected from Fewer problematic workers as more accountability	Better workers as they can hold Sending Country Agency accountable for unprepared workers	Prevents PR disasters Clear action to eliminate Modern Slavery from their supply chain
CONFLICTS	Puts Sub-Recruiters out of business	Agencies will be held accountable to deliver real services Market consolidates, forcing many agencies out of business	No more agency kickbacks mean Training Centers need to compete based on merit	Government will have more data so will need to respond to problems Could put corrupt government officials out of business		Receiving country populations don't see these as critical issue	Reduced revenue as they won't be as involved in the "sales" process	May need to pay more for recruitment Unethical employers will not be able to get work orders with brands	May need to pay more to employer They will be aware of what is happening in their supply chain

Source: Fair Employment Foundation. 2019. *Fair Employment Foundation Annual Report 2018 24-15*. Sheung Wan: Fair Employment Foundation.

FEF also launched the Fair Hiring Pledge in November 2016 (see **Box 4**). The pledge is an agreement of the companies stating to the public that they will hire domestic workers fairly. Hiring fairly in the pledge means to comply with the Hong Kong Employment Ordinance and other laws that apply to employers of migrant domestic workers in Hong Kong.⁴⁶ Since November 2016, 21 companies⁴⁷ in Hong Kong have signed the pledge, including multinational companies, such as Barclays, KPMG, Deutsche Bank, and Thomson Reuters.

⁴⁶ Fair Employment Agency. 2020. "The Pledge." The Fair Hiring Pledge. <https://www.fairpledge.org/the-pledge>.

⁴⁷ Fair Employment Agency. 2020. "Signatories." The Fair Hiring Pledge. <https://www.fairpledge.org/signatories>.

Box 4: The Fair Hiring Pledge Statement

We commit to being a positive influence and leading change agent in Hong Kong by supporting conscious and ethical hiring practices of migrant domestic workers.

We acknowledge the important role migrant domestic workers play in the lives of families and support a harmonious society which protects domestic workers and their employers.

By signing the Fair Hiring Pledge, we enable our employees to be part of the solution. We will provide learning opportunities for our company employees to deepen their understanding of ethical hiring practices. In turn, we expect our employees to be ethical employers committed to Fair Hiring and fulfilling their contractual obligations.

Source: Fair Employment Agency. 2020. "The Pledge." The Fair Hiring Pledge. <https://www.fairpledge.org/the-pledge>.

3.5.2. Fair Employment Agency (FEA)

FEA, supported by FEF, is a non-profit employment agency based in Shueng Wan, Hong Kong, established in 2014 to help employers hire workers, especially domestic workers, with fair, transparent, and ethical pricing and practices. The agency committed that it will not charge fees to the workers and will focus on being transparent and trustworthy, and making the right match between employer and worker. As found on FEF's website,⁴⁸ many Filipino and Indonesian workers pay huge, often illegal recruitment fees to secure jobs in Hong Kong. The workers borrow several months' salary at high interest rates from the employment agencies, leaving them trapped in a cycle of debt, unable to leave dangerous jobs, and becoming ensnared in FL. Therefore, the agency strives to provide professional employment consultants for jobseekers, clear pricing breakdown information, and a commitment to charge no fees to the jobseekers.

FEA, in collaboration with FEF, produced the *Hiring & Managing Guide for Employers of Migrant Domestic Workers in HK*.⁴⁹ The guide contains useful information for employers to check themselves as to whether they are eligible to hire domestic workers, how to select the right employment agency, cost breakdown details involved in hiring domestic workers, process of hiring, and the management of workers, including workers' rights, food arrangements as required by the Hong Kong government, and how to manage when a contract comes to an end or termination.

As found on the FEF's website,⁵⁰ the FEA's efforts resulted in more than 4.5 million USD saved on the recruitment debt, 90% of employers that would recommend FEA to a friend, and over 95% of workers satisfied with their jobs.

In addition, on the FEA website,⁵¹ the information about the pricing and procedures states clearly what the employer should do and what should be paid to hire the domestic worker. For would-be workers use of the website is free of charge and provides clear instructions on the recruitment process. The website also has a "Get Answers" tab (shown in **Picture 4**), which shows the FAQs for both employers and workers. For example, what describes what agency fees typically cover, and provides a list of counseling services for domestic workers in Hong Kong.

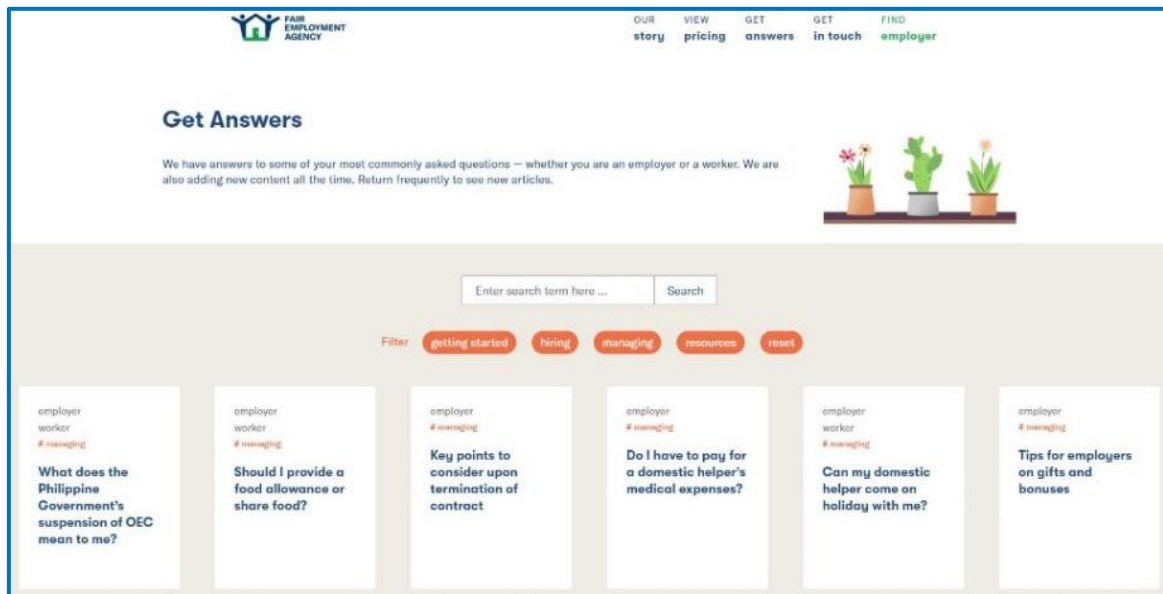
⁴⁸ Fair Employment Foundation. 2019. "Fair Employment Agency." Our solutions. <https://www.fairfoundation.org.hk/fair-employment-agency>.

⁴⁹ Fair Employment Foundation. 2020. *Hiring & Managing Guide for Employers of Migrant Domestic Workers in HK*. Shueng Wan: Fair Employment Foundation.

⁵⁰ Fair Employment Foundation. 2020. "Impact." Fair Employment Agency. <https://www.fairfoundation.org.hk/fair-employment-agency>.

⁵¹ Fair Employment Agency. 2019. <https://fairagency.org/>.

Picture 4: FEA's Get Answers Webpage



Source: Fair Employment Agency. 2019. "Get Answers." <https://www.fairagency.org/?s=>.

3.5.3. Fair Training Center (FTC)

FTC is a non-profit training center based in Manila, Philippines. The center is supported by the FEF and aims to provide pre-departure training to the workers, especially for those who are travelling for the first time from the Philippines. As required by the Philippines' Technical Education and Skills Development Authority, FTC's training curriculum is structured around four core areas - ability, action, appearance, and attitude. They cover the following:⁵²

(1) Basic Competencies

- Financial education: money management, budgeting, saving, understanding financial risks
- Setting personal and family migration goals
- Rights education
- Accident prevention and management
- First-aid
- Departing the Philippines and transitioning abroad

(2) Common Competencies

- Adapting to migration: homesickness, loneliness, health, getting around, etc.
- Communicating effectively with employers
- Handling difficult situations
- Communicating effectively with family at home

(3) Core Competencies

- Housekeeping - daily and deep cleaning
- Cooking Chinese and Western recipes
- Using household appliances
 - **Issara Institute's Empowerment Incubator Program:** The Empowerment Incubator by Issara Institute was launched in mid-2017 with its objectives to empower both jobseekers and returned migrants, including trafficked persons, to

⁵² Fair Training Center. 2019. "Our Curriculum." For Employers. <https://www.fairtraining.org/employers>.

support other migrants and drive change in the labor migration system.⁵³ With support from Issara Institute, the jobseeker empowerment program is led by the CSO network in Myanmar; namely, the Civil Society Organization to End Trafficking (CSO-NET). This network comprises 18 CSOs (**Table 5**) across Myanmar. The jobseekers empowerment program plays a significant role in empowering jobseekers with knowledge, facts, and choices through an outreach activity called “know-your-rights” so that workers can make well-informed decisions about the migration process, life, and work in the destination country. In addition to this, the workers will be able to seek assistance if they face difficulties, challenges, and violations to their rights.

- According to the report by Issara Institute,⁵⁴ they conducted focus group interviews with jobseekers in Bago and found that jobseekers’ trust of CSOs is high. As mentioned in the report, Castle Peak Holdings, the Thai apparel factory supplying UK apparel to the Pentland Brands is implementing the Employer Pay Principles and directly recruiting workers through Aye Lin Htet Htut, the recruitment agency in Myanmar. The company pays all fees to the agency so the recruited workers pay zero costs. The agency also collaborates with the members of CSO-NET to conduct the know-your-rights outreach activity with the jobseekers to ensure they are aware of their rights and have adequate information prior to departure. The report also mentioned Thai employers rarely have a direct relationship with the recruitment agencies in Myanmar; instead, they rely on the Thai recruitment agencies’ connection.

Table 5: List of Core CSO-NET Members Active in Jobseeker and Migrant Empowerment

No.	CSO Members
1	Action for Dignity and Development (ADD)
2	Action Labor Rights (ALR)
3	Association for Labor and Development (ALD)
4	Confederation of Trade Unions Myanmar (CTUM)
5	Agriculture and Farmers Federation of Myanmar (AFFM)
6	Friendly Child (FC)
7	Future Light Center (FLC)
8	Genuine People’s Servants (GPS)
9	Good Shepherd Myanmar Foundation (GSMF)
10	Hlaing Thar Yar Youth Network (HYN)
11	Impulse Case Information Center Myanmar (ICICM), YMCA
12	Karen Baptist Convention (KBS)
13	Karuna Mission Social Solidarity (KMSS)
14	Myittamon
15	Paei Kine Shin (PKS)
16	Ratna Mahal Education Care Group
17	Solidarity of Trade Unions Myanmar (STUM)
18	Yangon Karen Baptist Women Association (YKBWA)

Source: Taylor, Lisa Rende, and Ohnmar Ei Ei Chaw. 2018. *Driving Behaviour Change of Recruiters, Suppliers, and Job Seekers Toward Ethical Recruitment: Critical Roles of Global Buyers and Grassroots Actors 2*. Bangkok: Issara Institute.

⁵³ Taylor, Lisa Rende, and Ohnmar Ei Ei Chaw. 2018. *Driving Behaviour Change of Recruiters, Suppliers, and Job Seekers Toward Ethical Recruitment: Critical Roles of Global Buyers and Grassroots Actors 2*. Bangkok: Issara Institute.

⁵⁴ Ibid.

3.6. Conclusion

The findings from document reviews highlight six key practices carried out by private companies and CSOs. The reimbursement of worker-paid recruitment fees and costs is developed to respond to the incidents of debt bondage, and it is applied by a few companies, such as Adidas, Ralph Lauren, Samsung Electric, and HPE. The second one is interviewing jobseekers in countries of origin. The findings from two companies (i.e., Princes Group and Seafresh Industry) show that this practice allows employers to have more control over the quality of the recruitment process in countries of origin and to provide opportunities for migrant workers to directly receive information from employers and experience working environments through mock workstations. In addition, for the third, the FESTA program demonstrates a good practice on how to promote gender equality in recruitment processes. The handbook produced by the program is a very useful tool for employers to identify gender biases in hiring workers (e.g., the dominance of male workers in a selection panel).

Two other notable practices are less likely to be carried out by employers alone, as they require cooperation among stakeholders. Sharing information about recruitment agencies is a very significant practice that helps to increase transparency in migrant labor recruitment processes. This will help both migrant workers and employers to make better informed decisions. However, the development of online platforms, like the Recruitment Advisor and Pantau PJTKI, needs further cooperation to pool financial resources and promote the platform. Lastly, the responsible business model for cross-border recruitment, which was developed by FEF in Hong Kong, is a good model for international recruitment of low or semi-skilled workers. The model includes three key elements, including fair employment, fair agency, and a training center. In addition, the curriculum of the training center is very comprehensive, covering soft skills, labor rights, and technical competencies.

Cooperation with the CSOs and having a direct relationship with the recruitment agencies in the source countries are also crucial for the Thai employers as part of conducting due diligence and ensuring the recruited migrant workers are well-informed of their rights and free from any forms of abuse and exploitation.

4. SMEs in Thailand

According to the Thai law, SMEs in the manufacturing sector are businesses that employ fewer than 200 people and have fixed asset values lower than 500 million baht.⁵⁵ There are around three million SMEs in Thailand, accounting for 99% of the total companies in Thailand. Of those, 46,000 SMEs are in agriculture, forestry, and fishery sectors. In 2018, Thai SMEs created approximately three million jobs across the country.⁵⁶

It is not known how many migrant workers hold jobs with SMEs. SMEs hire migrant workers for many reasons. According to a study that explored the factors influencing the hiring decisions regarding migrant workers by SMEs in the eastern provinces of Thailand showed the SMEs prefer to employ migrant workers because they (1) are available in the local labor market, (2) get along with existing Thai workers and employers, and (3) have skills that can substitute for the local workforce.⁵⁷

4.1. Prevalent Recruitment Practices among Thai SMEs

In terms of national laws, Thai employers, including SMEs, are allowed to recruit new migrant workers through licensed recruitment agencies in Thailand or in countries of origin. However, SMEs generally use local recruitment agencies on the Thai side because it is easier to communicate and coordinate with them. Since migrant workers can change their employers after two years of entry or if their contracts end according to five specific conditions under Thai laws, SMEs can recruit them directly in Thailand. SMEs in a province that has a dense migrant population can advertise job vacancies on notice boards in front of factories and fill vacancies within a short period of time. Furthermore, information about job openings is often shared by word-of-mouth through the network of migrant workers. Existing workers are asked to refer their friends or relatives who are currently looking for a job to HR staff or company owners. Many SMEs rely on this method as a source of recruitment because it helps to minimize costs.

Thai SMEs, especially individually owned enterprises, recruit migrant workers through online platforms, such as an online job board and Facebook. Facebook is a zero-cost platform that is frequently used by SMEs, especially micro enterprises, which employ a small number of workers. In the group called “Laeng-ngan Tang-daw Ha Ngan Tham Lue Panak-ngan Ha Ngan” or “Migrant Jobseekers and Job Changers” in English, there are many employers posting job vacancy announcements with details of job positions, work location, salary, overtime rate, and contact information, as shown in **Picture 5**. Some share photos of the workplace, which helps jobseekers to visualize where they will work and what kind of job they will perform. By observing activities in this group, the engagement of jobseekers for a particular post is between 10 and 20. According to a statistic showed by Facebook, this group has approximately 12,000 members, and nearly 1,000 posts were shared.⁵⁸ The types of jobs is quite varied, ranging from construction work to customer service in a restaurant. However, employers who are looking for migrant workers for manufacturing jobs rarely post to this group. In addition to Facebook, online job portals, such as the JobBKK.com, Jobpub.com, and JobTH.com, are alternative sources for SMEs, but very few SMEs recruit migrant workers through these websites because these websites are not friendly to migrant workers. The

⁵⁵ The Office of Small and Medium Enterprise Promotion. 2019. “The Definition of SMEs.” https://www.sme.go.th/upload/mod_download/เนื้อหา%20SMEs.pdf.

⁵⁶ The Office of Small and Medium Enterprises. 2019. “The Number of SMEs in 2018 and Their Employment. In *SMEs White Paper 2019*. Bangkok: OSMEP.

⁵⁷ Thaweepaiboonwong, Jutamard, Yuvadee Siriyasub, Pachara Suksumek, and Prathomwat Suraprajit. 2019. “Factors Influencing Employer Decision in Hiring of Migrant Workers of SMEs in the Eastern Region of Thailand.” *Veridian E-Journal*, no. 12 (March-April 2019): 121-123. <https://www.tci-thaijo.org/index.php/Veridian-E-Journal/article/view/141731>.

⁵⁸ Laeng-ngan Tang-daw Ha Ngan Tham Lue Panak-ngan Ha Ngan Facebook Group Page. 2019. <https://www.facebook.com/groups/109612319688213/>.

websites' content is not translated into migrant workers' languages, and migrant workers are required to register with email, which they may not have.

Picture 5: Samples of Job Advertisements in a Facebook Group



Source: Laeng-ngan Tang-daw Ha Ngan Tham Lue Panak-ngan Ha Ngan Facebook Group Page. 2019. <https://www.facebook.com/groups/109612319688213/>.

4.2. Supportive and Hindering Business Operating Environment for Thai SMEs

4.2.1. Supportive Factors

(1) Government Legislation and Penalties

Government agencies still play an important role in developing regulations and policies that help to foster behavioral changes of business enterprises, particularly SMEs, in the recruitment of migrant workers. In recent years, the Government of Thailand introduced a number of new labor rules related to migrant worker recruitment and employment, especially the Royal Ordinance on the Management of Foreign Workers, B.E.2560 (2017), to regularize migrant workers from irregular situations through the provision of national verification and registration and to prevent the illegal recruitment of prospective migrant workers through irregular channels. The key principles of responsible recruitment are reflected in the new royal ordinance; for instance, no retention of personal documents, no recruitment service fees, and transparency of terms and conditions of contracts. This has resulted in the improvement of recruitment practices, both in large companies and in SMEs, because it requires them to absorb recruitment service fees, not deduct them from wages; allows migrant workers to access their personal documents; and provides an employment contract in the language of the migrant worker. In addition, the Royal Ordinance prescribes more severe punishments, including a temporary shutdown of a

manufacturing plant and hefty fines, to offenders. SMEs therefore actively change their recruitment practices to comply with the new labor regulations and assist migrant workers in gaining legal documents to avoid penalties that may interrupt their daily production activities and weaken their corporate financial performance. The FAIR Fish project's pre-situational analysis report confirms that this new legal framework contributes to the promotion of responsible recruitment practices among local companies.

(2) Technical Support from International Buyers

International Buyers are actors that wield a lot of influential power with SMEs that export their products to foreign countries. A supply chain approach is a solution widely used by international buyers in America and Europe for improving labor practices in lower-tier suppliers. In a supply chain, buyers require suppliers to be certified by third-party labor standards or follow the buyer's internal codes. SMEs might face challenges in improving recruitment processes to meet the standards because of multiple limitations. Therefore, technical support from buyers is essential for helping SMEs to improve their responsible recruitment practices.

A supplier training program is recognized as a good practice for equipping SMEs with knowledge and tools. *amfori* BSCI, for instance, held workshops for Thai producers, providing opportunities for Thai SMEs to learn about responsible recruitment and brainstorm with peer companies about applicable solutions. In addition to training, a one-on-one coaching program seems to be effective. Through in-person workshops and consultation, Patagonia, an American outdoor clothing company, assists their suppliers to find methods that can lower the cost of recruiting migrant workers, identify ethical recruiters, and end relationships with labor brokers that are not willing to improve their performance. They also provide some incentives for their suppliers to accelerate progress toward full compliance with its code.

(3) Consumers

The power of international consumers is another factor that influences businesses, especially small exporters, to improve their recruitment practices and social performance. A study by an American consulting company showed that American consumers are more loyal to a company that supports social issues.⁵⁹ Ethical employment practices in giant brands' outsourcing factories significantly increase the likelihood of consumers to buy products, including seafood, from companies and, simultaneously, cause unethical products to be banned by customers. For example, after the *AP Press* and the *Guardian* investigated the Thai seafood industry and found that seafood products from Thailand were produced by slave labor, conscientious consumers in the USA and Europe immediately boycotted Thai seafood products and urged Thai producers to rectify this problem. Responding to the consumer boycotts, Thai seafood producers attempted to improve working conditions in their factories and strengthen their traceability system so as to know where their raw materials come from and who produces them. Some companies, especially members of the Thai Frozen Food Association, took a severe measure by ending business relationships with informal shrimp-peeling factories where the irregular employment of migrant workers was prevalent. These resulted in the improvement of recruitment practices among Thai seafood processors and their suppliers as they tried not to recruit migrant workers from irregular channels. However, the role of international consumers has limited effects on SMEs because they do not sell their products to the international market, but rather tend to sell to the domestic market. In addition, Thai consumers are not widely aware of human and labor rights issues, as much

⁵⁹ *Forbes*. 2019. "Do Customers Really Care About Your Environmental Impact?" <https://www.forbes.com/sites/forbesnycouncil/2018/11/21/do-customers-really-care-about-your-environmental-impact/#6bfae5ac240d>.

as western consumers, so domestic consumer pressure may not significantly impact Thai SMEs.

However, there are efforts to inform Thai consumers about these issues. Thai NGOs and international NGOs based in Thailand, such as Oxfam in Thailand's Dear Supermarket Campaign, are trying to engage not only with local consumers for sustainable consumption and product traceability, but also with retailers regarding human rights and sustainability policies. This may be one of the factors that encourages Thai SMEs to improve labor rights conditions, especially recruitment practices, in the future.

4.2.2. Hindering Factors

(1) Cost of compliance

The actual and potential costs of implementing ethical recruitment policies are one of the biggest challenges faced by employers. Responsible recruitment that ensures workers have not paid for their jobs can have many benefits, including higher worker satisfaction, greater labor productivity, and better retention rates. However, there are substantial financial costs associated with the payment of fees that employers may be reluctant to cover.⁶⁰ By their nature, SMEs produce primary goods and services that have a lower profit margin and rely heavily on manual labor for production, especially in agriculture, food processing, and construction industries. With less financial capacity, SMEs may choose to minimize their hiring costs and may be unable to comply with a responsible recruitment standard.

(2) Fear of losing their employees

SMEs are less competitive in the labor market than larger companies. SMEs therefore face difficulties in retaining their employees. Many SMEs are surrounded by large companies that offer more competitive wages and benefits packages to attract migrant workers. This causes SMEs to be unable to retain their migrant workers long enough for the revenue generated by workers to cover the cost of recruitment or until the end of the contract. To avoid this scenario, SMEs may withhold migrant workers' documents during the period of employment to prevent them from leaving their jobs. From the supply side, migrant workers normally prefer to work in factories that pay a high overtime allowance because it substantially increases their monthly income and savings. Overtime work, however, is sometimes not available in SMEs because of lower production activity, causing SMEs to be less attractive to migrant workers. This labor market situation might obstruct SMEs from accepting responsible recruitment practices.

(3) Low human resources management capacity

One of the obstacles in implementing responsible recruitment in SMEs is insufficient human resources in key departments. Many SMEs have few HR management staff who are also responsible for many other functions, from recruitment to training. To fully implement responsible recruitment, it is necessary to have due diligence processes in place, which are complicated and time-consuming. For example, by doing a risk assessment on the recruitment of migrant workers, HR staff need to know about how to use a risk matrix and how to gather evidence related to FL and HT, which is often published in foreign languages. In addition, HR staff may be reluctant to do this because it increases their burden in terms of having to translate top-level policy commitments to the operations level.

(4) Unawareness of responsible recruitment among top management

Sometimes, top management is not aware of the importance of responsible recruitment and human rights issues. As most SMEs are family businesses and responsible recruitment is quite a new issue in the Thai context that arose in response to the EU's

⁶⁰ Institute for Human Rights and Business. 2017. Responsible Recruitment: Remediating Worker-Paid Recruitment Fees 19.

yellow card, SME top management may not be able to immediately adjust to the international norms or may not be adequately educated about human rights, FL and HT. SME top management also have fewer opportunities to interact with western companies, which strongly promote social responsibility. This hinders top management from taking actions to address any adverse impacts caused by their recruitment processes.

(5) Small amount migrant recruitment quota

Thai licensed recruitment agencies usually recruit 10-20 workers per batch, while Thai SMEs do not recruit that many workers at a time. Plan's pre-situational analysis report found it was not worth the time and effort for recruitment agencies to furnish small recruitment batches of workers for SMEs. The process is quite costly for recruitment agencies to process the documentation and travel to the country of origin to present information on working conditions to workers.

4.3. Findings from Consultation with Thai SMEs

To obtain opinions about the identified key practices from Thai seafood processing SMEs, Plan International Thailand created a survey to ask two SMEs – Company A and Company B – to provide their views on three aspects, including affordability, applicability, and viability. Although the opinions of the two SMEs cannot reflect the general views of Thai SMEs as a whole, they do reflect, to some extent, certain views on the key practices presented in this report. The four practices included in the survey are (1) reimbursing worker-paid recruitment fees and related costs, (2) interviewing jobseekers at countries of origin, (3) enhancing gender equality in recruitment practices, and (4) sharing information about recruitment agencies. The last practice, called the responsible business model for cross-border recruitment, was not pursued because the practice itself is an intervention model, not a practice that employers are able to undertake and is beyond the responsibility of a particular company to do.

The first key practice is the reimbursement of recruitment fees and related costs paid by migrant workers. As shown in **Table 6**, Company A and B have different views on this practice. In terms of affordability, Company A expressed that this practice is affordable to them if costs incurred on the Thai side are around THB 4,000–5,000 and migrant workers do not leave the company before one year, but Company B felt this practice is unaffordable to them. In terms of applicability, Company A stated they can apply this practice if migrant workers work with them at least one year. On the contrary, Company B thought this practice was not applicable to their company because Company B cannot control recruitment practices in source countries. When asking both companies whether they had enough knowledge and technology to implement this practice, Company A responded they could apply this practice on the aforementioned condition because they could seek advice from their network on how to advance the costs for migrant workers. Company B said they did not have sufficient knowledge and technology and did not provide a reason for this response.

Table 6: The Opinions of the Two SMEs on the Key Practices

No.	Promising Practices	Affordability		Applicability		Viability	
		Company A	Company B	Company A	Company B	Company A	Company B
1	Reimbursing worker-paid recruitment fees and costs	Medium	Low	Medium	Low	Medium	Low
2	Interviewing jobseekers at countries of origin	Low	Low	Low	Low	Low	Low
3	Enhancing gender equality in recruitment practices	High	Low	High	Low	High	Low
4	Sharing information about recruitment agencies	High	High	High	High	High	High

Interviewing jobseekers at countries of origin is the second key practice that companies, such as Princes Group and Seafresh Industry, carry out to reduce any misunderstanding about working conditions in receiving countries. According to Table 4, both companies shared the same views on this practice and rated low in all aspects. They responded that this practice is not affordable for them because they do not have the budget to do so. Company B mentioned in the survey that they have to rely on trustworthy recruitment agencies to provide information about working conditions and interview jobseekers on their behalf. In terms of applicability, both companies felt this practice could not be done by their companies. Company A added that this practice is applicable for some companies, but many more SMEs are not ready to do this practice. With regard to viability, both companies stated they did not have enough knowledge and technology to undertake this practice. Company B said that they did not have interpreters. In addition, Company B responded that interviewing jobseekers is a duty of the recruitment agencies in the sending countries. If a local law requires Thai employers to interview migrant workers, the company will do so.

The third key practice is to undertake the analysis of gender bias in recruitment processes. As shown in Table 6, Company A and Company B have different views on this practice. Company A rates high for all criteria, whereas Company B gave low for all. In terms of affordability, Company B felt this practice was not affordable because it requires lots of adaptation, which includes changing the staff's attitude and views, and also transferring this concept into operational practices. As a consequence, Company B thought this practice was quite difficult to apply. In contrast to the results from Company B, Company A rated affordability and applicability as high. Company A expressed that they could seek advice from their networks regarding how to implement this practice. Whereas, Company B stated that although a guideline was provided to them, they did not have enough knowledge to apply it.

The last key practice is getting information about recruitment agencies. Although SMEs do not have the capacity to develop a portal for migrant workers to share their experience regarding cross-border recruitment services, SMEs can seek information from reliable and credible sources before selecting recruitment agencies. The two companies had positive views on this practice as they mentioned in the survey that it would be very useful because it could prevent migrant workers from potential abuses by recruitment agencies. According to the survey, both companies rated high for the three criteria. In terms of affordability, both companies felt it was affordable. Company A thought this practice was more applicable to them because they have to ensure the recruitment agencies they used were on the list of Thailand's Department of Employment's licensed recruitment agencies. Company B added this practice would help to get reliable, responsible, experienced recruitment agencies. In addition, viability rated by both companies was high. Company B responded that the company could seek advice about recruitment agencies from many sources, such as the Line group of HR staff, Provincial Employment Office, and an employer's network.

4.4. Factors Influencing the Adoption of Key Practices by Seafood Processing SMEs in Thailand

This analysis aims to explore the helping and hindering factors in the adoption of identified key practices among Thai seafood processing SMEs, taking into consideration the views of the two SMEs. The first identified practice is paying or reimbursing recruitment fees and related costs of migrant workers. This practice would substantially increase business costs and could negatively impact the company profit margin, especially for SMEs. SMEs are unable to afford all costs incurred during the migration process that large companies such as Adidas, HP Inc., and Samsung Electric, can absorb. However that does not mean that SMEs cannot take actions to reduce the financial burden of migrant workers. SMEs are able to gradually repay the fees and costs based on their financial situation throughout the employment duration or select some fees and costs that are affordable for them, such as costs incurred in the countries where they operate. One challenge for SMEs is to identify fees and costs incurred in countries of origin since many costs incurred by migrant workers have no proof of payment nor evidence to prove how much they paid to recruitment intermediary agents. Another issue is that the amount of fees and costs varies by several factors, such as how far they travel from their home to places where they can apply and obtain required documents, how many licensed recruitment and informal brokers they work with, how fast required documents are administered. In addition, some information produced by governments of some sending countries or international organizations about the fees and costs are only available in foreign languages. This prevents many SMEs from accessing free and reliable sources of information. However, there is a supportive factor that would enable SMEs to successfully undertake this practice. International buyers could share reimbursement costs and provide other financial support, such as increasing order volume for products and offering premium prices.

For the second key practice, costs are also a key obstacle for SMEs. To send staff to sending countries, SMEs have to pay for accommodation, travel, and meeting arrangement costs, which definitely increase their operational cost for recruitment. This practice may be unfavorable for some SMEs, such as those surveyed above. However, video call or teleconference technology could help SMEs to minimize these costs. Some video call programs, such as Skype, Zoom, Microsoft Teams, and Line, are free or charge minimal subscription fees. SME staff could use these programs to convey messages about working conditions and show videos or pictures of workplaces to prospective workers at the early stage of recruitment without traveling to the sending countries. Nevertheless, IT literacy may be a critical success factor for this process. The company and recruitment agency staff would need to be trained on how to use video call technology.

The third key practice, analyzing gender biases and enhancing gender equality in recruitment processes, is not an easy task for any organization, even for big international companies. This practice requires technical staff that have expertise on gender issues. Therefore, insufficient knowledge on gender issues may be a critical hindering factor for SMEs. Gender analysis cannot be conducted by just one person or even an HR team in a company. It needs the involvement of many people including current staff and rejected candidates to identify gender biases because different groups of people may be disadvantaged in recruitment opportunities by different processes. To carry out this practice requires the support of management. It is also possible that management is not aware gender or the value of gender equality to their companies. However, the availability of guidelines, especially those produced by the FESTA program, can be very helpful for SMEs because they provide recruitment and appointment flowcharts with gender bias markers and recommendations for users. In addition public or online gender equality in the workplace trainings in the local language would support SMEs to implement this practice. Such training would raise awareness about the positive impacts of gender equality for employers and increase their knowledge on this topic.

For the fourth key practice, a critical factor for SMEs is the availability of a free and open internet-based platform that contains information about recruitment service reviews from migrant workers. Without this, SMEs would face a difficulty in gaining the information needed to make the right decision during recruitment agency selection processes. However, cooperation among SMEs or within an industry could enhance this practice. SMEs might share a budget or collaborate with government agencies to create an online platform. Moreover, with high trust among peer SMEs or trade association members, SMEs might be willing to recommend good recruitment agencies that they have used with others. Apart from this, social media is a good place for SMEs to seek information about recruitment agencies' performance. Many recruitment agencies have their own Facebook pages that they use to publicize job openings and to promote their services. The Facebook pages have a review function where rating results from their clients are shown with feedback. So, this is a useful resource SMEs can look at before selecting recruitment agencies.

Regarding the FEP model, SMEs could apply some of its concepts, such as the training curriculum or online portal for workers to easily access useful information, not only about the job, but also local culture. Each SME might develop and disseminate its hiring process and job descriptions to jobseekers who want to apply through contracted recruitment agencies. Providing such information about the recruitment process to job seekers could help reduce the risk of FL and HT as well as job mismatch. This approach would work well for jobseekers that are literate. For those with literacy limitations the use of infographics or illustrations of the recruitment process would be easier to understand. It could even be printed on a passport cover that not only informs workers to protect them from abuse, but also serves as a company promotional material. Yet another option would be for SMEs to build relationships directly with a recruitment agency in Myanmar, or through their connection with a Thai recruitment agency. Having this relationship would not only build trust for business purposes, but would also serve as a way to conduct due diligence and ensure the recruitment process in the source country is transparent and the workers are clearly provided with the necessary recruitment information either by the recruitment agency or by a collaborating CSO. The relationship could be established through any communication platform and might require interpretation support from the Thai recruitment agency or a migrant employee at the factory who speaks the language. If the SME has the resources it could also go to each source country.

5. Conclusions and Recommendations

Over the past three decades, a number of key practices on responsible recruitment have emerged. Voluntary labor standards were developed during the 1990s, reflecting business enterprises' efforts to combat poor working conditions in their supply chains. Nike is a pioneer company that launched its own labor standard and applied it to monitor suppliers across Asia. Apart from Nike, there are several companies using their own standards to regulate their suppliers. In the past 10 years, many MSIs have emerged. Although they vary in terms of standard type, geographical reach, production scope, membership, issues focus, and monitoring mechanism, they share the same objective, which is to establish a collective standard that sets minimum requirements for monitoring suppliers and sharing the results among their members. The MSIs benefit both international buyers and suppliers. Being members of MSIs, international buyers can access relevant tools, prevent allegations about human rights violations in their supply chains, and send stronger messages to suppliers. In addition, MSIs also bring benefits to suppliers since they offer opportunities for suppliers to improve working conditions, strengthen business ties with buyers, and expand access to international markets.

BSCI and SA8000 are labor standards that are well recognized and used by buyers and suppliers globally. BSCI and SA8000 standards cover a wide array of labor rights, including child labor, FL, discrimination, and occupational health and safety, and they also outline a management system needed for a company to be able to implement the standards. They do not have separate standards for responsible recruitment, but integrate recruitment components into the topics of FL or bonded labor. The difference between BSCI and SA8000 is that BSCI does not provide a certification to its members, but focuses on supplier and producer empowerment. For the IRIS Standard and Verité's Ethical Framework for Cross-Border Labor Recruitment, they were developed specifically for regulating cross-border recruitment agencies. The purpose of both of these standards is to combat HT and FL in recruitment agencies, as well as to promote ethical recruitment that is fair for workers, recruiters, and employers. The key requirements of the IRIS standard and Verité framework are no recruitment fees, fair terms and conditions of employment contracts, data confidentiality, transparency, nondiscrimination, and legal compliance.

The General Principles and Operational Guidelines for Fair Recruitment is a non-legal binding standards initiative by ILO that aims to improve the recruitment of foreign workers. The document sets out practical guidelines for governments, employers, and private recruitment agencies to protect migrant workers from any abusive practices during job placement processes and reduce the cost of labor migration. It also clarifies the scope of recruitment fees and related costs, which cover any fees paid to recruitment agencies, employers, and third-party labor providers, and costs for medical examination, training, transportation, accommodations, qualification tests, and required documents. The Thai Union's Ethical Migrant Recruitment Policy is part of a sustainability strategy that aims to provide safe, legal, and freely chosen employment in its facilities and supply chains. The policy covers all aspects of recruitment and hiring for migrant labor and clearly defines that the migrant workers must only be recruited from licensed recruitment agencies or, preferably, through direct recruitment by Thai Union. In terms of recruitment fees, the policy specifies fees that are borne by Thai Union and those borne by migrant workers. Thai Union only subsidizes costs associated with recruitment fees, pre-departure training, transportation, food, and drinking water during the trip to the workplace; uniforms; and safety equipment.

As highlighted in the report, many companies, including Apple, QDVC, Patagonia, HP, HPE, and NXP Semiconductors, have worked with their suppliers to remediate adverse impacts on migrant workers in recruitment processes by fully reimbursing all expenses incurred at countries of origin and destination. Adidas and Ralph Lauren are companies that disclosed they have responsible recruitment policies and reimburse fees to migrant workers from

Myanmar and Bangladesh, respectively. In addition, some companies, especially Princes Group and Seafresh Industry, send their staff to interview migrant workers at countries of origin to mitigate risks associated with HT and FL. This practice allows the companies to directly communicate with migrant workers regarding the terms of contract, fringe benefits, as well as living conditions in countries of destination, helping migrant workers to make informed decisions before they sign contracts.

The inclusive recruitment practices in hiring academic staff developed under the FESTA project are a good example of how to integrate gender into recruitment processes. The project produced a handbook to ensure a fair process for female and male researchers and support staff who are involved in hiring processes, and to create awareness of the biases that can influence appointment processes and criteria. The handbook analyzes gender biases and provides suggestions to improve gender equality in recruitment processes, from candidate selection to contract negotiation. Furthermore, online portals can promote transparency of recruitment processes because they allow migrant workers and employers to access reviews of recruitment agencies' services. Lastly, the fair employment model of FEF is a good model because it involves all key stakeholders in migrant worker employment processes. The foundation attempts to establish fair recruitment agencies at receiving and sending countries, and works with employers in Hong Kong to ensure they treat workers fairly.

To protect the rights of migrant workers, further improvement of recruitment practices of business enterprises, including SMEs and recruitment agencies, is necessary. The research team identifies five recommendations for Plan International Thailand's FAIR Fish project in the development of the responsible recruitment model, and the another five recommendations for SMEs are included below.

5.1. Plan International Thailand

- ***Integrate responsible recruitment components found in the selected standards into the FAIR Fish's responsible recruitment model:*** The integration of the responsible recruitment components would bring the model in line with internationally recognized standards and help companies and recruitment agencies involved in the project be able to fully comply with labor or recruitment standards required by their international buyers. Given the scope of the project, the occupational health and safety components could be omitted.
- ***Develop tools, such as a post-arrival questionnaire, for SMEs to identify costs paid by migrant workers:*** The tools would help them to know what costs their migrant workers paid for job placement in Thailand. Even though Thai SMEs may be reluctant to repay or pay all recruitment fees and costs, it is worth continuing an effort to encourage them to gradually pay at least the costs incurred in Thailand.
- ***Organize a training on how to use video call or teleconference programs for SMEs:*** Due to many challenges facing SMEs, such as budget constraints, technology can help SMEs to conduct information sessions and interviews for migrant workers, helping them to communicate with migrant workers directly and also reduce the misunderstanding of working conditions among workers, as well as any deception by intermediary agents.
- ***Educate SME and recruitment agency staff on gender equality:*** Comprehensive training sessions on gender equality should be held to enable them to identify practices leading to male and female migrant workers' unequal opportunities to apply for available jobs. Also, the training should suggest possible practices to cope with gender-related problems. In addition, the handbook developed by the FESTA program should be revised to be more suitable to the local context.

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- **Facilitate the development of an online platform where migrant workers and employers can review the service of recruitment agencies:** Free online platforms where migrant workers can share their experiences about recruitment agencies would lead to the reduction of exploitation in cross-border recruitment processes.

5.2. SMEs and Recruitment Agencies on Each Promising Practice

- **Create a list of recruitment fees and costs based and gradually reimburse migrant-paid recruitment costs through monthly payroll:** SMEs should create their own list of recruitment fees and costs. The list would identify what types of costs the companies would pay or repay to migrant workers. Then, they could develop annual cost projections to ensure an adequate budget is earmarked for reimbursement for migrant workers.
- **Interview and provide information about working conditions to migrant workers through an online meeting:** Using video call and teleconference programs could help SMEs save on the cost of sending staff to interview and conduct informational sessions for migrant workers in countries of origin. HR staff and recruitment agency staff should be trained to use the programs and ensure necessary equipment, such as a computer, speaker and projector, and internet are available in sending countries.
- **Make a chart of recruitment processes and identify gender biases in the processes in collaboration with the recruitment agencies:** SMEs can follow the handbook of the FESTA program by adapting the chart to their local context and culture. In addition, SMEs should seek advice and technical training from NGOs specializing in gender equality promotion, as well as attend public trainings or online training on related topics to increase their knowledge.
- **Enhance closer cooperation with peer companies on information sharing:** SMEs cannot develop an online platform on their own; however, they can share names of responsible recruitment agencies that they have used with their peer companies and others through a website, social media, and trade association meetings. They could also advocate at trade associations to create a banned list of recruitment agencies and make the list accessible to members.
- **Adopt the FEF's training curriculum and develop a responsible guideline on hiring processes according to FEF's Fair Employment Model:** SMEs should apply the FEF's training curriculum for migrant workers after they arrive at their workplaces. In addition, SMEs should create and disseminate a guideline on the hiring process that clearly specifies the recruitment procedures and provides a job description to jobseekers through recruitment agencies. They should develop a guideline that works for those who have literacy limitations. It could use infographics or illustrations to explain the recruitment process in a way that is easy to understand.

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