



# COVID-19: Guidance for labour recruiters to enhance migrant worker protection during the current health crisis

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*During the current global health crisis, labour recruiters play an essential role in protecting migrant workers and ensuring essential services have the staff they need to provide elevated levels of care. Recruitment agencies are also on the frontlines of helping migrant workers get home and supporting those who have already returned to access social assistance, seek alternative livelihood opportunities and navigate the challenges related to reintegration in a time of mandatory quarantine and social distancing. This resource provides guidance to labour recruiters on how to maintain high standards of ethical recruitment despite the challenges posed by COVID-19. We hope that it provides inspiration and insight for the application of practical measures to promote enhanced migrant worker protection.*

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***This document offers preliminary guidance for labour recruiters to enhance their response to COVID-19 and, in particular, to offer advice to establish effective protections for migrant workers linked to their operations. It is a “living document” and will be updated regularly for the duration of the pandemic.***

## **1. General considerations to enhance the protection of migrant workers**

- a. The health, wellbeing and safety of jobseekers and migrant workers shall be a priority for labour recruiters during the COVID-19 health crisis. Labour recruiters must exercise their duty of care to respect human rights and meet the basic needs of migrant workers, especially women workers and disadvantaged groups.
- b. Labour recruiters should maintain up-to-date records on the status of migrant workers they have recruited. This may include data on how many workers are affected, in what way they are affected, the status of employment contracts, their legal status (e.g. visas, work permits), and any critical or long-term needs.
- c. Labour recruiters should keep up-to-date records of and follow all legal obligations related to travel published by national authorities in countries of origin, transit (as applicable) and destination to ensure that deployment, transit and/or return of migrant workers is conducted in accordance with applicable laws, regulations and other relevant measures.
- d. Labour recruiters are encouraged to liaise with and seek the support of relevant trade, industry or business associations in both countries of origin and destination to share information, learning, and recommended steps to address the crisis through cooperative action.

## **2. Communicating with migrant workers**

During times of crisis, proactive engagement and open communication channels with all migrant workers are vital to understand their needs and ensure that they have access to accurate information that reduces risk and enhances access to support and protection services.

- a. Labour recruiters are advised to engage in direct and regular communication with all deployed migrant workers and follow-up via written or verbal communication on their current health, social, legal and economic situation.
- b. In cases where the labour recruiter has larger groups of migrant workers deployed to the same employer or workplace, it may be advisable to establish a trusted focal point, such as a team leader, another worker representative or a trusted third party (for example, a civil society organization), to streamline communications and ensure that questions are surfaced, communicated and addressed efficiently.
- c. In order to counter the spread of misinformation about COVID-19, labour recruiters are strongly advised to 1) only share or direct migrant workers to information from reputable sources, and 2) support them with timely access to information on updated laws, regulations and government measures in relevant countries of origin and destination. This may include information on border closures, visa exemptions, work permit extensions, and access to social security or other benefits.

## **3. Communicating with employers, business partners and relevant stakeholders**

During times of crisis, proactive engagement and open communication channels with employers, business partners (including third-party employment agencies) and other stakeholders are vital to ensure that migrant workers receive the support they need in countries of destination, including access to health care services and basic social protection.

- a. Labour recruiters are advised to maintain direct and regular communication with employers and business partners via written or verbal communication to stay informed about the current health, social, legal and economic situation of deployed migrant workers and to support access to health and other essential services.
- b. Labour recruiters should also offer their remote support (as necessary) to relay information between employers and migrant workers, and raise and (possibly) help to resolve any issues or grievances expressed by the latter in relation to the crisis, especially in cases where there are known language or other barriers (see above on communicating with migrant workers).
- c. Labour recruiters should also engage with employers to ensure that all necessary safety measures limiting workers' exposure to infection are in place in workplaces, accommodation and means of transportation (when provided by employers), in accordance with national health crisis requirements and regulations.
- d. As necessary, labour recruiters should negotiate with employers to resolve any issues related to the workplace, accommodation, return options or in-country change of employers (where available and allowed by law). Where migrant workers are believed to be in situations of acute health risk, labour recruiters should follow existing legal requirements and contractual obligations, and take appropriate action, which may include contacting relevant authorities, embassy or consular officials, labour attachés, or destination country partners.
- e. To mitigate stress and anxiety among migrant workers, labour recruiters should encourage employers to ensure that migrant workers have uninterrupted access to internet services, for instance in dormitories, in order to maintain regular contact with family members and friends in countries of origin, diaspora groups and consular/labour attaché offices.
- f. Labour recruiters are encouraged to reach out to their own embassies and labour attachés in countries of destination (as available) to seek their advice on how best to support migrant workers during the crisis.
- g. Communication and engagement with trade unions, migrant worker associations, civil society organizations (CSOs) and diaspora groups actively involved in migrant worker health, well-being and rights is encouraged to enhance support in the destination country.
- h. Labour recruiters can also engage with IOM, UN and other international agencies to leverage (where possible) existing assistance and protection measures, including in relation to return efforts.

#### 4. Safeguarding the rights of migrant workers in times of crisis

Labour recruiters must continue to respect and safeguard the human and labour rights of migrant workers throughout the current crisis. Recruiters are encouraged to include the perspective of migrant workers in the development and implementation of any mitigation measures against risks of virus transmission.

- a. With many migrant workers facing the risk of unemployment or underemployment resulting from the pandemic, labour recruiters are encouraged to inform them about available social protection measures and how to access them, regardless of their migration status.
- b. It is important that labour recruiters, in coordination with employers and other relevant stakeholders, ensure that an effective grievance mechanism is available to migrant workers during the crisis so that grievances – particularly those related to health concerns – can be raised and addressed.
- c. In cases where the labour recruiter is aware of or anticipates that an employer experiences increased production demands due to the crisis, they should make every effort to ensure that health and safety requirements are adhered to, working conditions do not deteriorate and migrant workers are not forced to work beyond the legal limits placed on working hours. Likewise, regulations regarding rest days (e.g. at least one per seven days or two every 14 days) should be adhered to throughout the crisis.

- d. Labour recruiters should also reach out to employers and migrant workers to stay informed about current workplace arrangements and modalities. Labour recruiters should remind employers and migrant workers that any overtime worked must be voluntary, paid at a premium per employment contracts and properly recorded on payslips and time sheets.
- e. In cases where migrant workers' job functions are changed, or where they are relocated to another facility under the same employer or company, labour recruiters should ensure that 1) this complies with regulations governing work permits and visas; 2) migrant workers are properly informed and give their consent prior to any such changes; and 3) terms and conditions of employment are the same or better (e.g., improved terms should be offered wherever migrant workers are assigned to and accept a more advanced role).
- f. If migrant workers require extensions to their current work and/or residence permits, labour recruiters should engage as appropriate with employers, business partners and government authorities to ensure that they have the correct documentation and that permits are obtained. Additional costs related to such documentation must not be borne by migrant workers.
- g. For deployed migrant workers that continue to work throughout the crisis, recruiters should verify that workplaces and worker accommodation (when provided by the employer) meets the elevated standards related to hygiene and social distancing necessary to mitigate risks of COVID-19 transmission.
- h. For migrant workers that are furloughed or terminated as a result of the crisis, labour recruiters are advised to ensure that all relevant clauses in employment contracts are strictly adhered to, and that – in cases of termination – migrant workers receive the compensation they are entitled to under the law before leaving the country of destination (see below for guidance on managing the return of migrant workers).
- i. In addition, for migrant workers whose contracts have been terminated, labour recruiters should provide support in relation to existing travel restrictions, accommodation and the documentation required to exit (if possible) or stay (where necessary because of border closures).

## 5. Conducting (ethical) recruitment activities during the crisis

Labour recruiters that continue to provide recruitment services during the crisis should follow all legal requirements, health-related measures introduced by the government as well as international standards related to the ethical recruitment of migrant workers. This includes maintaining, and ensuring that business partners maintain, ethical standards through policies and practices, and improving or adapting operations as needed to enhance safeguards during the pandemic.

- a. If labour recruiters are approached by an employer to support recruitment during the pandemic, they should conduct a risk assessment and stringent due diligence to determine the feasibility of recruitment, deployment and employment in the current context (e.g. ensuring safe conditions of travel, work and accommodation). If the safety of workers cannot be guaranteed, labour recruiters should not proceed with the requested recruitment.
- b. In the context of current travel restrictions, it is particularly important that labour recruiters establish measures to comply with government rules and that they do not place jobseekers and migrants at greater risk of exposure. Labour recruiter should ensure that migrant workers are properly registered with their embassy or consulate in the destination country and given information about how to contact them. Such entities are often responsible for arranging evacuation or return efforts when these are required.
- c. For workers recruited or deployed prior to or during the crisis who have not started working, labour recruiters should ensure that measures are in place to observe social distancing, hygiene and other requirements during all stages of selection, travel and transit. This includes provision and information on the proper use of protective equipment.

- d. Upon workers' arrival in the country of destination, labour recruiters should coordinate with employers to ensure that all local rules and regulations related to quarantine or social isolation are observed and that appropriate accommodation, food and other necessary support services are provided to migrant workers throughout the mandated timeframe.
- e. In situations where migrant workers have been deployed, are unable to start work due to current restrictions, and who are therefore returning home, any recruitment fees or related costs should not be borne by migrant workers.
- f. Labour recruiters must ensure that any additional fees or costs related to recruitment and deployment – e.g., for supplementary health checks or official documentation – are not borne by migrant workers. Employers shall be required to cover these costs and should be informed about them as early as possible.
- g. Labour recruiters should also account for and inform employers about any additional time that may be required to complete the recruitment process due to the pandemic and new public health measures.
- h. For applicant sourcing, interviews, and selection of candidates during the pandemic, labour recruiters should make use of remote, online and video interviewing technologies as much as possible to reduce unnecessary travel and in-person meetings. This includes encouraging online submission of relevant documentation, where acceptable.
- i. For recruitment processes initiated prior to the crisis which are now suspended for reasons beyond the labour recruiter's control, the labour recruiter must ensure that this does not result in jobseekers being held for indefinite periods of time, which could limit their freedom of movement. In such cases, all original personal documents must be returned to migrant workers. Even if deployment is still possible, workers must have the right to terminate the recruitment process at their own discretion due to health-related or other concerns.

## 6. Enhancing safety and health in the labour recruiter's offices

If the labour recruiter continues to operate during the pandemic, they should consider implementing flexible work arrangements and take measures to identify essential and non-essential staff. Where migrant workers or jobseekers are present on recruiter premises, their health and safety must also be considered in any office adaptation measures and rearrangements.

- a. In cases where off-site work is possible, labour recruiters should consider arrangements that allow employees to work from home (e.g., telecommute) or adopt flexible working hours. Flexible arrangements may also include adjusting to shift work to ensure that as few employees as possible are present in the workplace simultaneously.
- b. Labour recruiters should adapt their occupational safety and health measures in the workplace and follow health authority guidelines to limit risk of infection between workers in their own operations and jobseekers (in cases where offices remain open to visitors).
- c. Hand washing or sanitizer stations should be easily available at strategic points in the office, and all employees, contractors, and other visitors (such as jobseekers) must be encouraged to practice regular and thorough handwashing. Distribution of face masks, gloves or other PPE can be considered as appropriate (and per government recommendations) and should be accompanied by instruction for proper use and disposal.
- d. For jobseekers or applicants participating in skills or language training that require them to be present on the labour recruiter's or business partner's premises, adopting new, flexible arrangements (for example, by allowing training to be conducted at home where possible) should be considered.
- e. In cases where flexible arrangements for jobseekers cannot be organized (including for those temporarily living on the recruiter's or business partner's premises), labour recruiters must ensure

that safeguards are in place to benefit both employees and jobseekers. This may include reorganizing living arrangements to reduce the number of jobseekers sharing the same room and/or adjusting eating schedules to limit or stagger the use of dormitory kitchens or canteens (which may, in turn, necessitate provision of other means for cooking). Likewise, similar restrictions may be needed to regulate the use of showers or other personal hygiene facilities, where these are limited in number.

## 7. Measures to address the unique vulnerability of migrant domestic workers

Migrant domestic workers face unique vulnerabilities during the current health crisis. For example, they may: 1) face greater isolation because they work in private households; 2) experience restrictions on their freedom of movement; and 3) lack adequate access to health services or social protection measures. For these reasons, labour recruiters should give additional consideration to such workers, particularly women, and adopt enhanced protection measures to guarantee their health and safety.

- a. Where possible, labour recruiters should stay in close and regular contact with migrant workers deployed to private households to ensure their health and wellbeing is protected throughout the pandemic.
- b. Labour recruiters should also regularly check-in with and remind employers that domestic workers are entitled to and should enjoy weekly rest days and annual leave entitlements in accordance with applicable national laws and regulations. Labour recruiters are strongly encouraged to share information with employers about relevant health measures and to ensure that they are taking the necessary measures to protect the household from exposure to COVID-19.
- c. Labour recruiters should be sensitive to the increased risk of domestic violence due to heightened levels of stress and tension in private households during the crisis. They are encouraged to adopt protocols and procedures to respond to such cases, as necessary.

## 8. Return of migrant workers during the pandemic

In cases where no other options are available and migrant workers either decide to terminate their employment or have their employment contracts terminated by their employer, return to the country of origin will be necessary. This must be well-managed and coordinated between all parties (e.g., employers, relevant authorities and migrants themselves) to ensure the safety and health of migrant workers at all times.

- a. This should include:
  - Coordination with employers under existing contractual obligations and possible support from CSOs, as appropriate.
  - Ensuring that migrant workers are informed about the safety rules that apply during and after travel (e.g., mandatory quarantine upon arrival) and that they will not be penalized for leaving.
  - Providing migrant workers with hygienic travel kits.
  - Coordination with government and/or international organizations, where either provides repatriation services during the crisis.
- b. Labour recruiters should encourage migrant workers to get all necessary skills certificates, proof of employment and any other documentation necessary to formally recognize prior learning, skills and experience. This will be vital in assisting migrant workers to find new jobs in future.
- c. In cases involving jobseekers who could not travel due to the pandemic (but who were awaiting deployment in a location outside their home community), labour recruiters should coordinate with employers to organize and pay for temporary accommodation and return travel to the jobseekers' communities of origin. These costs should not be borne by migrant workers.

- d. Where other options are not available, discuss with government, other recruiters and relevant institutions the possibility to unlock and utilize bonds and/or deposits placed as guarantees during the recruitment of migrant workers. Reach out to relevant authorities to explore the possible use of migrant welfare funds, where these exist.
- e. Labour recruiters are strongly encouraged to share with returning migrant workers information about the basic social protection and support measures (as applicable) that they may be entitled to, including unemployment benefits and insurance. This could include directing migrant workers to public employment agencies, counselling services and/or government- or civil society-operated Migrant Resources Centers which may provide support in finding new jobs at home.

## 9. Conducting (ethical) recruitment after the crisis

Post-crisis, it is important that labour recruiters are prepared to provide recruitment services that respond to the increased demand of employers who want to return to “business as usual” as quickly as possible. Nevertheless, recruiters must ensure that they always comply with relevant laws and regulations and maintain measures that are consistent with international standards, including the IRIS Standard. The sooner labour recruiters prepare for this post-crisis situation, the better positioned they will be to meet the demands when things return to the ‘new normal’.

- a. Labour recruiters are strongly encouraged to adopt measures that guarantee ethical recruitment in accordance with the IRIS Standard in the immediate aftermath of the crisis when full production and services resume. This will be vital in the face of predicted pressures to return to “business as usual” or even increased production, which may necessitate the rapid recruitment of large numbers of migrant workers.
- b. Where possible and in coordination with the employer and migrant worker, labour recruiters are encouraged to promote re-hiring of former employees on the same (or improved) conditions when production returns to normal. This will facilitate a faster return to business as usual by reducing the need to train new workers; it may also accelerate the government approval process.
- c. Labour recruiters should consider conducting a needs assessment regarding possible post crisis deployment in order to project potential recruitment needs based on the impact of COVID-19, likely labour market conditions and government requirements. Such assessments, projections and preliminary arrangements are best done in advance to the benefit of workers, employers and recruiters.

## 10. Mitigating risks to migrant workers through management systems and due diligence

Finally, labour recruiters play a key role in the protection of migrant workers throughout the entire migration process, and their responsibilities stretch beyond their direct operations, both up and down the recruitment chain.

- a. As such, labour recruiters remain accountable for migrant workers’ wellbeing and protection throughout the entire recruitment and deployment/employment process, including for the actions of employers, subcontractors and other business partners. Labour recruiters are strongly advised to conduct ongoing due diligence and continuously monitor their activities and mitigation measures during the pandemic.
- b. This includes ensuring that all employer-clients, subcontractors and other business partners are complying with applicable national laws, regulations and international standards in countries of operation.



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