

## **Briefing Note No. 3 : International Labor Intermediation**

### **Background: international labor intermediation services as a migration management tool**

Migration management aims at enhancing the benefits and reducing the risks of migration for key stakeholders by putting in place adequate local institutions, policies and programs and by fostering cooperation between migrant sending and receiving countries. One key component of efficient migration management is labor intermediation. In the national context, labor intermediation is often seen as one policy instrument of a larger employment and training system. In the international context, intermediation services can help reducing asymmetries of information between migrant workers and employers on international labor markets and facilitating the acquisition of skills in demand in the economy for migrant workers. Adequate public provisions and regulation of labor intermediation institutions and services play an important role in ensuring social protection of migrants and their families, and enhancing their access to fundamental rights.

### **Intermediation services**

Intermediation services provided by different agents, including public/private intermediation agencies, to different groups of job seekers and employers can ideally include the following:

- Job search assistance / candidate profiling (e.g. providing information differentiated by job types, salary levels, skill levels)
- Job placement / brokerage (e.g. identification of key markets, establishment of linkages with potential employers)
- Job matching (e.g., use of competency profiles, CV databases and other relevant tools and methods to match candidates to enterprise requirements),
- Skill assessment and certification (e.g., identification of skill requirement, harmonization of qualifications)
- Training (e.g. vocational training, on-the-job training, language and soft skills)
- Services for employers (e.g., interviewing, medical tests)
- Labor market information (e.g., provision and analysis of data on labor market trends in receiving countries)
- Services related to pre-employment orientation and information and/or mechanisms that can help guard against exploitation and unfair working conditions in the host countries
- Other services to job seeker (e.g., employment contracts, legal advice, visa services, emigration clearance, information services)
- Social services (including unemployment and repatriation insurance)
- (Employment) services to return migrants

In the international context, information on the availability and effectiveness of labor intermediation is scarce despite demands for such services. There is therefore a strong need for monitoring and evaluation of labor intermediation interventions, and for rigorous impact evaluations in particular.

### **Legal framework & the protection of migrants' rights**

The providers of intermediation services can be either public or private agencies, or in some cases public-private partnerships. The private provision of intermediation services can increase efficiency in marketing and placement but also generate important risks in terms of trafficking and migrants' rights abuse. ILO and UN international conventions provide the international legal framework for the protection of migrants' rights. Migrants' protection also requires adequate measures at the national level including local laws, regulations and standards concerning private and non-governmental provision of intermediation services for the international market (e.g., licensing requirements for private recruiters, recruiters being jointly and solidarily liable (JSL) for any and all claims that may arise in connection with the implementation of the employment contract according to recently introduced legislation in the Philippines), and sufficient funding and implementation capacity for effective monitoring and enforcement mechanisms. The power to issue and withdraw licenses to private recruiters is one of the most important functions of governments to help regulate the provision of international labor intermediation services by private recruitment agencies and protect migrant workers' rights. Bilateral agreements for labor mobility between sending and receiving countries can also provide a legal and operational framework for intermediation services and migrants' protection.