

Speaking points for the 2nd UN Forum on business and human rights

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- Ladies and Gentlemen, distinguished guests. Thank you for the opportunity to speak on behalf of the employment & recruitment agencies industry that I represent through the international confederation of private employment services – Ciett.
- As we have discussed over these two days, the UN Guiding Principles are based on three main pillars the duty to Protect, Respect and Remedy.
- It is very important to look at these three pillars together, in a holistic way. They have to be implemented together in order to be effective. But today I would like to focus on the first pillar, because employment & recruitment agencies need to have appropriate regulation as a pre-requisite for them to ensure respect of human rights in their business operations.
- In the employment & recruitment agencies industry we are particularly sensitive to human rights, because our business is people: our daily job is finding employment for people, helping them out of unemployment and into a productive and fulfilling life. We also work with companies, providing them with the right talent to innovate and succeed.
- However, in order to make a successful match between labour demand and supply, we must guarantee high quality standards for workers and for companies. These quality standards can exist if there is appropriate regulation on the employment & recruitment agencies industry.
- In several countries there is no appropriate regulatory framework for the sector, which means that there is no way to distinguish bona fide employment & recruitment agencies – that Ciett represents – from the rogue operators that take advantage of the legal vacuum to make profit at the expenses of workers.
- For Ciett, the first step to ensure the sound implementation of the UN Guiding Principles is to put in place an appropriate regulatory framework for the employment & recruitment agencies to respect.

- By appropriate regulation I mean one that is based on the ILO Convention on Private Employment Agencies, 1997 (No. 181), which strikes a balance between protection of agency workers and the creation of a regulatory environment that enables the development of the industry.
- I just quote here two components that contribute to this balance: first is the prohibition to charge fees to workers, and second the establishment of licensing or registration systems that can filter out the mala fide operators.
- The prohibition of charging fees is essential to avoid situations where workers have to fall into debt to repay the recruitment services; and in some cases these can be very high fees that can lead to bonded labour, confiscation of id documents, etc.
- On the other hand, having a licensing or registration systems enables the bona fide agencies to operate responsibly: for example they can be requested to deposit a financial guarantee that ensures the wages of workers even if the user companies are not in the position to pay.
- In addition, licensing and registration have benefits for the governments too, enabling them to keep track of the employment & recruitment agencies that operate in the labour market, to get information through regular reporting and to collect taxes and social charges linked to the employment of agency workers.
- Several countries around the world have not yet adopted regulation on employment & recruitment agencies, and in these countries Ciett and its members rely on the Ciett code of conduct.
- The Ciett code of conduct ensures that the protection of workers remains at the heart of all the activities of Ciett members. For example, our members strictly adhere to the prohibition of fee charging, even when they operate in countries where this is the common practice, e.g. in India or in Nepal.
- When no specific regulation is in place, our members still apply the Ciett code of conduct, which ensures that the business remains clean and in full respect of the fundamental principles and rights at work.
- Beyond this, Ciett is engaged in several voluntary initiatives that aim at fighting abuses that are sometimes associated with the industry. For example Ciett members fully endorse the Athens Ethical Principles against human trafficking. Several Ciett corporate members (including Adecco, Manpower and Randstad) have signed the UN Global Compact, which focuses on human and labour rights, environment and anti corruption.

- Despite our desire and core mission to fully respect workers' rights throughout our operations through our code of conduct and our engagement to various initiatives, it is not sustainable to rely solely on self-regulation. The industry needs to have appropriate regulation to separate the good agencies from the rogue operators and to be able to implement the UN Guiding Principles.
- This is why we call on all governments to ratify the ILO Convention No. 181 as a cornerstone for the employment & recruitment agencies industry to guarantee high quality services to workers and companies in full respect of the fundamental principles and rights at work.
- So far 27 countries have ratified Convention No. 181, making it the 4th most ratified technical convention since 1990. But we need to encourage more countries to ratify it and to meet their duty to protect so that the business can uphold its responsibility to respect.
- Business is ready to take on this responsibility, and Ciett members already do so; but I would like to point out that small and medium employment & recruitment agencies may face additional challenges in implementing the Guiding Principles, compared to big multinational enterprises, and often this is due to fewer resources available.
- Therefore, it is important to appreciate that small and medium employment & recruitment agencies may need additional guidance that can help them in the implementation of the Guiding Principles.
- And in this context, I would like to refer particularly to the European Commission's Sectoral guidance for the implementation of the UN Guiding Principles in the employment & recruitment agencies sector, prepared by the Institute for Human Rights and Business – represented here by John – and Shift – represented by Rachel Davis.
- The Guide is a very good tool that talks concretely to employment & recruitment agencies about how they can incorporate the Guiding Principles into their operations and provides cases and examples that are practical and relevant for the big multinational employment & recruitment agencies as well as for the small and medium ones.
- I would like to conclude by reiterating my invitation to governments to ratify ILO Convention No. 181, to set and enforce the appropriate regulatory framework for the employment & recruitment agencies sector. This is a pre-condition that enables the industry to take its responsibility to respect; without it we have to rely on self-regulation. In the case of Ciett, self-regulation consists of its code of conduct, which covers its members and cannot extend to all the other actors that operate unethically.
- Thank you.