

Code of Conduct
of
Bangladesh Association of International
Recruitment Agencies (BAIRA)

*Drafted by RMMRU
Supported By PROKAS, British Council*



DRAFT CODE OF CONDUCT
OF
BANGLADESH ASSOCIATION OF INTERNATIONAL RECRUITING AGENCIES

Bangladesh Association of International Recruiting Agencies (BAIRA) was established in 1984 to promote overseas placement of workers through registered recruiting agents (the members of BAIRA), protect the rights and interests of the members of the Association, offer advice and assist the Members in their business activities, and coordinate their activities and to create unity among them.

Objectives

This Code of Conduct provides a framework to:

- a. Promote ethical conduct and professionalism of members of BAIRA (henceforth referred to as 'the Members') in their interaction with job seekers, employers and other stakeholders.
- b. Promote fair practices in recruitment and improve the image, reputation and credibility of the Members.
- c. Bring the operations of the Members within a well governed framework for the purpose of providing high quality placement and recruitment services to the job seekers and the employers.
- d. Promote self accountability and accountability with job seekers, employers, other clients and fellow members.
- e. Ensure that conducts of the Members comply with the Overseas and Employment and Migration Act 2013 as well as other labour standards.

Authority

This Code of Conduct has been framed in line with Section 3(iv) of the Memorandum and Articles of Association of BAIRA.

Guiding Principles of Ethical conduct

Legal compliance

The members shall comply with all relevant legislations, statutory and non-statutory requirement and official guidelines in conducting their activities. They shall not in any way engage in any activity that may facilitate forced or bonded labour, human trafficking and child labour.¹

Respect for ethical and professional conduct

The Members shall

- observe the highest principles of ethics, integrity, professional conduct and fair practice in dealing with job seekers, workers, fellow members and other stakeholders and shall

¹ As defined in ILO fundamental conventions number 29, number 105, number 138 and number 182.

conduct their business in a manner designed to enhance the image and reputation of the industry;

- refrain from activities which discriminate against or have negative impact on job seekers specially women or infringe upon basic human rights that contravene national and international norms;
- refrain from illegal, immoral and unhealthy competition with other fellow Members;
- share with job seekers accurate information on all types of fees and costs that they may collect from the job seekers and all the services that would be provided;
- engage in business with job seekers and others in a manner that is fair, open, honest, and courteous and is of high quality at all times;
- refrain from bidding down the wages and any other fees and payment to workers and must comply with the amount stipulated by the authorities;
- ensure improvement of knowledge, skills and qualification of their staff members.
- maintain systematic and accurate record in their recruitment process
- not engage any recruitment activity for labour markets that are not authorized by the government.

Job advertisement

- The contents of all job advertisement must be complete, accurate and clear. All job descriptions and claims must be verifiable.
- Job advertisement must contain the required occupational qualifications, work conditions, and wages for different categories of job offered.
- The job advertisement must neither overstate nor understate the reality of rights, wages, benefits, bonus, leave entitlements, health care, accommodation and living condition in the country of employment and the contractual responsibility and obligations of workers and the challenges which may confront them when working and leaving in the country of employment.
- All Members shall follow the guidelines issued by the Bangladesh authority relating to placing advertisement in the media.

Recruitment

- Members must endeavour to protect the job seekers against fraud, misinterpretation and unethical practices in the recruitment process for overseas employment.
- Members shall pay due consideration to the rights and needs of female jobs seekers and endeavour to protect their dignity at all times.
- Members shall be cautious of job seekers who appear under aged for foreign employment.
- Members shall ensure that the cost of migration is minimal and comply with Bangladesh government's regulations,
- Members shall ensure that the workers recruited for foreign employment under them, have an employment contract and ensure compliance of the same.
- Members shall refrain from substituting employment contracts.

- Members shall refrain from recruiting workers for jobs involving unnecessary/unacceptable risks in which the worker may be subject to dangerous or hazardous work environments.
- Members must directly carry out the recruitment as much as possible.
- Members shall not allow intermediaries acting on their behalf to collect fees from job seekers and conduct all financial transactions through schedule banks.
- Members should only use legal and safe means to send workers overseas for employment and shall not make use of other reasons such as holiday travel, study, visiting relatives, business trips etc.
- Members must ensure that each worker recruited for an overseas employer has read and fully understands their Foreign Service Agreement.
- Members must not misinterpret the medical fitness, qualification, authenticity of documents and any other required information of job seeker to the prospective employer.

Protection and welfare workers

- The Members should exercise due diligence in assessing hazards, risks, abuse, exploitation or discrimination of all kinds in the work places to which they intend to send workers; where hazardous and risks are identified, it is the obligations of the members to inform workers of such hazardous and risks.
- Workers selected for foreign employment must be made aware of the terms of contracts prior to signing, laws of the country of employment, customs and norms.
- The workers must be made aware of the complaint handling mechanisms that are in place in Bangladesh and in the country of employment.
- Members are to ensure that
 - Any wage deduction from workers should only take place under conditions prescribed by the laws and regulations of the country of employment;
 - Employers do not retain identity documents such as passport, work license etc and other personal belongings such as cell phones, and medication with purpose of forcing the workers to work for the employers; and
 - Workers will have full access to their savings account at all times.
- Protection and welfare of deployed workers should be an important responsibility of the Members. In this regard the members
 - shall maintain contacts with Bangladesh missions abroad as well as their counterparts in the country of employment to protect the legitimate rights and benefits of migrant workers;
 - shall regularly monitor the wellbeing of workers who secured employment through them; and
 - shall take all steps responsible possible to ensure the terms and conditions of the contracts of employment are observed by the employer.
- In the event of any incident of death, accident, injury and abuse is reported to the Member by a worker or his or her relatives or the employer or the foreign counterpart of the

Member, the information must be immediately brought to the notice of concerned agency of the government.

- The Members must at all times strive to provide support and extend cooperation to campaigns and programmes against child labour, forced labour, illegal recruitment, human trafficking and human smuggling organised and convened by the government and other recognized stakeholders.
- Members should respect and observe faithfully international instruments on the protection of rights and wellbeing of migrant workers and their families that Bangladesh is a party of.
- The Members should maintain confidentiality of the job seekers' personal data, with exemption to data that is legally required to be shared. They should refrain from using information provided by a job seeker for any purpose other than job placement.

Training

- The Members should encourage overseas job seekers to acquire skills and get trained in foreign language before seeking foreign employment. The Members should facilitate gaining skills and learning language of aspirant migrant workers.
- The Members should ensure that all workers receive appropriate pre-departure training and orientation and provide them with practical information on their contracts and on respective countries of employment.
- The Members have to ensure that prospective workers are aware of their rights responsibilities, obligations, job position and do's and don'ts in the country of employment and upon return to their home country.

Handling of complaints and dispute settlements

- The Members must respond promptly to a complaint made about their or their employees' work or services offered.
- The Members must respond to any inquiry made by the BMET or any other authority of the government within the stipulated time as prescribed in the regulations.
- All disputes between workers, overseas employer and recruiting agents must be settled on the basis of the contract signed between the parties, and comply with laws in the receiving country and any bilateral agreement with the Government of Bangladesh and the government of the country of employment.
- The Members must work
 - to enhance strict adherence by the employer to the terms and condition of employment contracts;
 - should explore all possibilities to obtain a workers' unpaid wages from the foreign employer;
 - should strive to provide assistance to the authorities in repatriation of the workers in any emergency situation from the county of employment; and
 - should provide timely and factual information to the family members of the migrant worker for enquires pertaining to the grievances of migrants workers.

- The Members should maintain a data-base of defaulting/unscrupulous foreign agents/employers/sponsors/outourcing companies and share such information with other fellow Members and the BMET.

Implementation of the Code of Conduct and raising awareness

- BAIRA should bear the sole responsibility for the effective implementation of the Code of Conduct among its members
 - BAIRA should develop a mechanism to deal with compliance for violation of the Code of Conduct that will include provisions of:
 - calling upon a member against whom a complaint has been received to resolve the complaint within 14 days
 - If no action is taken by the member and/or if efforts to resolve the problem fail, BAIRA may form a committee that will have the authority to investigate into the complaint and take action against concerned agency. The action may include (a) warning the concerned agency in writing and (b) recommending for suspension of its license to BMET.
- The complaints should be filed with BAIRA within three months of the reporting of the violation of Code of Conduct.
- BAIRA should post the Code of Conduct in its website and update any such amendments.
- The Code of Conduct should be made available in Bangla and English for distribution among all BAIRA members, potential foreign employers and other stakeholders including migrant workers.

Drafted on 7 July 2019