

# **A Model for Ensuring Ethical Recruitment at the Grassroots: Regularisation of Sub-Agents in Bangladesh**

Developed by RMMRU in collaboration with Parliamentary Standing Committee on the Expatriates' Welfare and Overseas Employment, Parliamentary Caucus on Migration and Development and Bangladesh Civil Society for Migrants

Bangladesh chairs the Thematic Area Working Group (TAWG) of Colombo Process on ethical recruitment. The 9th meeting of TAWG is taking place in Bangladesh from 24th to 25th August, 2022. As part of its commitment to ethical recruitment, the government has revised the Overseas Employment and Migrants Act 2013 and created space for regularisation of sub-agents. Parliamentary Standing Committee, Parliamentarians' Caucus on Migration and Development, Bangladesh Civil Society for Migration (BCSM) and RMMRU take this opportunity to share the model that has been prepared for institutionalisation of functions of sub-agents.

## **Directives of Hon'ble PM**

With strong advocacy from the civil society, on 4th of September 2019, Sheikh Hasina, Hon'able Prime Minister of Bangladesh directed the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) provide ID card to the sub-agents who are involved in international labour migration. The MoEWOE has been experimenting with a model where it has instructed the recruiting agencies (RAs) to provide names of 20 sub-agents to the ministry. The RAs will be allowed to recruit workers through these 20 sub-agents. It does not work in reality. RAs recruit workers from all over the country. Therefore, they require to employ sub-agents from all over the country as recruitments are conducted at remote areas and local sub-agents are only way to approach the workers. 20 sub-agents cannot serve the purpose.

## **RMMRU Model**

In Bangladesh, BMET is the line agency that regulates overseas employment. RMMRU suggests that registration of sub-agents is provided by BMET on the basis of nomination from recruiting agencies. However, instead of restricting the number of sub-agents per recruiting agency BMET may allow as many sub-agents as the recruiting agency requires. A cell needs to be established in BMET office for sub-agent registration. It should set the criteria for enlistment of sub-agents and prepare guideline for the sub-agents to lawfully conduct recruitment. Recruiting agencies and sub-agents as well as BMET staff needs to be trained on the procedure of sub-agent registration. After a systematic verification BMET may register the sub-agent. The sub-agent will be provided with a registration card with unique ID number. Current BMET clearance form should be replaced and in the new clearance form should have provision for recruiting agency to mention the name and registration number of the sub-agent. If the recruiting agency does not avail the service of any sub-agent, then liability should remain in the shoulder of the recruiting agency alone and if it takes help of a sub-agent, then the liability will be joint. The list of sub-agents should be annually updated and it should be online.

## **Dispute Resolution**

If any migrant or potential migrant has a complaint against any sub-agent and any recruiting agency, then they should follow the same complaint mechanism with which complaints are lodged to BMET for arbitration. The current system of conducting investigation by BMET has to be strengthened. Along with DEMO officials, NGO representative with legal knowledge can be made part of the investigation team.

The persons engaged by BMET in arbitration should possess legal degree. The Ministry of EWOE should have a system of evaluation of the arbitration system. Each migrant should fill up a confidential evaluation form. Provisions may be made to have representatives of the aggrieved migrants in addition to the arbitrator assigned to the arbitration process under BMET.

### **Cancellation of registration when found guilty**

Under the sections 31, 32, 33, 34, 35, 36 of Overseas Employment and Migrants Act, 2013, the punishments that have been prescribed including compensation for the recruiting agents will also be equally applicable for the sub-agents. Recruiting agencies and sub-agents should also have the right to appeal to higher authority against any decision.

### **Administrative Structure**

The separate department created at BMET under the director immigration/ arbitration for registering the sub-agents would require at least 3 staff members. One administrative officer who will manage the office and its account, prepare quarterly reports, disburse salary etc. The programme officer will receive all the applications both in person and online, he/she will also act as the investigating officer to conduct the background check of the applicants based on criteria set by BMET. IT personnel will maintain the online list of sub-agents who have been registered. The investigating officer will also annually conduct a survey with the recruiting agencies to enquire if they want to continue with the sub-agents from last year or would like to drop some of them. The same survey should also enquire if they would like to enlist more names of sub-agents for registration for the following year. On the basis of the survey findings, the higher authority will accept the new names and provide registration with ID number. IT officer will annually update the list.

### **Civil Society Demand**

The Parliamentary Standing Committee, the Parliamentary Caucus on Migration and Development, BCSM member organisations, and RMMRU strongly demand that during the programme of Thematic Area Working Group of Colombo Process to be held on 24-25 August 2022, the Government of Bangladesh commits to establish the above model to regularise the sub-agents as part of its long drawn commitment to ethical recruitment.



Bangladesh Civil Society  
for Migrants



**HELVETAS**  
BANGLADESH