

Appendix V

Bilateral agreements and their definition of recruitment fees and related costs

Region	Bilateral agreement	Year	Provisions on fee and related recruitment cost charging and cost categories identified
Asia–Pacific Internal	1. MoU between the Government of Malaysia and the Government of the Kingdom of Cambodia on the recruitment and employment of workers	2015	<p>With respect to related recruitment costs, the agreement specifically states that workers are to shoulder the cost of transport to Malaysia while employers are responsible for return travel to the capital (Phnom Penh) upon completion of the contract. The employer is also responsible for a security deposit required by the Immigration Department, processing fees, visit pass (temporary employment), and medical examination. The worker is responsible for any expenses incurred in Cambodia in accordance with Cambodian laws. The policy states that the workers are responsible for the payment of levy, pass, visa and processing fee (but these are to be advanced by the employer in the first year and deducted from income) as well as travel documents and medical and other expenses incurred in Cambodia.</p> <p>Source: MoU between the Government of Malaysia and the Government of the Kingdom of Cambodia on the recruitment and employment of workers [accessed 9 Aug. 2018].</p>
Asia–Pacific/ Arab States	2. Agreement on workers recruitment between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Saudi Arabia	2016	<p>The agreement with Saudi Arabia seeks to:</p> <p>Art. 3(2): Ensure the recruitment of workers through recruitment offices, companies or agencies that practise ethical recruitment and are licensed by their respective governments.</p> <p>(3): Regulate or endeavour to control recruitment costs in both countries.</p> <p>(4): Ensure that recruitment offices, companies or agencies of both countries and the employer shall not charge or deduct from the salary of the worker any cost attendant to his/her recruitment and deployment or impose any kind of unauthorized salary deductions.</p> <p>Under the Standard Employment Contract for Cambodia Domestic Workers Bound for Saudi Arabia:</p> <p>Art. 7: Employer shall pay for the transportation of the domestic worker from the point of origin in Cambodia to the site of employment and back.</p> <p>Art. 15(c): The employer shall not deduct any amount from the regular salary of the domestic worker.</p> <p>Art. 15(d): The employer shall pay the cost of the domestic worker's residence permit (<i>iqama</i>), exit/re-entry visa and final exit visa, including the renewals and penalties resulting from delays.</p> <p>Source: Agreement on workers recruitment between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Saudi Arabia [accessed 9 Aug. 2018].</p>
	3. Agreement between the Government of the State of Qatar and the Government of the Kingdom of Cambodia concerning the regulation of manpower employment in the State of Qatar	2011	<p>Art. 8.A: The employer shall bear all travel expenses of the workers from the Kingdom of Cambodia to the place of work in the State of Qatar when they first join work and shall also bear their travel expenses from Qatar at the end of their employment contract. The employer shall also bear the workers' two-way travel expenses during the leave period under the work contract. Such expenses shall not include the cost of passport issuance and payment of any deposits.</p> <p>Source: Agreement between the Government of the State of Qatar and the Government of the Kingdom of Cambodia concerning the regulation of manpower employment in the State of Qatar [accessed 9 Aug. 2018].</p>

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	4. Agreement regulating the employment of workers China–Qatar BLA	2008	<p>Art. 10.A: The employer shall bear all expenses for the travel of workers from the People’s Republic of China to the place of work in the State of Qatar upon their first employment, as well as the expenses of their return upon completion of their employment. The employer shall also bear the travel expenses of the worker during the period of leave provided for in the contract of employment. These expenses do not include the cost of obtaining a passport.</p> <p>Source: Agreement regulating the employment of workers [accessed 9 Aug. 2018].</p>
	5. MoU on manpower between the Government of India and the Government of the Hashemite Kingdom of Jordan	1988	<p>Art. 6: Employer undertakes to pay travel expenses from his residence in his home country to his workplace and upon termination of the employment contract and in the case of the cancellation of the contract unilaterally by the employer or unsatisfactory performance by the worker during the probation period his return trip expenses to his home country. The return travel expenses shall not be borne by the employer if the worker quits the job or cancels the contract before its expiry date unilaterally</p> <p>Source: MoU on manpower between the Government of India and the Government of the Hashemite Kingdom of Jordan [accessed 9 Aug. 2018].</p>
	6. MoU between the Government of the Hashemite Kingdom of Jordan represented by the Ministry of Labour, the Government of the Republic of Indonesia represented by the Ministry of Manpower and Transmigration on the Placement and Protection of Indonesian Domestic Workers	2009	<p>Art. 4: Employer shall obtain the required working and residency permits at his/her expense for the Indonesian domestic worker.</p> <p>Art. 8: The employer shall obtain and pay a life insurance policy for the benefit of the Indonesian Domestic Worker.</p> <p>Source: MoU between the Government of the Hashemite Kingdom of Jordan represented by the Ministry of Labour and the Government of the Republic of Indonesia represented by the Ministry of Manpower and Transmigration on the Placement and Protection of Indonesian Domestic Workers [accessed 9 Aug. 2018].</p>
	7. Standard employment contract for Filipino household services workers bound for Jordan, and Principles and Controls for Regulating Deployment and Employment of Filipino Domestic Workers between the Government of the Hashemite Kingdom	2013	<p>Third:</p> <p>(a) Employer is to pay the fees and costs of obtaining the work and residency permits for the worker.</p> <p>...</p> <p>(g) The employer, at own expense, shall provide the worker with plane tickets for expatriation to Jordan, and repatriation upon the expiration of the worker’s contract period of two years.</p> <p>...</p> <p>(j) The employer shall be obliged to obtain a medical, life, accident and repatriation insurance for the worker.</p>

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	of Jordan/ Ministry of Labor and the Government of the Republic of the Philippines/ Department of Labor and Employment		Source: <i>Standard employment contract for Filipino household services workers bound for Jordan</i> [accessed 9 Aug. 2018] and <i>the Principles and Controls for Regulating Deployment and Employment of Filipino Domestic Workers between the Government of the Hashemite Kingdom of Jordan/ Ministry of Labor and the Government of the Republic of the Philippines/ Department of Labor and Employment</i>
	8. General Agreement in the Field of Manpower Nepal–Jordan BLA	2017	<p>Art. 3(a): Both parties to control and regulate costs related to recruitment and employment in both countries.</p> <p>Art. 4(b): Ensure that the costs to be incurred for visa, travel expenses, insurance [life and disability, Art. 13], medical expenses, and other processes related to the recruitment of the workers in Jordan shall be borne by the employer.</p> <p>Art. 5(f): Ensure that workers have not been charged any fees by recruitment agencies in Nepal beyond those stipulated by the Government of Nepal.</p> <p>Art. 10(e): Nepal Government to ensure workers undergo a fair and transparent recruitment process, including an assurance that migrant workers shall not be charged any fees or costs by recruitment agencies facilitating their recruitment above those stipulated by relevant laws.</p>
	9. Agreement between His Majesty's Government of Nepal and the Government of the State of Qatar concerning Nepalese manpower employment in the State of Qatar	2005	<p>Under the agreement with Qatar, art. 6(1): The employer shall bear all travel expenses of the workers from the Kingdom of Nepal to the place of work in the State of Qatar upon entering the service for the first time as well as the expenses of the return passage. The employer shall also bear the round-trip travel costs of the second party on leave periods as provided for in the employment contract. These expenses shall not cover costs of acquiring a passport or payment against any guarantees.</p> <p>Source: <i>Agreement between His Majesty's Government of Nepal and the Government of the State of Qatar concerning Nepalese manpower employment in the State of Qatar</i> [accessed 9 Aug. 2018].</p>
Asia–Pacific–Europe	10. Philippines–Italy BLA	2016	<p>The whole cost of the search, selection and potential professional inclusion of workers will be covered by Italian employers and authorized bodies (art. 10.3) and that Philippine candidates will not bear any costs (art. 10.4).</p> <p>The Philippine candidates will not bear any costs of their linguistic and vocational training in order to meet the requirements of the labour market for qualified professional profiles (art. 12.1–2).</p> <p>The Italian party will cover the cost of the possible training within the limits of the human, instrumental and financial resources provided by the national legislation in force or through financial resources funded by European programmes (art. 12.3).</p> <p>Source: <i>Agreement on bilateral cooperation on labour migration between the Government of the Italian Republic and the Government of the Republic of the Philippines</i>, 2016. Italian version available at: http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/accordi-bilaterali/Documents/accordo-flippine.pdf.</p>

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	11. Agreement on bilateral cooperation on labour migration between the Government of the Italian Republic and the Government of the Democratic Socialist Republic of Sri Lanka	2011	<p>Art. 11 (Selection of candidates): "As for search, selection and potential professional insertion of workers, candidates from Sri Lanka will not bear any cost."</p> <p>Art. 12 (Training courses): Candidates from Sri Lanka will not bear any costs.</p> <p>Source: Agreement on bilateral cooperation on labour migration between the Government of the Italian Republic and the Government of the Democratic Socialist Republic of Sri Lanka [accessed 9 Aug. 2018].</p>
Americas Internal	12. Agreement between the United States of America and Mexico respecting the temporary migration of Mexican agricultural workers	1942	<p>Charging any fee or commission to the worker is illegal. Contracts must be written in Spanish with the supervision of the Mexican Government; all transportation from the place of origin to destination and return, living costs, transport of personal belongings up to 35 kilos per worker, and any expenses of a migratory nature will be covered by the employer; and workers will have access to health services and occupational safety in equal conditions as local workers in the agricultural sector.</p> <p>Source: Agreement between the United States of America and Mexico respecting the temporary migration of Mexican agricultural workers [accessed 10 Aug. 2018].</p>
	13. Labour migration agreement between the Government of Costa Rica and the Government of the Republic of Nicaragua to regulate the entry and stay of non-resident migrant workers	1993	<p>Employers in Costa Rica will pay for transportation both at the entrance and exit; both Governments will negotiate for providing passports, safe conducts and visas free of charge to workers participating in the scheme.</p> <p>Source: Convenio de mano de obra migrante Entre el gobierno de Costa Rica y el gobierno de la republica de Nicaragua para regular el ingreso y permanencia de trabajadores migrantes no residentes [accessed 11 Aug. 2018].</p>
	14. Agreement between the Kingdom of Spain and the Republic of Ecuador concerning the regulation and management of migration flows	2001	<p>Medical exams are to be taken by selected worker before travelling though it is not clear who will pay for them; Administrative processes related to travelling will be borne by the migrant or the employer.</p> <p>Source: Acuerdo entre el reino de España y la república del Ecuador relativo a la regulación y ordenación de los flujos migratorios [accessed 10 Aug. 2018].</p>
Africa–Europe	15. MoU between the Italian Ministry of Labour and Social Policies and the Egyptian Ministry of Manpower and Migration concerning the implementation of the	2005	<p>Art. 5 (Selection of candidates): "As for search, selection and potential professional insertion of workers, candidates from Egypt will not bear any cost.</p> <p>Art. 6 (Training courses): Candidates from Egypt will not bear any costs.</p> <p>Source: MoU between the Italian Ministry of Labour and Social Policies and the Egyptian Ministry of Manpower and Migration concerning the implementation of the agreement on cooperation on bilateral labour migration [accessed 9 Aug. 2018].</p>

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	agreement on cooperation on bilateral labour migration		
	16. BLA Italy–Morocco Bilateral labour agreement between the Government of the Republic of Italy and the Government of the Kingdom of Morocco, supplemented by protocol giving effective execution to the agreement. (protocollo esecutivo, 2007)	2005	Art. 5: The selection of candidates will be at the charge of employers or their representatives, if necessary with the collaboration of ANAPEC. Art. 6: Selected jobseekers must enjoy health conditions that ensure their eligibility for the type of work for which they are being hired in Italy and they might be required to undertake to be paid by employers. Source: Protocollo esecutivo, 2017 dell' Acoordo bilaterale in material di lavoro tra il Governo della Repubblica Italiana e il Governo del regno del Marocco , (protocol of execution of the bilateral agreement between the Government of Italy and the Government of Morocco) [accessed 9 Aug. 2018].
Europe Internal	17. MoU between the Italian Ministry of Labour and Social Policies and the Ministry of Labour, Social Affairs and Equal Opportunities of the Republic of Albania concerning the implementation of the agreement on labour migration	2008	Art. 5 (Selection of candidates): "As for search, selection and potential professional insertion of workers, candidates from Albania will not bear any cost. Art. 6 (Training courses): Candidates from Albania will not bear any costs. Source: MoU between the Italian Ministry of Labour and Social Policies and the Ministry of Labour. Social Affairs and Equal Opportunities of the Republic of Albania concerning the implementation of the agreement on labour migration [accessed 9 Aug. 2018].
	18 Agreement between the Spain and Ukraine concerning the regulation and management of migration flows	2011	Art 4 (3): the pre-selection and selection of workers will have to respect the principle of equality of opportunities and gratuity for workers Source: Acuerdo entre España y Ucrania relativo a la regulación y ordenación de los flujos migratorios laborales entre ambos estados (accessed on 9 August)