



# Good Practices

## for a fair recruitment

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## INTRODUCTION

### Fair Recruitment Good Practices CIERTO's Ethical Recruitment Process



The government of the United States, through its Department of Labor (DOL) has increased the number of permits for temporary foreign workers in the US agricultural sector. Between 2016 and 2018, the number of H-2A visas – destined for agriculture - went from 134,368 to 240,000.

As business look at an increasingly mobile and flexible workforce, and as workers are willing to move across borders under a diversity of labor arrangements, state recruitment policies and private recruiters have become even more important to labor markets' efficiency.

Like other companies, private recruiters and employment agencies in labor migration operate on a continuum of formality and informality, compliance and non-compliance with international labor standards. At one end of the spectrum, they may respect international labor standards, demonstrating a commitment to decent work and ethical recruitment. On the other hand, they may be responsible for the most serious violations of basic workers' rights, including trafficking and forced labor. In between, there is a wide spectrum of abusive and fraudulent practices, including deception about the nature and conditions of work, document confiscation, threats to prevent workers from leaving the workplace, underpayment of wages and collection of illegal recruitment fees and a range of related costs.

It is essential to understand that the solution to diminish and eradicate these irregular practices and human rights violations requires each actor in the productive chain to take responsibility for guaranteeing that the product being sold is free from abuse, fraud or deceit: the supermarket that recognizes farms' efforts to improve their processes; the farm that guarantees that the recruitment process is free of fraud or deceit; the recruitment agency that provides transparent information on working conditions and offers free recruitment services; the community and the workers that have certainty about their labor conditions and can thus improve their productivity, and the governments that supervise these processes.

Given this reality, the International Labor Organization (ILO) adopted in 2016 the General Principles and Operational Guidelines for Fair Recruitment (Principles and Guidelines), which aim to outline the responsibilities and obligations of governments, employers and recruiters, as well as workers' organizations, in protecting workers during the recruitment phase.

Given this reality, the International Labor Organization (ILO) adopted in 2016 the **General Principles and Operational Guidelines for Fair Recruitment (Principles and Guidelines)**, which aim to outline the responsibilities and obligations of governments, employers and recruiters, as well as workers' organizations, in protecting workers during the recruitment phase.

To assist in the dissemination of the Principles and Guidelines, the ILO is currently implementing the project "Global Action to Improve the Recruitment Framework Labor Migration (REFRAME)". This project is implemented under the framework of the ILO Fair Recruitment Initiative, which adopts a global, rights-based and gender-sensitive approach based on international labor standards, guided by the Decent Work Agenda, and supports the dissemination and implementation of the ILO's General Principles and Operational Guidelines for Fair Recruitment (ILO, 2019).

Under this project's framework, the ILO has provided technical assistance to promote the adherence of the CIERTO's recruitment model to the Principles and Guidelines. Throughout this process, it has been possible to identify and systematize good recruitment practices implemented by CIERTO.

Similarly, CIERTO follows the Principles and Operational Guidelines for Fair Contracting by seeking to professionalize agricultural work; by registering and complying with laws in the countries; by interacting with all actors in the production chain, including the supermarket and local counterparts, and by including independent monitoring processes in the communities of origin that make sure job offers are real and free of fraud or illegal fees.

The ten fact sheets that integrate this document present **ten recruitment Good Practices** implemented by CIERTO and their relationship to the ILO General Principles and Operational Guidelines. Each one highlights a good practice developed by CIERTO, describes its procedure, establishes its direct and indirect benefits and describes its alignment with these General Principles.

With this document, CIERTO seeks to divulge effective and alternative models of labor migration recruitment in compliance with labor rights, laws and regulations that have a strong impact on the recruitment of migrant workers. It represents a technical cooperation exercise that reflects on efforts to improve fair and ethical recruitment.



# GOOD PRACTICE 1

## Respectful and sensitive recruitment that heeds community impact

CIERTO is sensitive to recruitment-related risks in labor shortage contexts and seeks to mitigate its impact on communities by selecting migrant workers based on objective criteria. CIERTO also considers the impact of the H2-A temporary work program on the family and collective well-being of the community, including measures to mitigate its possible negative impacts.



### PROCEDURES

CIERTO only announces its job offers once the agreements with the employing companies are signed and details of the contract have been determined, such as the number of requested migrant workers, the type of crop to be harvested, the working conditions at the farm and the climate conditions at the destination.

In a context characterized by deceit, fraud and scams, CIERTO announces its job offers through civil society organizations doing outreach and community work with a migration, human rights or rural development perspective, including grassroots church institutions rooted and recognized in the communities. These organizations become local verifying counterparts of the process.

These counterparts confirm and channel the job offers. In this way, a filter of security and trust is generated between the recruiter and the rural or indigenous community, guaranteeing that no fraudulent practices are carried out. These local counterparts also measure the impact of recruitment on the community, considering, for example, the eventual rotation of recruited and hired migrant workers, as well as the management of expectations that an offer of employment in the United States may raise. Likewise, these counterparts verify the professionalism of the pre-selected migrant workers, seeking through inclusive mechanisms to maintain a gender-inclusive approach and taking into consideration indigenous people's rights. The ultimate goal is to have recruitment practices based on capacities and non-discriminatory criteria.

The verifying counterparts also carry out a series of surveys that evaluate compliance with the terms of employment, including the duration of employment, the conditions of return and the overall impact of international labor mobility on the communities of origin. CIERTO carries out a series of workshops with migrant workers and local verifying counterparts in which it evaluates the relevance of the interview process and recommendations for improvement; the relevance and usefulness of the contents offered during the training; the visa processing management, CIERTO's accompaniment to the ranch, and the impact of the temporary migration process within the families and communities of origin.

Sometimes, in the case of indigenous communities, the decisions on which migrant workers are to be assigned to the H-2A visa program and the criteria of good conduct to be respected both when traveling abroad and with neighbors, are partially defined by the community assembly. CIERTO welcomes these recommendations as they respect community customs and practices as long as they do not incur in human rights violations.



### DIRECT AND INDIRECT BENEFITS

- Follow-up and continuous communication between migrant workers and the verifying counterparts, as well as between the counterparts and CIERTO.
- Special efforts are made to ensure the project does not generate expectations and commitments that cannot be fulfilled and that might impact negatively on migrant workers, their families and their communities of origin.
- Respect and consideration to the communities' identity and cosmovision, especially when working in indigenous communities, where these reflect in the balance between the individual development of workers travelling abroad and the community that receives remittances.



### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 9. **“Workers’ agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion”**



## GOOD PRACTICE 2

### Recruitment practices sensitive to ethnic, linguistic and gender diversity.



CIERTO provides translation services during the recruitment process to indigenous applicants. This guarantees a human-rights based recruitment process that integrates the social, economic and cultural rights of indigenous peoples. The selection process also considers the profiles of the most vulnerable population and applies gender equity criteria.



#### PROCEDURES

CIERTO provides translation services during the pre-selection and selection processes for indigenous applicants. CIERTO hires local translators recommended by local counterparts. If necessary, these migrant workers provide not only linguistic but also socio-cultural mediation.

During pre-departure trainings, CIERTO's Training and Recruitment Department integrates the diversity of sociolinguistic criteria in the elaboration and execution of ludic dynamics and popular education workshops. In this way it integrates the know-how and specificities of the participating indigenous individuals and groups; it emphasizes the socio-cultural and labor context differences between communities of origin and destination, and responds to the specific needs of each group.

Throughout the selection and recruitment process, CIERTO also makes sure migrant workers have access to detailed and explained labor contracts, presented in their native language. Candidates' questions are answered at any time during the process. CIERTO also ensures that recruitment is based on labor profiles and integrates gender equality criteria, considering the differentiated and most suitable skills for each crop in the various sectors involved.

Employers give bilingual English Spanish labor contracts to migrant workers. When contract terms need to be translated into an indigenous language, CIERTO hires bilingual community translators recommended by local counterparts. In this way, migrant workers, regardless of their socio-educational level, understand their job description, food arrangements, wages, pay arrangements, working hours, duration and benefits of the contract, as well as the name, location, geographical and climatic conditions they will encounter in the workplace.



#### DIRECT AND INDIRECT BENEFITS

- Inclusion of ethnolinguistic criteria into the fair recruitment process, improving access to formal job opportunities in the United States for more vulnerable social groups.
- To promote the social, community and economic development of rural and indigenous communities, respecting the diversity of local criteria and communities' cosmovision.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 8. **“The terms and conditions of a worker’s employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.”**





## GOOD PRACTICE 3

### Migrant workers' recruitment through a skills homologation approach

CIERTO's recruitment establishes a skills homologation approach to match the worker's labor profile with the crops to be harvested, instead of selecting workers following gender or number criteria. Through its recruitment strategy, CIERTO ensures that both the migrant worker and the employing farm benefit from the employment relationship, guaranteeing that migrant workers have the skills, experience and abilities required by the labor market they are entering in the country of employment, and can thus continue their professionalization.



#### PROCEDURES

CIERTO recruits migrant workers following criteria of quality, efficiency and experience in relevant crops, including labor protection and occupational health criteria for the workers themselves. This process is strengthened by the individual and collective evaluation processes, as well as the professionalization of agricultural work that takes place during the trainings.

Pre-selection of migrant workers is carried out by the local counterparts and the final selection is made by CIERTO through a second filter, where the following criteria become essential.

1. Agricultural experience and skills in relevant crops.
2. Previous migratory experience and possibility to travel to the destination country.
3. Availability, possibility and desire to travel.
4. Optimal health conditions to be able to fulfil the job description as established in the contract and to prevent occupational diseases.
5. For workers with previous experience working in the U.S. with an H2-A visa through CIERTO, record of compliance with the rules established by the farm and willingness to participate in CIERTO training.

Throughout the pre-selection and recruitment of migrant workers, both the local verifying counterparts and CIERTO rely on the good faith of those interviewed. However, the involvement of a verifying partner allows some information to be cross-checked with families and communities. The involvement of these local partners, with local roots, knowledge and trust from the community, also helps to ensure that the recruitment criteria are met, respecting the rights of ethnic and linguistic diversity as well as gender equality.



#### DIRECT AND INDIRECT BENEFITS

- The verification of agricultural experience and skills relevant to the crop allows to channel to formal and regular labor markets a professional, qualified and certified agricultural workforce that adds value to the food production chain.
- Verification of migrant workers' previous migratory experience in the United States ensures H-2A visa petitions are properly filled, protecting all parties' interests and avoiding loss of time and money.
- The identification of cases of migrant workers who present irregularities in their identity documents allows for the creation of protection mechanisms that are taken up by local verifying counterparts, providing, if necessary, accompaniment to the civil registry.
- Health certification, verification of injuries, illnesses and conditions incompatible with agricultural work, are a way to guarantee safe work performance in accordance with the contract and prevent occupational risks or illnesses that could leave migrant workers unprotected against illnesses that, being non-work-related, are not covered by the Workers' Compensation Program.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 4. **“Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”**



## GOOD PRACTICE 4

### Professionalization of migrant agricultural workers through training



CIERTO provides comprehensive training about labor markets and conditions to migrant workers prior to their departure. This empowers migrant workers, decreases the visible and invisible costs of labor migration and promotes the development of capacities and skills so that their agricultural work is gradually professionalized, positively impacting the entire food production chain and the exercise of their rights.



#### PROCEDURES

Workshops for migrant workers are held after they have been selected and before they leave for the workplace. For convenience and safety, they are preferably held in the migrant workers' community of origin. There are two types of training:

1. Basic trainings designed for migrant workers who are joining the H2-A program with CIERTO for the first time.
2. Reinforcement training for groups of migrant workers who have been recruited in previous years by CIERTO.

These trainings last about eight hours. They are provided using the *Socio Technical System* criteria and methodologies derived from popular and recreational education; that is, based on experiential practices that allow intuitive access to knowledge and evoke, through play, moments and challenges usually experienced by migrant workers in their jobs. This allows for the construction of problems in a participatory manner and incentivizes collaborative resolution, introducing tools for efficient communication and conflict resolution.

These trainings show the characteristics of the labor market in the place of destination and inform workers about the terms of employment, as well as the context in which the work is inserted. In this way, the contract is explained. They also provide information to migrant workers to know their rights, identifying related recruitment costs and situations that prevent access to decent work.

If required, CIERTO provides information to migrant workers at any stage of the process, be it during the selection process, the transportation, the consular interview or when the migrant workers have returned from the work season. In the reinforcement trainings, CIERTO also opens a space to supervise and verify the recruitment process of previous seasons, as well as the farms' compliance with working conditions, in order to generate suggestions and continuous improvement throughout the productive chain.



#### DIRECT AND INDIRECT BENEFITS

- Safety and transparency of the recruitment process is improved by detailing working conditions on the farm to migrant workers and providing them with tools to properly estimate the real costs of migration, reducing the related costs borne by them.
- Grievance and claims mechanisms on the farm are improved when workers are offered tools for direct and assertive communication among themselves and with the employers.
- By developing the psycho-technical skills of migrant workers, their performance and work responsibility is improved, contributing to the professionalization of their agricultural work and positively impacting the entire food production chain.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 10. **“Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment.”**

Principle 13. **“Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”**



## GOOD PRACTICE 5

### A shared responsibility approach in the labor supply chain to ensure adequate protection of migrant workers

By defining and assigning responsibilities to the partners involved in the recruitment, CIERTO seeks to ensure the protection of migrant workers. This is evident in the type of agreements with service providers and selection criteria for transport, accommodation and food supply companies, based on standards of quality, safety and transparency.



#### PROCEDURES

The provision of safe, dignified and cost-free transportation for migrant workers is a central pillar of CIERTO's work. CIERTO covers the travel, food and lodging expenses of migrant workers both on their way to the consular interview and to the workplace, and on their return to the community of origin after their period of employment. In addition, CIERTO eventually covers the costs incurred by migrant workers that attend training sessions, although in this last point it tries to encourage the active participation of those interested.

To provide these services, CIERTO seeks to ensure that contracts with agencies and/or transport companies are fair and transparent. Therefore, CIERTO only makes agreements with companies that are properly registered and insured, that have demonstrated professionalism and that allow for some flexibility for last-minute changes. CIERTO's selection criteria for transport companies are not only based on costs but also on security and transparency, such as the following:

- To have travel insurance, both for the vehicle and the driver, so that migrant workers are insured and covered during the journey.
- Transparent cost management.
- Compliance with all legal requirements for registration and vehicle inspection.
- Ensure dignified treatment of migrant workers.
- Professionalism.
- Flexibility to allow for adjustments and date changes on tickets to and from the farm. This is important because the last day of work on the contract depends on harvest times and workload at the destination, which are highly variable and subject to change.



#### DIRECT AND INDIRECT BENEFITS

- Prevention of hidden costs of migration, such as bribes and extortion.
- By ensuring that selected transport agencies have travel and medical insurance, CIERTO ensures that migrant workers are fully covered with travel and health insurance in any contingency.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 5. **“Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labor inspectorate and the use of standardized registration, licensing or certification systems should be highlighted.”**



## GOOD PRACTICE 6

### Technical accompaniment of employers to ensure that migrant workers' employment and living conditions are as promised and comply with the legislation



CIERTO provides technical accompaniment to participating farms to ensure that they are fully aware of the requirements for hiring temporary workers under the H-2A visa program. CIERTO can also provide technical accompaniment in the selection of providers of two key services: food and housing. In this way, it also ensures that the farm complies with all regulations and safety standards, and guarantees the quality in the provision of housing, transportation, health coverage and food services, as well as developing mechanisms to increase its gender-equitable hiring practices.



#### PROCEDURES

The H-2A visa process involves three government agencies in the United States: the relevant state's Department of Employment, the U.S. Department of Labor, and the H-2A Direction- U.S. Citizenship and Immigration Services. Each of these institutions has its own processes and requirements to verify the employer and its job offers that allow for the hiring of migrant workers.

If the farm making the offer lacks the experience to manage the migration and recruitment process of temporary agricultural workers under the H-2A Program, CIERTO offers technical assistance. When CIERTO provides this support, it answers questions regarding human resources, migratory and labor procedures, thus guaranteeing that the safety and quality of the services are met. In addition, in its technical accompaniment, CIERTO encourages farms to develop housing facilities capable of accommodating both women and men separately, which is one of the requirements for hiring migrant workers of both genders. In this way, CIERTO promotes progressive gender-equitable recruitment.

In terms of food, in order to comply with the regulations and rights of migrant workers established by the state, CIERTO seeks to guarantee that meals are served three times a day and that the diet is rich and varied, providing sufficient calories for the carried physical work. It also seeks to ensure that this food service respects, as far as possible, the dietary patterns of the communities of origin of migrant workers.

When the procedure for recruiting migrant workers goes to the federal labor authorities, CIERTO can accompany the farm to demonstrate that it has the necessary social security coverage and the conditions to ensure that local labor is not displaced, opening up the recruitment process through publication in local newspapers.



#### DIRECT AND INDIRECT BENEFITS

- Migrant workers have access to adequate housing and a rich and balanced diet.
- Migrant workers have access to safe transportation from their temporary residency to the workplace.
- Increased income for migrant workers and their families as a result of access to formal work, avoiding the use of wages to cover recruitment costs.
- The existing labor force in the country is not displaced.
- Farms progressively take responsibility to develop the human and financial infrastructure as well as the technical knowledge required to employ migrant workers on a temporary basis with criteria of transparency, security, and quality.
- Improvement of the ranch's infrastructure to hire migrant workers, within the framework of applicable legislation, with gender equity criteria.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 2. **“Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work.”**

Principle 3. **“Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers.”**





## GOOD PRACTICE 7

### Contribution to the reduction of the agricultural sector's decent work deficit

CIERTO seeks to mitigate the deficiencies in fair working conditions, from the selection of the territories of the communities of origin of migrant workers according to climatic and geographical affinities with the community of destination, to the processes of selection, training, technical accompaniment and mechanisms of verification of the recruitment conditions. Through continuous communication with the employing farm and the workers, CIERTO seeks to identify a continuous improvement process to reduce poor working conditions. Likewise, a comprehensive training on the labor contract terms is also one of the main commitments of CIERTO.



#### PROCEDURES

CIERTO reduces the deficit in decent working conditions for migrant workers by making recruitment practices transparent; by offering training to identify, exercise and defend labor rights, and by verifying the contract compliance mechanisms.

Since diseases and illnesses related to climate change are one of the main factors affecting migrant workers' health, CIERTO selects their places of origin looking for climate and agricultural compatibility with the places of employment. Workers trained by CIERTO are also better prepared to face climatic differences. Housing conditions and safety measures implemented at the farm also help to mitigate this type of impacts.

As the discrepancy between promised and real wages is one of the main obstacles to decent work for migrant workers, CIERTO trains workers on the terms of their employment, and explains in great detail wages and migration costs. In this context, CIERTO provides tools so migrant workers can anticipate situations of uncertainty and insecurity, suggesting, for example, to bring some funds to cover for their living expenses until they receive their first salary, which usually happens on their second week of work. CIERTO also informs workers that the employer must pay at least the wages corresponding to 75% of the hours agreed in the contract. CIERTO also facilitates access to existent mechanisms in case of non-compliance.

The trainings provided by CIERTO also address the characteristics of the labor market at the destination, and occupational health and safety conditions. These trainings cover conflict resolution strategies and effective communication, and inform migrant workers of the existing mechanisms on the employer's ranch to channel complaints and requests. CIERTO also informs them of their possibility to make suggestions that contribute to the continuous improvement of working conditions.

Through the technical support provided to the employing companies for labor law compliance in the United States, CIERTO ensures that farms have a Workers Compensation Program, which covers work related accidents and ill health. In addition, through its selection processes, CIERTO seeks to prevent people who suffer injuries or illnesses that could be aggravated from being overexposed.

The verification mechanisms established by CIERTO with local counterparts also contribute to this strategy, as do efforts to create stable, reliable and recurrent relationships between farms and migrant workers.



#### DIRECT AND INDIRECT BENEFITS

- Migrant workers can more accurately assess their recruitment and working conditions, empower themselves, and get a sense of self-worth as well as of an understanding of their value in the production chain.
- Reduction of wage uncertainty, which for migrant workers often has major implications, mainly because they lack a local support network and because delays in wages have an impact on remittances.
- Reduction of geographical and climatic change impacts.
- Reduction of the impact on workers' health.
- Strengthening of conflict resolution mechanisms to prevent labor abuses.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 1. **“Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labor standards...”**

## GOOD PRACTICE 8

### Monitoring and evaluation of recruitment practices and technical accompaniment of the recruitment process through third-party verifiers specialized in the protection of migrant workers' rights



Through independent mechanisms of evaluation and verification, CIERTO can identify challenges in its recruitment practices and provide technical support in the recruitment process, thus expanding the range of rights protected by the program. The trainings and the questionnaires developed by the local verifying partners, as well as the evaluation workshops with migrant workers, have this purpose.



#### PROCEDURES

CIERTO verifies its recruitment practices and provides technical support in the recruitment process through several mechanisms:

1. Local counterparts and migrant workers supervise, verify and evaluate CIERTO to improve the organization's recruitment practices and technical support in the recruitment process. This takes place by:
  - Supervision and formal surveys applied to migrant workers by the local verifying counterparts.
  - Evaluation workshops with migrant workers and local counterparts in communities of origin.
  - Question and problem-solving sessions during the training workshops for migrants that work regularly under this program.
2. Mechanisms for the continuous improvement of labor conditions on farms through:
  - Suggestions made by CIERTO based on migrant workers and local counterparts' feedback.
  - Question and problem-solving sessions during the training workshops for migrants returning after their period of employment.

In addition, CIERTO communicates with the farm through a verification questionnaire designed and applied by local counterparts. This aims to identify practices or shortcomings at the ranch that directly affect migrant workers.



#### DIRECT AND INDIRECT BENEFITS

- Questionnaires applied to migrant workers by the local verifying counterparts allow them to evaluate the process, verifying that the information provided by CIERTO about the recruitment process is real, transparent and cost-free.
- Monitor, analyze and evaluate the recruitment process, establishing criteria for improvement.
- Assess external service providers' -such as transport, food and accommodation companies- performance and quality. This allows to decide on measures regarding the services and the process.
- During the evaluation workshops, workers can raise questions or issues about the recruitment process or labor conditions, insofar as they are linked to compliance with the working conditions offered during recruitment. CIERTO can channel some questions from the employer to the migrant workers, so that their feedback can inform about areas of improvement. This promotes, on the employers' side, compliance with the contract and terms of employment. It also encourages the formality of all the counterparts and service providers, establishing processes of peaceful dispute resolution.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 13. **“Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”**



## GOOD PRACTICE 9

### Work with national and international partners to ensure transparency and profitability throughout the production chain

CIERTO not only establishes close monitoring of the working conditions on the farms, but it also increases its rentability, so companies have a greater margin for maneuver in promoting fair recruitment and decent work. Through the training and professionalization of the migrant workforce, coupled with the work made with employers that strive to provide optimal working conditions and quality provision, CIERTO seeks to ensure that all the actors in the production chain benefit from increased transparency in the recruitment practices by recognizing its impact on the farm's productivity.



#### PROCEDURES

In order to meet the labor market's needs in the destination country, CIERTO's first step to ensure fair recruitment is to obtain a job offer from a farm in the United States. CIERTO began by establishing agreements with the Costco Wholesale Corporation supermarket chain, which expressed interest in implementing mechanisms to guarantee better working conditions throughout its production chain, preventing situations of fraud and forced labor.

Furthermore, CIERTO works with companies that have some sort of certification related to fair recruitment processes, free of fraud or exploitation, opening up opportunities for improvement through an action plan.

Prior to signing a contract or announcing any job offers, CIERTO visits the farms to ensure there are conditions for collaboration, i.e. that employer is willing to comply with recruitment-related regulations and good practices, namely:

- Transparency in the contract.
- Health and safety conditions in housing and willingness to progressively implement housing that allows for gender-equitable hiring.
- Safe daily transport between the places where migrant workers are lodged to the workplace.
- Hygiene conditions and nutritional diversity in the provision of food.
- Offer of an employment contract that complies with the H-2A program regulation.
- Willingness to collaborate throughout the recruitment process and the contract development.
- Existence of dispute resolution mechanisms, such as the human resources department, on every premise.
- Commitment to continuous improvement.



#### DIRECT AND INDIRECT BENEFITS

- Transparency in the recruitment process by ensuring that information about employment reaches migrant workers and an independent third party that verifies the recruiter's actions.
- CIERTO's alliance with certifiers who guarantee that the ranches offer working conditions with high standards, complying with labor standards at the state and federal levels.
- The professionalization of agricultural work results in higher quality products, benefiting every actor in the production chain and freeing up budget that can be allocated to recruitment mechanisms and quality insurance packages.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 3. **“Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers.”**

Principle 4. **“Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”**





## GOOD PRACTICE 10

### Demonstrate the benefits of fair recruitment by including every actor in the production chain



Through its work with all partners in the process and its knowledge of legislation and regulations, CIERTO demonstrates the importance of developing fair recruitment processes in compliance with national laws and consistent with the General principles and guidelines for fair recruitment established by the International Labor Organization (ILO). In these processes, CIERTO can identify some shortcomings in the regulations and make recommendations so that they can better respond to the realities and needs of all actors in the production chain, particularly migrant workers.



#### PROCEDURES

Compliance with national and transnational regulations is transversal to all practices and procedures of CIERTO, which rigorously complies with the Mexican recruitment agencies' regulation (*Reglamento de Agencias de Contratación*) and other regulations established by the Mexican Ministry of Labor and Social Welfare (STPS), as well as the provisions on labor and migration in the United States, particularly the guidelines that govern the H-2A visa program.

CIERTO complies with the legislation in every stage of its recruitment process and technical support for recruitment. This becomes evident during the selection process, when migrant workers must have all the documentation in order to be eligible for the H-2A visa program, but also during the consular interviews for the final granting of H-2A visas and throughout the technical support provided to the farms in the United States. Thus, CIERTO ensures decent conditions and benefits for migrants' housing, food, health insurance, transportation, guaranteeing that local labor is not displaced.

By working with local verifying counterparts at different scales, and establishing evaluation mechanisms, CIERTO not only guarantees compliance with national and transnational recruitment regulations, but can also identify those regulatory points that do not fit with reality and that should be adjusted to facilitate the implementation, transparency, protection of all actors and efficiency in the recruitment processes, eliminating related costs, improving working conditions and expanding coverage for migrant workers.



#### DIRECT AND INDIRECT BENEFITS

CIERTO has identified that

- Problems encountered by migrant workers when applying for a passport are often related to errors on their birth certificates, as well as inconsistencies between these and the data on the voter's card or CURP. This implies a number of identity validation requirements by the Ministry of Foreign Affairs that should be alleviated.
- Reducing the costs related to visa procedures (e.g. passport costs) can substantially reduce the costs related to the recruitment process for migrant workers. This reduction in passport costs could be applied to migrant workers recruited by properly regulated recruitment agencies, thus also encouraging regulation compliance.



#### ALIGNMENT WITH THE GENERAL PRINCIPLES AND OPERATIONAL GUIDELINES FOR FAIR RECRUITMENT

Principle 7. **"No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers."**

Principle 12. **"Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer."**





# 10 Fair Recruitment Good Practices



What does CIERTO Global do?



Alignment with the General principles and operational guidelines for fair recruitment

## GOOD PRACTICE 1. Respectful and sensitive recruitment that heeds community impact

CIERTO is sensitive to recruitment-related risks in labor shortage contexts and seeks to mitigate its impact on communities. CIERTO also considers the impact of the H2-A temporary work program on the family and collective well-being of the community, including measures to mitigate its possible negative impacts.

Likewise, CIERTO carries out the recruitment process respecting community uses and customs, ensuring a human-rights based approach.

**Principle 1.** “Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights.”

**Principle 9.** “Workers’ agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion”

## GOOD PRACTICE 2. Recruitment practices sensitive to ethnic, linguistic and gender diversity.

CIERTO provides translation services during the recruitment process to indigenous applicants. This guarantees a human-rights based recruitment process that integrates the social, economic and cultural rights of indigenous peoples. The selection process also considers the profiles of the most vulnerable population and applies gender equity criteria.

**Principle 8.** “The terms and conditions of a worker’s employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.”

## GOOD PRACTICE 3. Migrant workers’ recruitment through a skill homologation approach

CIERTO's recruitment establishes a skills homologation approach to match the worker’s labor profile with the crops to be harvested, instead of selecting workers following gender or number criteria. Through its recruitment strategy, CIERTO ensures that both the migrant worker and the employing farm benefit from the employment relationship, guaranteeing that migrant workers have the skills, experience and abilities required by the labor market they are entering in the country of employment, and can thus continue their professionalization.

**Principle 2.** “Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work.”

**Principle 4.** “Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”

## GOOD PRACTICE 4. Professionalization of migrant agricultural workers through training

CIERTO provides comprehensive training about labor markets and conditions to migrant workers prior to their departure. This empowers migrant workers, decreases the visible and invisible costs of labor migration and promotes the development of capacities and skills so that their agricultural work is gradually professionalized, positively impacting the entire food production chain and the exercise of their rights.

**Principle 10.** “Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment.”

**Principle 13.** “Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”

## GOOD PRACTICE 5. A shared responsibility approach in the labor supply chain to ensure adequate protection of migrant workers

By defining and assigning responsibilities to the partners involved in the recruitment, CIERTO seeks to ensure the protection of migrant workers. This is evident in the type of agreements with service providers and selection criteria for transport, accommodation and food supply companies, based on standards of quality, safety and transparency.

**Principle 5.** “Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labor inspectorate and the use of standardized registration, licensing or certification systems should be highlighted.”

**Operational Guideline 25.** “Temporary employment agencies and user enterprises should agree on the allocation of responsibilities of the agency and of the user enterprise, and ensure that they are clearly allocated with a view to guaranteeing adequate protection to the workers concerned.”



# 10 Fair Recruitment Good Practices



What does CIERTO Global do?



Alignment with the General principles and operational guidelines for fair recruitment

## GOOD PRACTICE 6. Technical accompaniment of employers to ensure that migrant workers’ employment and living conditions are as promised and comply with the legislation

CIERTO provides technical accompaniment to participating farms to ensure that they are fully aware of the requirements for hiring temporary workers under the H-2A visa program. CIERTO can also provide technical accompaniment in the selection of providers of two key services: food and housing. In this way, it also ensures that the farm complies with all regulations and safety standards, and guarantees the quality in the provision of housing, transportation, health coverage and food services, as well as developing mechanisms to increase its gender-equitable hiring practices.

**Principle 2.** “Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work.”

**Principle 3.** “Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers.”

## GOOD PRACTICE 7. Contribution to the reduction of the agricultural sector’s decent work deficit

CIERTO seeks to mitigate the deficiencies in fair working conditions, from the selection of the territories of the communities of origin of migrant workers according to climatic and geographical affinities with the community of destination, to the processes of selection, training, technical accompaniment and mechanisms of verification of the recruitment conditions. Through continuous communication with the employing farm and the workers, CIERTO seeks to identify a continuous improvement process to reduce poor working conditions. Likewise, a comprehensive training on the labor contract terms is also one of the main commitments of CIERTO.

**Principle 1.** “Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labor standards...”

## GOOD PRACTICE 8. Monitoring and evaluation of recruitment practices and technical accompaniment of the recruitment process through third-party verifiers specialized in the protection of migrant workers' rights

Through independent mechanisms of evaluation and verification, CIERTO can identify challenges in its recruitment practices and provide technical support in the recruitment process, thus expanding the range of rights protected by the program. The trainings and the questionnaires developed by the local verifying partners, as well as the evaluation workshops with migrant workers, have this purpose.

**Principle 13.** “Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.”

## GOOD PRACTICE 9. Work with national and international partners to ensure transparency and value added throughout the production chain

CIERTO not only establishes close monitoring of the working conditions on the farms, but it also increases its rentability, so companies have a greater margin for maneuver in promoting fair recruitment and decent work. Through the training and professionalization of the migrant workforce, coupled with the work made with employers that strive to provide optimal working conditions and quality provision, CIERTO seeks to ensure that all the actors in the production chain benefit from increased transparency in the recruitment practices by recognizing its impact on the farm’s productivity.

**Principle 3.** “Appropriate legislation and policies on employment and recruitment should apply to all workers, labor recruiters and employers.”

**Principle 4.** “Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.”

## GOOD PRACTICE 10. Demonstrate the benefits of fair recruitment by including every actor in the production chain

Through its work with all partners in the process and its knowledge of legislation and regulations, CIERTO demonstrates the importance of developing fair recruitment processes in compliance with national laws and consistent with the General principles and guidelines for fair recruitment established by the International Labor Organization (ILO). In these processes, CIERTO can identify some shortcomings in the regulations and make recommendations so that they can better respond to the realities and needs of all actors in the production chain, particularly migrant workers.

**Principle 7:** “No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.”

**Principle 12.** “Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer.”



**CIERTO**

*Creating Value In The Supply Chain*



Organización  
Internacional  
del Trabajo

