



Code of Ethical Conduct for Licensed Overseas Employment Promoters





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Introduction

The Pakistan Overseas Employment Promoters Association (POEPA) is a registered organization of overseas employment promoters. It is registered with the Ministry of Commerce under the Trade Organizations Ordinance/Rules (2007) and separately as a company with the Securities Exchange Commission under the Companies Ordinance (1984). Overseas employment promoters are licensed by the Bureau of Emigration and Overseas Pakistanis, which is a department within the Ministry of Overseas Pakistanis and Human Resource Development. The overseas employment promoters follow the business rules developed under the Emigration Ordinance (1979) and the Code of Conduct cited in article 25.

Overseas employment promoters have huge importance, considering the country's demographic indicators: The population growth rate (at nearly 2 per cent, according to the Pakistan Economic Survey 2013–14) is higher than the average growth rate of the South Asian neighbours. Pakistan is the sixth-most populous country in the world, at an estimated population of 184 million in 2013, and has the ninth-largest labour force, at approximately 60 million workers. Of those workers, nearly 4 million are unemployed.

For the unemployed and underemployed workers, emigration for jobs to countries with stronger economies is almost an imperative. According to the Bureau of Emigration and Overseas Pakistanis, more than 7 million Pakistanis formally moved abroad for employment from 1971 through 2013. Migration from Pakistan peaked in 2012, when 628,452 workers left the country, although the estimates for 2014 indicate that the figure may surpass 700,000.

Safeguarding the rights of the migrant workers in a foreign country is critical, requiring strong regulation and ethical practices not only at the central government level but also among the overseas employment promoters. Although overseas employment



promoters follow the procedures laid down in the Emigration Rules (1979), there is a need to create more credibility and decent behaviour within this sector.

With technical support from the International Labour Organization under its EU funded South Asia Labour Migration Governance Project, the POEPA developed a Code of Ethical Conduct for licensed overseas employment promoters. The Code was developed after a series of consultations with such promoters in the geographically divided POEPA zones and was approved by its Central Executive Committee.

The Code focuses on principles for ethical recruitment that protects the rights of migrant workers in destination countries but also improves the image of overseas employment promoters. To make the framework of ethical standards comprehensive, consultations were also conducted with government departments (such as the Bureau of Emigration and Overseas Pakistanis and the Overseas Employment Corporation) and with the International Organization for Migration (because of its specialized work in migration management).



Objectives

The Code of Ethical Conduct provides a framework to:

1. Promote professionalism, integrity, quality, honesty and trust of overseas employment promoters with job seekers, employers and other stakeholders.
2. Promote fair practices in recruitment and improve the image, reputation and credibility of overseas employment promoters.
3. Promote self-accountability and accountability with clients, job seekers, fellow business enterprises and the POEPA.
4. Regulate the conduct of overseas employment promoters with ethical standards that comply with the Emigration Ordinance and Emigration Rules, 1979 as well as international labour standards.

Authority

POEPA is the owner of this document. The principles for practice contained within the Code comply with the Code of Conduct of the Bureau of Emigration and Overseas Employment for overseas employment promoters under article 25 of the Emigration Rules, 1979 as well as the guidance included in various documents developed under the Colombo Process, the Code of Professional Practices developed by recruitment and employment federations and the Joint Statement in Pursuit of Ethical Practices, issued during the Conference of Alliance of Asian Associations of Overseas Employment Service Providers (in Manila in April 2014).

Adherence to the Code of Ethical Conduct by POEPA members within their businesses would demonstrate their commitment to their professional and ethical recruitment practices.



Principles of Ethical Conduct

4.1. Legal compliance

Members and their staff must obey all relevant legislation, statutory and non-statutory requirements and official guidelines to such requirements during the provision of their services.



4.2. Business standards and best practices

- a. Overseas employment promoters must follow the highest principles of integrity, professionalism and fair practice in handling all transactions with job seekers or prospective migrant workers, employers and other stakeholders.
- b. Overseas employment promoters must abstain from activities that set a bad example, such as withholding the documents of job seekers or taking token money from them as a service charge when there is no job available.
- c. Overseas employment promoters must refrain from immoral or unhealthy competition for money and charging exorbitant fees or service charges.
- d. Overseas employment promoters must have well-defined and clear business policies.
- e. Overseas employment promoters must engage with job seekers, employers and the regulatory body in a manner that is transparent, open, honest and of high quality.
- f. Overseas employment promoters must present job seekers accurate information on all types of fees and costs that overseas employment promoters would charge for their services prior to any work being undertaken for a client.
- g. Overseas employment promoters must document all stages of the recruitment process, in line with the Emigration Rules, 1979.

4.3. Job advertisement

- a. All details of a job advertisement must be accurate, complete and clear.
- b. A job advertisement must clearly mention the required occupational qualifications, working conditions and wages for the category of jobs announced.
- c. A job advertisement must not overstate nor understate the reality of wages, benefits, working conditions, accommodation, bonus, leave day entitlement, health insurance and other living conditions of workers in their country of destination. Similarly, the contractual obligations and challenges that could arise for workers must be clearly explained before any contract is signed.
- d. All advertised vacancies must be registered with the nearest Protector of Emigrants Office.
- e. Overseas employment promoters must clearly explain in their job advertisements that the agency has no sub-agent and job seekers are to directly contact the provided address and phone numbers.



4.4. Recruitment

- a. Overseas employment promoters must make all effort to protect job seekers against fraud, misinterpretation and unethical practices in the recruitment process for overseas employers.
- b. Gender discrimination must be prevented by paying full consideration to the rights and needs of female job seekers and endeavour to protect their dignity at all times.



- c. Overseas employment promoters must be vigilant with job seekers who appear underage for foreign employment, bearing in mind the age limits established for different countries and different job categories by the Government of Pakistan and a host country government.
- d. Overseas employment promoters must ensure that each worker recruited for an overseas employer has read and fully understands their Foreign Service agreement.
- e. Overseas employment promoters must not misinterpret the medical fitness, qualifications, authenticity of documents and any other required information of a job seeker to the prospective employer.
- f. Overseas employment promoters must abstain from recruiting workers for jobs in which a worker may be subjected to a dangerous or hazardous work environment.
- g. Overseas employment promoters must directly carry out the recruitment process.
- h. Overseas employment promoters must only use legal and protected means to send workers overseas for employment and must not use such reasons as holiday travel, visiting relatives or business trips for the purpose of sending workers for employment.

4.5. Protection and welfare of workers

- a. Overseas employment promoters must not take any action that may lead to the disturbance or violation of the labour or human rights of migrant workers.
- b. Overseas employment promoters must respect the international instruments on the protection of migrant workers' rights.



4.6. Training

- a. Overseas employment promoters must be conscious of the global shortage of skilled labour and raise awareness about these needed skills among intended job seekers to urge the acquisition of skills that are in high demand.
- b. Overseas employment promoters must organize pre-departure orientation for workers to provide them practical information on their contract, living conditions, work environment, responsibilities, laws and culture of the destination country.
- c. Overseas employment promoters must make prospective overseas workers aware of the negative implications of irregular migration as well as the dangers of human trafficking and smuggling.



4.7 Handling of complaints and dispute settlement

- a. Overseas employment promoters must respond promptly to a complaint made about their (or their employees) work or services offered.
- b. If an overseas worker (or prospective worker) registers a complaint with the Protector of Emigrants Office about an overseas employment promoter regarding such violations as the provision of false information on the visa or travel schedule, withholding of documents or charging exorbitant service fees, then that overseas employment promoter must respond appropriately within the time frame specified.
- c. All disputes between workers, overseas employers and overseas employment promoters must be settled on the basis of the contract signed between the parties and in compliance with the laws of the host country or under the framework of any bilateral agreement



between the Government of Pakistan and the government of the receiving country.

- d. The POEPA must maintain a database on defaulting foreign agents, employers or sponsors and distribute such information among its members, either through its own zone chapters or through the Bureau of Emigration and Overseas Pakistanis.

4.8 Obligation to clients, job seekers and customer care

- a. Overseas employment promoters must maintain an office environment that is customer friendly.
- b. Overseas employment promoters must employ staff members trained in public relations and courteous interactions with job seekers, and promoters must put in place appropriate measures to protect the privacy of job seekers, with special attention to women.
- c. Overseas employment promoters must maintain the confidentiality of job seekers' and clients' personal data, with exemptions for data that is legally required to be shared.
- d. Overseas employment promoters must abstain from engaging in any activity that may unethically jeopardize job seekers' current or future employment prospects.
- e. Overseas employment promoters must provide job seekers with appropriate advice on employment and placement options, including current labour market information.



4.9 Partnership development

- a. Overseas employment promoters must maintain a professional working relationship with the Bureau of Emigration and Overseas Pakistanis, the Ministry of Overseas Pakistanis and Human Resource Development and any other relevant departments.
- b. Overseas employment promoters must respond to inquiries from the Bureau of Emigration and Overseas Pakistanis within the period specified in the Emigration Rules, 1979.
- c. Overseas employment promoters must work closely with their respective business partners and be mutually supportive.
- d. Overseas employment promoters must be fair with competitors and abstain from taking contracts from others by raising their prices excessively over the agreed levels, which could in turn burden migrant workers.
- e. Overseas employment promoters must act with fairness, honesty and courtesy when dealing with other promoters.

Awareness of the Code of Ethical Conduct

- a. The POEPA must display the Code of Ethical Conduct on its website and update any amendments immediately.
- b. Overseas employment promoters must display the Code of Ethical Conduct prominently in their office premises.
- c. The POEPA must inform its members about the Code in its scheduled meetings, and the Code must be kept as a living document that is updated from time to time.

Implementation of the Code of Ethical Conduct

The POEPA must take responsibility for the implementation of the Code of Ethical Conduct by its members. Reported violations must be investigated swiftly and thoroughly, and any warnings or other disciplinary action must be documented and highlighted in the Central Executive Committee meetings.

In the event of gross misconduct by a member, the POEPA must have the authority to suspend the violator's membership in the association and recommend that the Bureau of Emigration and Overseas Pakistanis cancel their business license.

The Code will come in to force with the approval of the POEPA Plan of Action for Ethical Recruitment.





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