

CODE OF CONDUCT

Introduction

Private employment services play an essential role in improving the functioning of the labour market. By sourcing candidates and job vacancies, matching supply and demand of labour and designing workforce solutions, they act as a stepping stone to employment, increase labour market participation and diversity, turn available work into job opportunities and further the inclusiveness within the workplace.

Being aware of this important economic and social role, the private employment services industry has adopted, for many years, self-regulation mechanisms that complement statutory regulation in place. As the trade association representing private employment services at the global level, the World Employment Confederation has been playing a leading role in continuously improving the industry's quality standards and strengthening self-regulation principles.

As socially responsible employers, the World Employment Confederation members – whether national associations of private employment services or international employment and recruitment companies – fully agree to recognise through this Code of Conduct that:

1. Activities of private employment services should comply with the International Labour Organisation's Fundamental Conventions, Convention No. 181 on private employment agencies, Declaration of Fundamental Principles and Rights at Work, the UN Guiding Principles on Business & Human Rights and Protocol to Prevent, Suppress and Punish Trafficking in Person.
2. With a view to promote fair and ethical recruitment and employment practices, cooperation with international institutions such as the International Labour Organisation, the United Nations, the International Organisation for Migration and the Global Forum on Migration and Development should be favoured.
3. Social dialogue, freedom of association and collective bargaining should be seen as an appropriate mean to organise the private employment services industry, when relevant and appropriate.
4. When it comes to statutory regulation, the provisions of ILO Convention no. 181 on Private Employment Agencies and its accompanying Recommendation no. 188 provide a framework that allows for improved functioning of private employment services and protection of workers. Members of the World Employment Confederation are therefore committed to encourage national governments to ratify this ILO instrument if not yet done or to push for the core provisions of Convention no. 181 to be transposed into national regulation.

The aim of the World Employment Confederation's Code of Conduct is to set out the acceptable standards of professional practices to which private employment services are committed and expected to operate. It has been conceived as an instrument to differentiate bona fide, ethical employment and recruitment agencies from rogue traders. Each member of the World Employment Confederation is requested to adhere to the World Employment Confederation Code of Conduct and to promote its principles towards all relevant stakeholders.

I – Guiding principles embedded in the Code of Conduct

Principle 1 – Respect for Laws

- Private employment services shall comply with all relevant legislation, statutory and non-statutory requirements and official guidance covering their activities. This principle explicitly covers the prohibition to use forced or bonded labour, human trafficking and child labour¹.

Principle 2 – Respect for Ethical and Professional Conduct

- Private employment services shall observe the highest principles of ethics, integrity, professional conduct and fair practice in dealing with jobseekers, workers and user-companies and shall conduct their business in a manner designed to enhance the operation, image and reputation of the industry.

Principle 3 – Respect for free-of-charge provision of services to jobseekers

- Private employment services shall not charge directly or indirectly, in whole or in part, any fees or costs to jobseekers and workers, for the services directly related to temporary assignment or permanent placement.

Principle 4 – Respect for Transparency of Terms of Engagement

- Private employment services shall ensure that workers they employ are given details of their working conditions, the nature of the work to be undertaken, rates of pay and pay arrangements and working hours in a language they understand. They should ensure that the worker's assent is obtained without coercion.

Principle 5 – Respect for Health and Safety at Work

- Private employment services shall act diligently in assessing risks in order to promote the health and safety of workers in their workplace.
- Private employment services shall inform workers whenever they have reason to believe that any particular assignment causes an occupational health or safety risk.

Principle 6 – Respect for Principle of Non Discrimination

- Private employment services shall treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of unlawful and unethical discrimination covered by national law and practice, such as age or disability.
- Equitable, objective and transparent principles for the calculation of workers' wages shall be promoted, considering national legislation and practices.

¹ As defined in ILO Fundamental Conventions no. 29, no. 105, no. 138 and no. 182.

Principle 7 – Respect for the Worker’s Rights

- Private employment services shall not in any way deny the right of freedom of association and collective bargaining of their employees².
- Private employment services shall not require workers to provide a monetary deposit or other collateral as a condition of employment and shall **not withhold workers’ identification cards, passports or other residency papers, or other personal belongings.**
- In accordance with national law and practice, private employment agencies shall not make workers available to a user company to replace workers of that company who are legally on strike.

Principle 8 – Respect for Confidentiality

- Private employment services shall ensure confidentiality in all of their dealings.
- Private employment services shall ensure that permission has been given and documented before disclosing, displaying, submitting or seeking confidential or personal information or data obtained in connection with employment and recruitment activities.

Principle 9 – Respect for Quality of Service and Fair Competition

- Private employment services shall ensure that their staffs are adequately trained and skilled to undertake their responsibilities and assure a high quality service.
- Private employment services shall assure mutual relations based on fair competition. They shall not discuss together any topic that would fall under anti-competition regulation.

Principle 10 – Respect for Access to Remedy

- Private employment services shall take all appropriate measures to ensure that workers have access to remedy, as provided by law, and to credible grievance mechanisms, without fear of recrimination or discrimination.

Adopted on May 27th, 2015

² As defined in ILO Fundamental Conventions no. 87 and no. 98.

II – Compliance & Complaints Mechanisms

As a condition of membership in the World Employment Confederation, each member, whether a national association or a corporate member, pledges its support of, and adherence to, the principles set forth in the Code of Conduct. The World Employment Confederation members acknowledge that such compliance is in the best interests of the private employment services industry, its clients and its employee. Members and/or the private employment services they represent have an obligation in demonstrating compliance with these core principles.

Upon request, the World Employment Confederation Members shall communicate to the Quality Standards and Compliance Officer information about their membership policy and composition, quality standards and complaint procedures in place.

Complaints by any stakeholder related to the infringement of the World Employment Confederation Code of Conduct by a member should be brought to the Quality Standards and Compliance Officer in writing by post or email (compliance@wecglobal.org). As stipulated in the World Employment Confederation Constitution (Article 17.6), "The Quality Standards and Compliance Officer shall be responsible for strengthening the quality standards of the industry and designing and implementing mechanism to ensure World Employment Confederation members' compliance with these standards as well as with the Code of Conduct. He shall be also in charge of overseeing and managing regulatory compliance issues within the World Employment Confederation and its membership, including for grievance and remedy mechanism."

Complaints must relate to a World Employment Confederation direct member's activities related to employment and recruitment policy and/or practices. Complaints related to an employment and recruitment agency that a World Employment Confederation member represents should be dealt firstly at national level. If no appropriate solution is to be found at national level, then the case can be put forward to the Quality Standards and Compliance Officer.

Complaints may relate to perceived violation of the Code of Conduct; any formally documented policies, guidelines or initiatives developed by a World Employment Confederation member; any applicable human rights, labour laws and regulations; and/or perceived contravention of generally accepted recruiting and placement practices. Anonymous, injurious and/or vexatious complaints will not be dealt with.

Once a complaint is submitted, the World Employment Confederation Quality Standards and Compliance Officer will acknowledge the receipt of the complaint and will review it. If the complaint is deemed relevant by the Quality Standards and Compliance Officer, he/she will contact the respective member and will investigate the case with the support of the World Employment Confederation Secretariat. The member will be requested to provide in writing an assessment of the complaint and the follow up to be given.

Upon a request from the Board of the World Employment Confederation, the Quality Standards and Compliance Officer can initiate its own investigation, without a complaint, if he learns of concerns or allegations warranting further inquiry. In that case, the respective World Employment Confederation member is to share information about the situation and to report about potential corrective measures and remedy actions implemented.

If the Quality Standards and Compliance Officer determines that there has been a violation of the Code of Conduct, and that such a violation is sufficiently grave to warrant suspension of membership or expulsion, it shall refer the matter, after having consulted the Board of the World Employment Confederation, to the World Employment Confederation General Assembly with a recommendation as to an appropriate sanction. The case will then be dealt according to the provisions stipulated in the Constitution. In any case, the Quality Standards and Compliance Officer will get back to the complainant within three months with a response on the complaint.