

Letizia Palumbo
2026

Fair Recruitment to the EU: Regulation, Rights and Remedies

Promising Practices in Migration Policy

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1.

Introduction

Regulating private labour intermediaries is one of the key challenges in efforts to ensure that labour migration to the EU is both fair and effective. Migrant workers – particularly, non-EU (third-country) nationals – often rely on such intermediaries to find employment and deal with the administrative processes involved in migration, such as obtaining visas and residence permits. In some cases, these intermediaries – which include recruitment agencies, temporary work agencies and individual brokers – also arrange accommodation and travel.¹ They may operate in workers' countries of origin, along recruitment and labour migration routes, and in EU Member States. Sometimes, they collaborate with one another across different stages of the recruitment and migration process.

In contexts characterised by increasingly restrictive migration pathways and weak enforcement of labour rights, however, reliance on labour intermediaries can exacerbate migrant workers' vulnerability, exposing them to abusive and exploitative working and living conditions. Indeed, the involvement in the recruitment process of private, profit-driven organisations can lead to higher costs, as well as increasing the likelihood of excessive fees, misleading information and contract substitution (i.e., the switching of promised employment contracts and conditions with less favourable ones). Consequently, many migrant workers face high levels of debt, exploitative working conditions, inadequate pay and significant barriers to seeking protection and redress.

Relevant European Union (EU) legislation (in particular the Temporary Agency Work Directive 2008/104/EC²) guarantees equal treatment for temporary agency workers and prohibits temporary work agencies from charging their employees recruitment fees, but it does not provide a comprehensive framework for regulating labour intermediaries. As a result, national approaches vary considerably across Member States.

While stronger regulation of labour intermediaries is needed, it must protect migrant workers and comply with the International Labour Organization (ILO) [principles for fair recruitment](#). This raises the issue of which regulatory models have proven effective and could be replicated across the EU.

To tackle this question, this policy brief aims to identify promising regulatory practices that prioritise prevention and the protection of workers' rights, and to assess their potential for broader adoption across the EU. In full awareness of the fact that no single measure could meet all challenges, and that no practice is without limitations, this brief will also highlight some of the shortcomings of the promising practices identified. It will seek to identify a range of complementary interventions that could be implemented across European countries and/or at the EU level in order to better regulate the activities of labour intermediaries.

Methodologically, the research combined an analysis of relevant legislation, legal and policy documents, reports and relevant literature with consultations involving local experts and organisations, including migrants' rights organisations and trade unions, to gather their views and feedback.

The brief contains three sections:

- **Section 1** provides a short overview of the main risks and challenges related to the involvement of private labour intermediaries.
- **Section 2** illustrates some key and promising practices for regulating private labour intermediaries, focusing on joint liability practices, protection measures – such as issuing of residence permits, licensing and certification – and initiatives launched by and in cooperation with countries of origin.
- **Section 3** concludes, providing some key recommendations.

¹ Van, P., Schönenberg, L. and Petar Terziev, P. (2021): *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform Tackling Undeclared Work (with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov and D. Mineva); Borelli, S. (2024): *Labour intermediaries and labour migration in the EU: a framing puzzle to rule the market (and avoid the market of rules)*, FES; Palumbo, L. (2026): *Tackling Undeclared Work amongst Third-Country Nationals*, ELA.

² Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

2.

Risks and challenges for migrant workers related to private labour intermediaries

Private labour intermediaries encompass a wide range of actors. For the purposes of this brief, the focus is on **recruitment agencies** (which match labour supply and demand without directly employing workers), **temporary work agencies** (which formally employ people in order to hire them out to other organisations)³ operating across national borders, as well as **informal brokers**.

Migrant workers seeking employment in the EU face numerous challenges throughout the recruitment process. Member States apply different conditions and requirements for labour migration, often relying on restrictive, lengthy and burdensome administrative procedures,⁴ which frequently require a formal job offer or employment contract. This creates a significant role for labour intermediaries – including recruitment agencies, temporary work agencies and informal brokers – which facilitate access to employment opportunities and provide a range of migration-related services to help migrant workers to cope with complex recruitment procedures and regulatory requirements. In this context, many migrant workers are subjected to undeclared work and exploitation, however. While not all labour intermediaries are abusive, there are inherent risks in involving additional actors, especially profit-seeking private actors. These risks are especially pronounced when workers depend on labour intermediaries for assistance with visas, accommodation, transportation and other migration-related arrangements.⁵ For migrant women workers, these relationships of dependency often exacerbate their exposure to gender-based violence, abuse and exploitative working conditions.⁶

Common unfair recruitment practices

The unfair recruitment practices engaged in by both agencies and individual intermediaries – including both local actors and co-nationals of the migrant workers concerned – are fairly similar. Workers are enticed with promises of employment and support services, but are then charged excessive fees and in some cases even subjected to document fraud (false permits or visas), deceitful changes to employment contracts, and other forms of exploitation.⁷ For example, research has shown that, in several European countries, deceptive recruitment practices have been linked to phishing-like schemes operated by labour intermediaries, whereby migrant workers pay substantial sums in exchange for promised employment opportunities that either differ significantly from those originally advertised or fail to materialise at all.⁸ Other reported practices include the illegal sale of visa permits and fraudulent job offers. Women workers also frequently experience sexual harassment and other forms of gender-based violence during the recruitment process, especially in sectors in which they tend to work in relative isolation and with little labour rights protection, such as domestic and care work and agriculture.⁹

In the case of agencies, forms of abuse occur both in contexts where they are registered or licensed or where they are not. Agencies often circumvent regulations by operating in a legal grey area,¹⁰ or in the absence of effective mechanisms for verification, monitoring, enforcement and remedy. It is also important to highlight

³ Temporary work agencies conclude “contracts of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction” (Temporary Agency Work Directive 2008/104/EC, Article 3(1)(b)).

⁴ Borelli (2024), see n 1 above.

⁵ FRA (2019): *Protecting Migrant Workers from Exploitation in the EU: Workers’ Perspectives*. Publications Office of the European Union.

⁶ See, for instance, Palumbo, L. and Sciarba, A. (2018): *The Vulnerability of Women Migrant Workers in Agriculture and the EU: The Need for a Human Rights and Gender-Based Approach*, European Parliament, Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union; Giammarinaro, M.G. (2022): Understanding Severe Exploitation Requires a Human Rights and Gender-Sensitive Intersectional Approach, in: *Frontiers in Human Dynamics*. 4:861600; Hellio, E. (2016): “They Know That You’ll Leave, Like a Dog Moving Onto the Next Bin”: Undocumented Male and Seasonal Contracted Female Workers in the Agricultural Labour Market of Huelva, Spain, in: Corrado, A., De Castro, C. and Perrotta, D. (eds): *Migration and Agriculture: Mobility and Change in the Mediterranean Area*. London: Routledge, pp. 198–214.

⁷ Van Nierop et al., 2021; Cremers, J. (2025): The international recruitment chain: Experiences and policy recommendations, in: *European Journal of Industrial Relations*, December.

⁸ Palumbo (2026), see n 1 above.

⁹ See, for instance, Palumbo and Sciarba (2018), see n 6 above; Giammarinaro (2022), see n 6 above; Marchetti, S. and Lashchuk, I. (2025): *Irregularised migrant domestic workers in Naples, Italy*. I-CLAIM; Loezar-Hernández, M., González-Rodríguez, A. Urrego-Parra, H.N., Jiménez-Lasserrotte, M., Pastor-Bravo, M. and Briones-Vozmediano, E. (2025): The vulnerability of migrant women working in agriculture in Spain: A qualitative study from the perspective of social and health professionals, in: *Women’s Studies International Forum* 109; Näre, L., Merikoski, P. and Colombi, D. (2026): *Gender and family dimensions of irregularised migrants’ experiences and rights*. I-CLAIM.

¹⁰ See, for instance, Van Nierop et al. (2021), see n 7 above.

that the primary clients of recruitment agencies tend to be employers. This relationship shapes power dynamics throughout the recruitment process and may influence recruitment practices, including the allocation of recruitment fees and other recruitment-related costs, with significant implications for workers' rights and working conditions.

But the role of all abusive private labour intermediaries should also be understood from a broader structural perspective. They tend to increase in prevalence where public job-matching mechanisms and related regulation are weak, labour migration pathways are restrictive and complex, and production systems are characterised by unequal value chains and rely heavily on a cheap, exploitable and just-in-time labour force. This is often the case in the agricultural sector.¹¹

Emerging trends

Intra-EU posting is an emerging dimension that deserves particular attention. Studies have documented a variety of unlawful posting practices involving migrant workers, who are posted from one EU Member State to another without having a genuine employment relationship in the Member State from which they are posted.¹² Such arrangements enable certain employers to access low-cost labour while circumventing labour mobility and social security regulations and related legal safeguards. They expose migrant workers to significant precarity regarding their residence and employment status, labour and social security rights. These practices often involve abusive temporary work agencies and letterbox companies that operate primarily for the purpose of posting workers to other EU Member States.¹³ In this context, there are different types of companies that act as labour intermediaries, operating similarly to temporary work agencies by providing a service-specific workforce (for example, for cleaning) across borders.

It is also worth noting that online platforms and social media are becoming increasingly important as channels for labour recruitment. Online platforms (such as what is

being developed with the EU Talent Pool¹⁴) can function as recruitment intermediaries, matching labour supply with demand. At the same time, while the role of digital platforms as labour intermediaries is beyond the scope of the present brief, platform work may be organised through intermediary companies – including recruitment and temporary work agencies – that recruit workers and subsequently provide services to digital platforms.¹⁵ These arrangements can undermine national systems of registration, licensing and certification. Their transnational nature, combined with the opacity that often characterises their operations, makes effective monitoring and enforcement particularly challenging.¹⁶

Restrictive and inadequate legal frameworks

Abusive recruitment arrangements are often embedded within complex subcontracting chains involving multiple intermediaries, facilitated by weak or ineffective liability regimes. In some cases, workers never come into direct contact with their contractual employer. Consequently, responsibilities and obligations become fragmented and difficult to trace and workers' bargaining power is reduced, creating conditions that can foster undeclared work and labour exploitation. At the same time, residence permits are often tied to a specific employer or job, with limited possibilities to change employer, making workers dependent on both their employer and the intermediary that facilitated their recruitment. This dependency disempowers workers from reporting abuses or asserting their rights, because of the significant risk of losing their employment and ultimately their residence status.

The EU has relied primarily on a sanctioning and punitive approach to abuses and exploitation. This is reflected in, for example, the Employers' Sanctions Directive 2009/52/EC,¹⁷ the Anti-Trafficking Directive 2011/36/EU¹⁸ and the Enforcement Directive 2014/67/EU.¹⁹ One important exception is the Corporate Sustainability Due Diligence Directive 2024/1760/EU (CSDDD),²⁰ which embodies a preventive approach, imposing human rights – including labour rights – as well as environmental and

¹¹ Salvia, L. (2020): I caporali e il loro ruolo nella filiera agroalimentare del Basso Lazio: oltre la criminalizzazione, in: *Sociologia urbana e rurale*, pp. 103–123.

¹² See, among others, ELA (2025): *Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues. Insights from case studies*, ELA Strategic Analysis, Luxembourg: Publications Office of the European Union.

¹³ PICUM (2026): *Posted migrant workers: Key issues and policy recommendations*.

¹⁴ For an overview of the EU Talent Pool, see https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-resettlement/work/eu-talent-pool_en

¹⁵ Borelli (2024), see n 1 above.

¹⁶ Currently, intermediaries are regulated only by the Temporary Agency Workers Directive and the Platform Workers Directive, although significant limitations remain. See on this regard Borelli (2024, *ibid.*).

¹⁷ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

¹⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

¹⁹ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System.

²⁰ Directive 2024/1760/EU of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937.

climate due diligence obligations on very large companies domiciled in the EU and/or operating in the EU market. Its scope remains relatively limited, however.²¹

The pervasiveness and structural dimension of exploitative practices afflicting workers calls for a more preventive and protection-oriented approach, one that puts more emphasis on safeguarding workers' rights, ensuring their effective access to remedies and regulating labour intermediaries themselves.

Against this background, in what follows this brief explores a number of national initiatives that appear particularly promising and may offer valuable insights for future action at the EU level.

²¹ From the perspective of strengthening corporate accountability, it is also worth mentioning Regulation (EU) 2024/3015 (the Forced Labour Product Ban Regulation), which prohibits the placing and making available on the Union market, as well as the export, of products made wholly or in part with forced labour at any stage of the supply chain. It should nevertheless be noted that the Regulation does not introduce new due diligence obligations. More importantly, it does not establish any mechanism for compensation or other forms of redress for the victims of the exploitation involved in the production of the goods.

3.

Key and promising practices for regulating private labour intermediaries

This section provides an overview of several relevant and promising practices in the regulation of private labour intermediaries, drawing on selected examples from different national contexts in the European Union. It highlights the key innovative elements but also potential risks and challenges, in order to offer a nuanced analysis of both the opportunities and the limitations of current regulatory approaches.

Joint liability mechanisms and transparency measures

A number of noteworthy initiatives have focused on limiting subcontracting chains, increasing transparency and strengthening accountability along subcontracting and labour supply chains.²² This is critical to strengthening compliance and access to remedy.

Croatian and Italian joint and several liability mechanisms: important accountability in law, but weak practical implementation so far

For example, **Croatia** introduced a **joint and several liability**²³ mechanism in 2023 as part of broader labour law reforms aimed at combating undeclared work and improving the protection of workers' rights.²⁴ Under this mechanism, contractors share liability for wage obligations arising along the subcontracting chain. Consequently, where a subcontractor – including a temporary work agency – fails to pay a worker in full for work performed or services provided, the worker is entitled to claim the outstanding remuneration from the contractor. In such cases, the contractor retains the right to seek reimbursement from the subcontractor for any amounts paid to the worker. At the same time, the law provides for certain exceptions to joint and several liability. In particular, a contracting party shall be exempt from joint and several liability if it can demonstrate that it obtained from the subcontractor all the documentation relating to

the worker, including information on the employment contract, proof of wage payments, and evidence of the payment of social security contributions.

This regulation is particularly significant as it incentivises due diligence throughout the supply chain while providing workers with a direct remedy in case of non-payment of wages. As reported by the local trade unions consulted for this study, however, **effective implementation of this measure is lacking**. The unions are not yet aware of any cases in which workers have successfully recovered their due wages through the joint liability mechanism. One possible explanation is that the mechanism was introduced only recently, so it has not yet given rise to administrative or judicial cases. Its effectiveness is further constrained by the fact that growth in labour migration to Croatia is fairly recent, trade union organisation among migrant workers is relatively low, and there are other barriers to workers reporting violations. Practical difficulties also arise in accessing evidence, as workers often lack employment contracts, payroll records, or information on subcontracting relationships, making it difficult to identify the liable party and invoke joint and several liability effectively.

Similarly, **Italy** has a **system of joint and several liability in contracting and subcontracting arrangements** based on both the Civil Code and specific labour legislation. Under Articles 1655–1677 of the Italian Civil Code, which regulate contracts for work and services, Article 1676 grants workers employed by a contractor a direct right of action against the client to recover unpaid remuneration, up to the amount still owed by the client to the contractor at the time the claim is brought. This protection has been strengthened by Article 29(2) of Legislative Decree No. 276/2003, which establishes joint and several liability between the client, employer, the contractor and any subcontractors for wages (including severance pay), social security contributions and insurance premiums accrued during the performance of the contract. Workers may bring legal proceedings to recover outstanding wages within two years following the termination of the con-

²² Also important to note are, for example, legal provisions that significantly [limit subcontracting in the meat sector in Germany](#) and in [the private security sector in France](#), as well as the [French due diligence regulations](#).

²³ The term “joint and several liability” means that multiple parties may be held jointly and individually liable for the full amount of the damage they have jointly caused. This means that a worker may recover the entire amount of compensation from any one of the liable parties, regardless of that party's individual share of responsibility.

²⁴ Articles 18 and 19 of the Act on Combating Undeclared Work. Available at: <https://www.zakon.hr/z/3385/zakon-o-suzbijanju-neprijavljenoga-rada>

tracting arrangement. However, this two-year limitation period does not apply to actions brought by social security institutions for the recovery of unpaid social security contributions.²⁵

Joint and several liability does not extend to civil penalties, which remain the sole responsibility of the party in breach.

Although the Italian joint and several liability framework in subcontracting is generally regarded as a relatively strong legal safeguard, particularly with regard to the recovery of unpaid wages and social security contributions, its **practical effectiveness remains limited**. Long subcontracting chains and the related difficulties in identifying the liable entities, the requirement for workers to initiate legal proceedings within two years of the termination of the contracting arrangement, difficulties in gathering the necessary evidence, and the uneven capacity of labour inspectorates are among the main factors that limit the practical effectiveness of the framework.

Italian court-appointed judicial administrator: a mechanism for enhancing supply chain accountability

With regard to measures aimed at enhancing transparency and accountability throughout supply chains, particular attention should be paid to the approach developed in Italy by the **Milan Public Prosecutor's Office**, especially in the fashion and food delivery sectors. Building on the tools introduced by Law No. 199/2016, prosecutors have increasingly sought to hold not only subcontractors and intermediary companies accountable for labour exploitation, but also principal brands and client companies that fail to exercise adequate oversight over their supply chains. As these companies cannot generally be held criminally liable for offences directly committed by other firms, the Milan Public Prosecutor's Office has relied on **preventive measures provided for under Article 34 of the Italian Anti-Mafia Code**, including judicial administration, whose scope has been extended to cover offences such as unlawful labour intermediation and labour exploitation (Article 603-bis Criminal Code).

In particular, where a firm within the supply chain is subject to criminal proceedings for unlawful labour intermediation and labour exploitation, the court appoints a judicial administrator to the company at the head of the supply chain. The judicial administrator temporarily supports the

company's management —typically for a period of twelve months, extendable by a further six months— and ensures that the company adopts the measures deemed necessary, on a case-by-case basis, **to remedy unlawful practices within its supply chain and strengthen compliance with labour standards throughout the production process**. Once the court is satisfied that the required corrective measures have been effectively implemented, control of the company is returned to its management. The company is required to comply with the measures ordered by the court and cannot refuse to implement them.

Proceedings initiated by the Milan Public Prosecutor's Office have led to agreements under which the companies concerned committed themselves to reorganising their internal governance structures and adopting measures aimed at **preventing the risks of labour exploitation, unlawful labour intermediation (caporalato), and other offences throughout their respective supply chains**,²⁶ such as complying with new labour standards developed by the lead company in cooperation with the judicial administrator.

The primary aim of judicial administration is not punitive; rather, it is to ensure the recognition and effective protection of exploited workers' rights and to foster changes in companies' organisational models, with a view to preventing future abuses by strengthening corporate oversight of supply chains and promoting compliance with labour law obligation.²⁷

Protection and remedy

This section focuses on a range of national measures designed to protect and provide remedies to migrant workers who are exposed to labour rights violations, exploitative working conditions and other abuses through the practices of labour intermediation.

Rules and remedies around recruitment fees

Given the links between fees and debt bondage and ILO standards on this point,²⁸ it is important to look at frameworks that prohibit the charging of recruitment fees and related costs to workers, and provide for effective mechanisms for workers to access repayment of fees and compensation, as well as for sanctions against abusive employers and agencies.

²⁵ See in this regard <https://rivistatir.it/wp-content/uploads/2019/11/nota-INL-n.-9943-2019-responsabilita-solidale.pdf>

²⁶ See Maistro, T. (2026): L'amministrazione giudiziaria secondo la business ethics: dalla mela marcia al barile marcio, in: Alvino, I. and Razzolini, O. (eds): *Caporalato e sfruttamento del lavoro nelle filiere. Analisi interdisciplinare a partire dalle indagini della Procura della Repubblica di Milano*, Roma; Lavacchini, M. (2026): Le strategie di contrasto allo sfruttamento lavorativo adottate dalla procura di Milano: l'utilizzo dell'art. 34 del codice antimafia, in: Osservatorio Placido Rizzotto and L'Altro Diritto (eds): *Rapporto Laboratorio sullo sfruttamento lavorativo e sulla protezione delle vittime*.

²⁷ See, in this regard, Mira, A. A. (2016): La „ricetta“ del pm anticaporalato Storari: ci interessano i diritti di chi lavora, non punire i vertici, in: *Avvenire*, 30 July. Available at: https://www.avvenire.it/attualita/il-pm-storari-svela-i-retroscena-delle-inchieste-sul-caporalato-non-basta-punire-gli-ad_111482

²⁸ ILO (2019): *General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs*, Geneva.

Irish regulation of recruitment fees: clear prohibitions but limited access to remedies for workers

Ireland has adopted some relevant provisions aimed at protecting migrant workers from being charged recruitment fees. The legal framework governing recruitment fees is based primarily on two pieces of legislation.

First, the **Employment Agency Act 1971** prohibits the charging of “excessive” recruitment fees by employment agencies and requires such agencies to be officially registered. According to the local organisation consulted for this study, however, the distinction between legitimate service charges and excessive or unlawful recruitment fees remains unclear in practice. Moreover, there have been little, if any, enforcement and remedial actions.

Secondly, the **Employment Permits Act 2024** prohibits employers from charging workers any fees in relation to recruitment or transport. Employers cannot deduct permit-related expenses from wages, require reimbursement, impose administrative charges, or make continued employment conditional upon repayment. Any attempt to transfer recruitment, permit or related travel costs to the worker may result in legal liability and sanctions. These provisions are complemented by the Payment of Wages Act 1991 which prohibits unlawful deductions from wages.

Overall, although a legal framework addressing recruitment fees exists, local stakeholders reported that **enforcement and access to remedies for workers are extremely limited**. Moreover, the Workplace Relations Commission (WRC), Ireland’s independent statutory body responsible for monitoring and enforcing employment rights, has considered that it has jurisdiction only where the recruitment fee was paid, or deducted from wages, while the worker held a valid employment permit. Consequently, the WRC does not intervene to impose sanctions and repayment of fees to workers where recruitment fees were paid before the worker obtained the permit.

Residence permits for victims of labour abuses, including those linked to labour intermediaries

The provision of residence permits to migrant workers who experience labour abuses is a measure that can provide crucial stability and remedy, while preventing undeclared work and people being pushed into irregularity by exploitation. Some countries have also specifically addressed abuses linked to labour intermediation.

Italian residence permits for exploited workers: a crucial measure for support, protection and remedy, though scope and access challenges remain

In particular, Italy has introduced measures granting residence permits to victims of unlawful labour intermediation and labour exploitation, along with a range of assistance, protection and integration services.

The **Italian legal framework** – in particular Article 603-bis of the Criminal Code – establishes two distinct criminal offences. First, it criminalises unlawful labour intermediaries – commonly referred to as “*caporali*” (illegal gang masters) – who recruit workers for the purpose of assigning them to work for third parties under exploitative conditions while taking advantage of the workers’ state of need. Second, it criminalises employers who use, hire or employ workers under exploitative working conditions, taking advantage of their state of need, regardless of whether those workers were recruited directly or through labour intermediaries. Article 603-bis defines labour exploitation through a list of indicators relating to remuneration, working hours and rest periods, occupational health and safety, methods of supervision, and degrading housing conditions.²⁹ These indicators encompass the principal aspects of work protected under the Italian Constitution and are therefore situated within the broader framework of safeguarding human dignity in the workplace.

In 2024, **Article 18-ter** was introduced into the Consolidated Immigration Act (Legislative Decree No. 286/1998), providing for the issuance of a residence permit to victims of either of the criminal offences laid down in Article 603-bis of the Criminal Code – in other words, when they are victims of exploitation, whether by employers and/or by labour intermediaries. The residence permit may be granted in cases in which the victim makes a useful contribution to uncovering the facts by providing statements to the National Labour Inspectorate (INL), even in the absence of a formal complaint to the relevant authorities.

The residence permit allows the holder to remain in Italy for one year, with the possibility of renewal for a further year or, where necessary, for the longer period required for judicial purposes or for the completion of social and labour inclusion measures to support the person’s long-term integration. Pending the issuance of the permit, migrant workers who have received official proof that their application has been submitted are authorised to remain in Italy and temporarily engage in employment until a decision is taken by the relevant authorities and provided that no grounds for refusal emerge.

²⁹ Di Martino, A. (2019): *Sfruttamento del lavoro. Il valore del contesto nella definizione del reato*, Il Mulino.

Furthermore, once the permit has been issued, the judge shall declare that there is no case to answer with respect to the offence of irregular entry and stay in Italy. According to the crucial provision of Article 18-ter, residence permits are also granted to family members of victims of exploitation. Upon expiry, the permit may be converted into a residence permit for employment or study purposes.

Similar to the residence permit granted to victims of trafficking, this permit provides access to social services, education, registration in the civil registry, and both employed and self-employed work, subject to the applicable minimum age requirements. Significantly, the provision is complemented by a range of assistance measures designed to facilitate social and labour market integration. These include personalised training and employment support programmes, registration with the Information System for Social and Labour Inclusion (SIISL), and access to the Inclusion Allowance (*Assegno di Inclusione*), Italy's main minimum income and social inclusion benefit, through a derogation from the ordinary residence requirements.

As emerging evidence from field research suggests, however, **significant challenges remain in the application of Article 18-ter to increasingly widespread forms of abuse in Italy**, such as the illegal sale of visa permits and fraudulent job offers by informal or unregistered intermediaries who strategically exploit the complexities of the immigration and labour migration system.³⁰ In many of these cases, when these fraudulent schemes come to light upon the migrant workers' arrival in Italy, the migrant workers involved have not yet been subjected to forms of labour exploitation, which remains a key condition for the application of Article 18-ter. As a result, individuals who have nevertheless suffered serious forms of deception, economic loss and vulnerability may nevertheless fall outside the scope of the protection mechanism established by the provision.³¹

Its implementation also remains uneven – particularly with regard to the assistance and integration measures it provides for – and is highly dependent on local and territorial contexts, as well as on the presence and effectiveness of networks of public authorities, civil society organisations and other relevant actors.³² Migrant workers also continue to face several barriers to filing a complaint and seeking remedy.

Some are partially addressed by a partnership between the National Labour Inspectorate (INL) and the International Organization for Migration (IOM), under which **IOM provides cultural mediators to participate in labour inspections and provide timely assistance to exploited migrant workers**. This cooperation has supported the implementation of Article 18-ter and, consequently, the granting of residence permits under this provision.³³ The initiative includes joint actions of labour inspectors and IOM cultural mediators to conduct targeted inspections in high-risk sectors, facilitate the early identification of victims and ensure their prompt referral to protection mechanisms. It also provides for multilingual information and reporting desks within selected Territorial Labour Inspectorates, as well as awareness-raising activities to inform migrant workers of their rights, the risks of labour exploitation and the protection mechanisms available to victims.

Information, support and litigation activities

Initiatives aimed at providing workers with information and support are also important to empower workers, identify violations and uphold workers' rights. In several countries, migrant communities and migrants' rights and support organisations, as well as trade unions working with migrant workers, provide vital information and training, personalised advice and legal assistance, mediation and support to take action, whether through legal or administrative procedures, including, where possible, on unfair recruitment practices and related rights violations.

Irish NGO seeks remedies for worker-paid recruitment fees using key legal provisions and addressing critical gaps in coverage

To take just one example, the **Migrant Rights Centre Ireland (MRCI)** is an NGO that supports migrant workers at risk of exploitation, social exclusion and discrimination in asserting their rights and those of their families. MRCI has increasingly been assisting workers who have been charged excessive and abusive recruitment fees, paid either directly to their employer or to an intermediary based in Ireland or the worker's country of origin. In 2025, they were active most frequently in the health-care, construction, restaurant and meat processing sectors. MRCI has supported people who have had to pay up to 30,000 euros in recruitment fees.

30 Coresi, F. (ed.) (2025): *Monitoraggio decreto flussi 2023–2024*, Campagna Ero Straniero.

31 The options available to such migrants for regularising their status exist but are difficult to access. One possible avenue is to obtain an "awaiting employment" residence permit (*permesso di soggiorno per attesa occupazione*), provided for under Article 22(11) of the Consolidated Act on Immigration (see Coresi *ibid.*).

32 Corrado, A. and Palumbo, L. (forthcoming) Tra tratta e sfruttamento lavorativo: approcci, tensioni e ambiguità nelle misure di tutela e inclusione sociale dei lavoratori e delle lavoratrici migranti, in: *Mondi Migranti*.

33 Between May 2020 and September 2025, the INL–IOM partnership provided support to 1,613 third-country nationals in situations of labour exploitation, 95 per cent of whom were men and 5 per cent women. See in this regard IOM (2025): *Contrasto allo sfruttamento lavorativo e caporalato: il modello multi-agenzia per l'emersione e la tutela dei lavoratori e lavoratrici migranti*.

A survey of more than 1,000 employment permit holders³⁴ carried out by MRCI found that over a third of people had paid a fee to their employer or to an agency to secure their job. Some 85 per cent of people who paid recruitment fees reported facing exploitation and 74 per cent reported experiencing severe exploitation, further demonstrating that recruitment fees are a significant risk factor for exploitation. The average amount paid was 5,476 euros, with amounts ranging from 100 to 21,175 euros.

MRCI has been supporting workers in pursuing the recovery of fees by filing claims to the Workplace Relations Commission (WRC) and Inspectorate using the legal framework described above. However, as highlighted above, illegal recruitment fees that are charged and paid (often in the worker's country of origin) prior to a worker obtaining an employment permit and taking up employment in Ireland present a significant challenge as these are considered beyond the WRC's jurisdiction.

To address this gap, MRCI advocates on behalf of these workers by conducting detailed assessments of their recruitment fee claims and making referrals to the police for potential criminal law violations, including deceptive recruitment and fraud. They are also exploring the possibility of recourse to civil proceedings.

Cooperation between government authorities, labour inspectorates and trade unions and NGOs can also lead to meaningful measures to support migrant workers. In some countries, trade unions have a privileged role that can be leveraged.

Icelandic trade unions develop activities to monitor compliance, inform workers and seek remedies regarding labour intermediation and related abuses

In Iceland, for instance, the **Icelandic Confederation of Labour** (ASI)³⁵ and its affiliate unions provide support with regard to employment rights and working conditions, not only to its members but also to non-unionised workers, including third-country nationals and seasonal workers.³⁶ ASI is actively involved in monitoring compliance with collective agreements through inspections and cooperation with public authorities. Its affiliate trade unions also review employment contracts linked to work permit applications and carry out follow-up inspections, where necessary. To facilitate access to its services, ASI

and its affiliate trade unions provide information in several languages and employ staff with migrant backgrounds, thereby fostering trust and improving outreach among migrant communities.

When it comes to labour intermediation, ASI has recently focused on exploitation and illegal recruitment fees charged to migrant workers, helping them to seek redress. In recent years, a significant number of Vietnamese workers have moved to Iceland with specialist work permits as chefs or beauticians.³⁷ Many of them reportedly paid substantial recruitment fees before arriving in the country and have subsequently been required to repay the remaining amount through monthly wage deductions or payments to their employer, often over a period of several years. In response, the ASI has sought to support potential remedies for the workers, particularly in relation to the unlawful recruitment fees and unpaid wages. Its policy, where there are indications of labour exploitation or other labour rights violations, is to pursue wage claims irrespective of a worker's migration status.³⁸

ITUC recruitment advisor: peer-to-peer platform for fair recruitment empowers workers with information

Another important and innovative initiative aimed at informing and empowering migrant workers is the Recruitment Advisor platform. Developed by the International Trade Union Confederation (ITUC), with the support of the ILO Fair Recruitment Initiative and in partnership with migrants' rights NGOs, particularly the Migrant Forum in Asia, the platform harnesses migrant workers' own knowledge and experience through a peer-to-peer model while also providing information on workers' rights. It enables migrant workers to access and share reviews of licensed recruitment agencies in both countries of origin and destination, helping them to identify abusive practices and make more informed recruitment decisions. The platform draws on lists of licensed agencies provided by governments, while a network of trade unions and civil society organisations in participating countries ensures its sustainability by engaging directly with workers. By increasing transparency, empowering workers through access to information, and providing feedback to public authorities on recruiters' practices, the platform promotes fair recruitment in line with the ILO General Principles and Operational Guidelines for Fair Recruitment.

³⁴ See MRCI (2026): *Tied to exploitation: the experience of migrant workers in Ireland*.

³⁵ See in this regard <https://vinnurettur.asi.is/vinnurettarvefur/vinnurettur/icelandic-labour-law/>

³⁶ It is worth mentioning that Iceland has very high union membership, at around 90 per cent of all workers, including almost all documented third-country nationals.

³⁷ See in this regard, for instance, Indriðason, H. (2025): The case that opened Iceland's eyes to the scale of workplace crime, in: *Nordic Labour Journal*, 25 September. Available at: <https://www.nordiclabourjournal.org/the-case-that-opened-iceland-eyes-to-the-scale-of-workplace-crime/>

³⁸ Matvis, one of ASI's affiliate unions, recently achieved a significant legal victory when the National Court of Appeal ruled in favour of a Vietnamese restaurant worker in a wage dispute with the employer in the *Wokon* case. The Court upheld a wage claim of approximately ISK 30 million (around €209,500), covering unpaid overtime, notice pay and other employment-related entitlements. The judgment is expected to serve as an important precedent for more than 30 other workers employed by the same company.

Some discussions are under way to try to develop this tool for migrants moving to EU countries. In particular, the trade union-affiliated organisation Arbeit und Leben is exploring possibilities to extend the platform's content to include Germany and other European countries. While still at a very early stage, the measure has been included in the German government's National Action Plan against Forced Labour adopted in 2025.

Licensing and certification schemes

One of the most prominent regulatory approaches involves the adoption of registration, licensing and certification schemes, whether voluntary or mandatory. **Licensing** – often based on registration – provides legal authorisation to operate, subject to meeting statutory requirements and ongoing regulatory oversight, and is generally mandatory where a licensing regime is in place. **Certification** is typically a voluntary process through which an independent body verifies compliance with defined quality or fair recruitment standards that often go beyond legal requirements.

Overall, these schemes, adopted in several EU Member States and in various sectors, aim to ensure that recruitment agencies adhere to specific standards, including the prohibition of charging recruitment fees to workers and requirements to provide comprehensive and transparent information, and that recruitment processes take place under fair, socially acceptable and legally compliant conditions. To be effective, however, both licensing and certification schemes require adequate resourcing to ensure that sufficient verification and monitoring is carried out, both before a license or certification is granted and afterwards, together with effective complaints mechanisms and remedies for workers.

Germany's voluntary certification scheme: a promising initiative with narrow scope and implementation challenges

The German **Fair Recruitment Healthcare** quality seal is a notable example of a voluntary certification scheme.³⁹ Established by the German government (Federal Ministry of Health), it sets standards for the ethical recruitment of nursing professionals from outside the EU/European Economic Area (EEA). The seal is awarded only to recruitment agencies based in Germany or the EEA that comply with these standards after external audits.

Certified health and care facilities and recruitment agencies assist candidates in identifying suitable employers

and facilitate the recruitment and placement process. The scheme establishes a set of standards for ethical international recruitment, including the prohibition of recruitment fees for candidates, equal treatment with domestic employees, individualised support for integration, assistance with language training and the recognition of professional qualifications in Germany, as well as full transparency regarding recruitment procedures and points of contact. **The Employer Pays principle applies** and, accordingly, employers are responsible for covering all recruitment-related costs. This principle applies throughout the recruitment supply chain. Any costs incurred before the nursing professional entered the recruitment process must be reimbursed. Also, where a business partner breaches this principle, the recruiting agency must reimburse the health-care professional for any recruitment fees paid.

Compliance is monitored through both self-monitoring and regular assessments conducted by the designated quality assurance body (third-party monitoring).⁴⁰ Having certified more than 86 (June 2026) health and care facilities, the German Fair Recruitment Healthcare scheme is widely regarded as a promising model for promoting voluntary fair recruitment processes.⁴¹

However, **some limitations affect the effectiveness of the scheme** and should be addressed in order to strengthen its implementation and enhance its overall impact. First, the scheme currently applies only to the nursing sector.⁴² Second, because participation in the scheme is voluntary and agencies and employers are not required to obtain certification for services offered, a significant share of the recruitment market remains outside its scope, thereby limiting its overall impact on the sector. Market incentives, for example (financial) support or refinancing measures for certified companies could also help drive implementation. Moreover, although the scheme imposes due diligence obligations throughout the recruitment chain, effective monitoring of subcontractors and local partners in countries of origin may prove challenging, particularly where multiple intermediaries are involved.

The Netherlands' mandatory licensing scheme: enhanced regulation but lacking mechanisms for worker protection and remedies

Other countries have adopted **mandatory licensing schemes**. This is the case for instance in **the Netherlands**, where **a recent Act, the Provision of Personnel Accreditation Act** (Wet toelating terbeschikkingstelling van arbeidskrachten, WTTA), which complements the Dutch Allocation

³⁹ For more information see <https://fair-recruitment-nurse.com/>

⁴⁰ DKF (2024): *Quality assurance and test specifications for the quality seal Fair Recruitment Healthcare Germany*, third edition.

⁴¹ Kipp, D. (2026): *Working in Germany. Shaping Fair Recruitment – Preventing Exploitation*, FES.

⁴² Kipp (ibid.).

of Labour through Intermediaries Act (WAADI), has significantly **strengthened the regulatory framework governing labour intermediaries, including temporary work agencies and staffing firms**. The reform, adopted in 2025 and due to enter into force on 1 January 2027, replaces the existing registration regime with a mandatory licensing system applicable to all entities that supply workers to third parties. The WTTA was introduced in response to widespread and persistent abuses in the temporary employment sector, particularly those affecting migrant workers, and aims to enhance oversight, compliance and accountability among labour intermediaries. The scheme applies to temporary employment agencies, other labour suppliers and companies that hire workers through such intermediaries. To obtain and maintain a licence, agencies must comply with a number of requirements, including the lawful payment of wages, proper tax compliance, possession of a certificate of good conduct (VOG) and the payment of a 100,000 euro deposit. Where accommodation is provided, it must comply with applicable standards. Failure to meet these requirements may result in the revocation of the licence, preventing the agency from continuing its activities. Financial penalties may also be imposed on both unauthorised labour suppliers and companies that engage workers through unlicensed agencies.

Compliance will be monitored by the Netherlands Labour Authority (NLA) through regular inspections. This will require additional enforcement capacity for the NLA. While the adequacy of the resources allocated has been debated during the legislative process, it remains unclear at the time of writing whether sufficient capacity will be made available to ensure effective implementation. Local organisations, while welcoming the WTTA, have noted the risk that, if investigations into reported abuses take too long, workers may lose confidence in reporting violations and exploitative agencies may cease operations before enforcement action can be taken.

Furthermore, **a major limitation** of the scheme is that it does not establish specific protections or mechanisms of redress for workers affected by violations. While it strengthens regulatory oversight and compliance, **it does not create new individual remedies or compensation mechanisms for workers**. The lack of safeguards and effective complaints mechanisms for workers may also limit oversight and enforcement, as workers may fear engaging with the authorities because of the risks related to their employment and residence status. Overall, the new Act has been broadly welcomed, but its effectiveness can be assessed only after it has entered into force in 2027.

The Bulgarian licensing scheme: regulatory strengths but major gaps in the protection of third-country nationals

Bulgaria also has a mandatory licensing scheme for “private employment agencies”, an umbrella term that

includes recruitment agencies (referred to in the Bulgarian system as “employment intermediaries”, that is, they are not party to the employment relationship itself) and temporary work agencies (which are the contractual employers while workers work temporarily for other organisations or “user undertakings” under a separate commercial contract). Under the Bulgarian Employment Promotion Act (EPA), private employment agencies are required to register with the National Employment Agency before they can operate legally as labour intermediaries. The EPA requires the registration of both temporary work and recruitment agencies, but with different procedures and requirements.

Among other regulations, the EPA explicitly prohibits both types of private employment agency from charging fees or collecting any form of remuneration from job-seekers for employment mediation services. Instead, recruitment costs must be borne by employers. In cases of non-compliance, the legislation provides sanctions, including withdrawal of the licence. However, it does not establish specific remedies or compensation mechanisms for workers who have been charged recruitment fees.

Furthermore, its application remains limited in relation to migrant workers, who are excluded from the scope of the provisions on private recruitment agencies. They are able to register as jobseekers and benefit from public labour mediation services from the local labour offices of the National Employment Agency only if they hold certain residence permissions in Bulgaria.

Local stakeholders have also stressed that the EPA’s effectiveness depends on robust enforcement and effective oversight of licensed recruitment agencies. While it strengthens regulation, key practical challenges remain, including limited inspection capacity, the concealment of recruitment fees as charges for other services, barriers hindering workers from reporting abuses and the difficulty of monitoring cross-border recruitment agencies.

It is worth noting that proposals are currently under discussion to extend the scope of the legislation. Consideration is being given to the explicit inclusion of migrant workers within the scope of the rules regarding recruitment agencies and to strengthening supervision of international recruitment, particularly in response to the growing role of foreign recruitment agencies operating outside the national registration regime.

Initiatives launched by and involving cooperation with countries of origin

Unfair recruitment practices involving abusive intermediaries and contributing to labour exploitation often originate in countries of origin and unfold along recruitment chains. A preventive approach therefore requires closer scrutiny of these processes and potential interventions at different

stages of recruitment processes. In this regard, several countries of origin have developed relevant initiatives and emphasise the need for stronger cooperation with key countries of destination.⁴³

Romanian labour intermediary regulation: promising preventative and protective measures but constrained by enforcement challenges

Particularly relevant in this regard are the provisions recently adopted in Romania to protect Romanian workers abroad. In particular, Government Decision No. 296/2025 amended the implementing rules of Law No. 156/2000 on the protection of Romanian citizens working abroad, **strengthening the regulation of labour intermediaries and enhancing protection for Romanian citizens, particularly seasonal workers, employed abroad.**⁴⁴

The new regulatory framework introduces a range of obligations for recruitment agencies operating in Romania, foreign job placement providers and employers of seasonal Romanian workers. **Recruitment agencies operating in Romania** are now required to register with the Territorial Labour Inspectorate in whose jurisdiction their registered office is located, notify the authorities before opening new branches, and provide documentation demonstrating their legal status, the absence of criminal records and the qualifications of their human resource personnel. **Foreign placement providers** must prove their legal right to operate in their country of establishment, submit certified translations of relevant contracts and qualifications, and ensure that employment and accommodation agreements are available both in Romanian and in the language of the destination country. In addition, **employers hiring seasonal workers** are required to cover round-trip transportation costs, provide safe and lawful accommodation (with rent not exceeding 25 per cent of the worker's net wages), and guarantee health insurance or private medical coverage throughout the period of employment.

The Romanian reform of 2025 appears promising, as it combines licensing requirements, enhanced transparency obligations, mandatory registration with the Labour Inspectorate and concrete protections for workers, including safeguards relating to accommodation and access to health care.

However, **its effectiveness ultimately depends on the capacity of labour inspection services** to monitor com-

pliance and enforce the new requirements. It may therefore be constrained by enforcement challenges, particularly in cross-border contexts. As reported by local organisations, the labour inspectorate is currently overstretched, limiting its capacity to carry out effective inspections and enforcement activities.⁴⁵ It is also worth noting that the reform relies primarily on regulatory oversight and preventive controls rather than on the establishment of specific worker-centred remedies or compensation mechanisms.

⁴³ It is also worth mentioning that the Philippines has undertaken significant efforts in this area, notably by establishing a network of **migrant workers offices (MWOs)** in several European countries, including Italy, Spain, Greece, Germany, Austria and Hungary (see <https://dmw.gov.ph/archives/v1/resources/dsms/DMW/MWO-Directory-and-Jurisdiction-as-of-13-March-2026.pdf>). These offices provide Filipino migrant workers with assistance and protection throughout the recruitment and employment process.

⁴⁴ See, in this regard, OECD (2025): *Review of Labour Market and Social Policies: Romania*.

⁴⁵ It is worth highlighting that Law No. 156/2000 combines preventive regulation of labour intermediaries with broader state responsibilities, including the negotiation of bilateral arrangements aimed at protecting Romanian workers abroad and ensuring equal treatment in the destination country.

4.

Conclusion

This policy brief provides an overview of promising regulatory practices that prioritise prevention and the protection of migrant workers' rights, while assessing their potential for broader adoption across the EU. It examines a range of measures, including joint liability provisions, protection measures such as the issuance of residence permits, certification and licensing schemes, and initiatives by and cooperation with countries of origin, highlighting both their potential benefits and their limitations in terms of scope and implementation.

A key finding is that ensuring fair recruitment and regulating private labour intermediation effectively require a comprehensive set of complementary measures that address both prevention and the protection of workers' rights. Equally important are adequate financial and human resources for effective enforcement, together with clear legal provisions that minimise discretion in implementation at both the national and local levels.

Recommendations

This policy brief proposes the following key recommendations to strengthen preventive and protective measures to help ensure fair recruitment and regulate private labour intermediaries effectively, drawing on the examples selected and discussed:

(i) Rights and compensation for recruitment-related abuses

Address common recruitment-related abuses, including the payment of recruitment fees and related costs, taking into consideration the significant risks of labour exploitation and debt bondage associated with abuses, as well as the strengths and weaknesses of existing models, including the Irish examples included in this paper, by:

- developing the legal and policy framework aimed at eliminating worker-paid recruitment fees and costs in line with ILO guidance and standards. Measures should be included to ensure that the full extent of and nature of costs should be transparent to those who pay them. Any exceptions to this principle

- should be consistent with relevant international labour standards and agreed in consultation with the most representative organisations of workers and employers.
- developing the legal and policy framework providing workers' rights and aimed at addressing deception in recruitment processes, including deceptive changes to employment contracts and conditions, and coercion, including through withholding of documents, building on existing ILO and EU legal standards.
- ensuring that these frameworks provide effective access to justice for recruitment-related abuses, including provisions for the repayment of worker-paid recruitment fees and costs, unlawful wage deductions and unpaid wages and benefits, as well as appropriate compensation, regardless of the worker's residence or employment status at the time of the claim and at the time when the abuses occurred, and without risk of immigration enforcement.
- exploring mechanisms for state pre-payment and compensation.
- enhancing the ability of labour inspectorates to investigate and intervene at all stages of the recruitment process for all workers and all enterprises, and to identify and address recruitment-related abuses through regular workplace inspections, as well as by monitoring and evaluating specifically the operations of all labour recruiters, while providing firewalls and safeguards against workers facing immigration enforcement linked to labour inspection activities.

(ii) Residence permits and supports

Support the sustainable, long-term social and labour-market inclusion of people who have been victims of labour exploitation and recruitment-related abuses to provide remedy, and reduce risks of repeated abuse and undeclared work, taking into consideration the strengths and weaknesses of existing models, including the Italian example included in this paper, by:

- providing residence and work permits for victims of fraud, deceptive recruitment practices or abusive recruitment fees charged by private labour intermediar-

ies (including informal brokers) or employers, even in cases in which labour exploitation has not yet materialised, and in cases of labour exploitation in which labour rights violations do not amount to severe exploitation, whether recruited directly or through a labour intermediary.

- providing that the issuance of a residence permit should not be conditional upon formal reporting of the offence to or cooperation with the competent authorities, nor on the status of legal proceedings.
- ensuring that permits provide full access to the labour market, as well as support and services, regularise family members, and – if temporary – can be easily converted into another residence and work permit, with long-term prospects.
- ensuring that gender-based forms of abuse and other intersectional forms of discrimination in recruitment processes receive specific attention, and that victims have access to gender-sensitive and otherwise adapted protection, services and long-term support.

(iii) Information and support

Ensure that workers receive the information and support they need to identify violations and exercise their rights, taking into consideration the critical roles of diverse stakeholders and benefits of multi-stakeholder cooperation, including those from Ireland, Iceland, Italy and at global level included in this paper, by:

- strengthening and supporting the role of migrant community organisations, migrants' rights and support organisations, and trade unions in providing information and multiple forms of support and services to workers, monitoring recruitment and employment practices, and identifying and responding to situations of abuse and exploitation.
- developing cooperation between labour inspectorates, migrant-led organisations, support organisations and trade unions working with migrant workers to improve the provision of information, access to protection and remedies and monitoring of regulations, including during labour inspections.
- promoting and supporting the rollout of the ITUC Recruitment Advisor across Europe.

(iv) Accountability and transparency

promote mechanisms that strengthen due diligence, compliance and legal accountability throughout supply chains while providing workers with effective remedies, taking into

consideration the strengths and weaknesses of existing models, including the Croatian and Italian examples included in this paper, by:

- adopting measures to strengthen joint and several liability throughout subcontracting and labour supply chains, coupled with mechanisms that enable the affected workers to access remedies effectively, including recovery of unpaid wages, repayment of worker-paid recruitment fees and related costs, and compensation for rights violations.
- supporting these measures through initiatives that increase transparency, enable workers to access the documentation and evidence needed to substantiate their claims and obtain an effective remedy, and rebalance the burden of proof between employers, intermediaries and workers when there are suspicions of abuse.
- strengthening the capacity of labour inspectorates to carry out effective inspections, verify compliance with labour standards, and monitor wage payments. If labour inspections are separated from immigration enforcement, migrant workers can engage with competent authorities and administrative and legal procedures to exercise their rights without risk of immigration enforcement.
- supporting the adoption of preventive measures, such as the use of court-appointed judicial administrators, to address situations in which principal brands and client companies have failed to exercise adequate oversight of their supply chains. Such measures can help to ensure the regularisation of employment relationships, strengthen monitoring of compliance with labour standards throughout the supply chain, and prevent future labour rights violations.

(v) Licensing schemes

Introduce mandatory national licensing schemes that include requirements related to fair recruitment practices and adequate housing conditions for workers, ensuring effective verification, monitoring, remedies and compensation mechanisms for workers in cases of non-compliance, and taking into consideration the strengths and weaknesses of existing models, including those of the Netherlands and Bulgaria included in this paper, by:

- requiring that labour intermediaries submit adequate documentation demonstrating compliance with relevant international, EU and national standards and legislation on fair recruitment, employment and social security, including ILO Convention No. 181, and progressively implementing ILO general principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.

- requiring that any accommodation provided by labour intermediaries comply with applicable legal and quality standards.
- requiring that labour intermediaries develop and effectively implement internal due diligence and vigilance mechanisms aimed at identifying and preventing violations of human rights, labour rights and fundamental freedoms, including gender-based violence, harassment, abuse and discrimination.
- establishing accessible and effective complaints mechanisms that provide workers with access to remedies, including compensation, where violations are committed by licensed or certified labour intermediaries.
- allocating adequate resources to monitoring, inspections and complaints-handling mechanisms.
- providing financial incentives or refinancing mechanisms to support licensed or certified companies in implementing and maintaining high fair recruitment standards.

(vi) Initiatives launched by and involving cooperation between countries of origin and countries of destination:

Strengthen cooperation frameworks to improve information and outreach to workers, enhance the regulation and oversight of recruitment agencies, and facilitate cross-border enforcement, taking into consideration the strengths and weaknesses of existing models, including the Romanian and ITUC Recruitment Advisor examples included in this paper, by:

- providing, as countries of origin, prospective migrant workers with accurate, accessible and timely information on recruitment processes, employment conditions, workers' rights, available support services, and complaints mechanisms before departure and throughout the migration process, including through consular assistance and in cooperation with key stakeholders in countries of destination.
- providing, as countries of origin, protection and support for nationals working abroad, including through regulations for labour intermediaries that integrate core worker protections, promote the Employer Pays Principle and provide effective remedies and compensation for workers in cases of labour rights violations and abuse.
- enhancing cross-border cooperation and information-sharing between competent authorities and key stakeholders in countries of origin and of destination to improve monitoring and oversight of recruitment agencies, facilitate investigations and support the effective enforcement of workers' rights and remedies across jurisdictions, while ensuring privacy and data protection safeguards.

About the author

Letizia Palumbo is a researcher at the Department of Philosophy and Cultural Heritage at Ca' Foscari University of Venice. Her research adopts a socio-legal perspective and focuses on feminist legal theory, gender-based violence, human rights, migrant workers' rights, labour exploitation and human trafficking, with particular attention to the structural factors that create and exacerbate migrant workers' vulnerabilities to abuse and exploitation. She has published extensively on these topics, including her recent monograph, *Taking Vulnerabilities to Labour Exploitation Seriously: A Critical Analysis of Legal and Policy Approaches and Instruments in Europe* (Springer).

She has also worked as a research consultant on these topics for the European Parliament, the Council of Europe, the UN Food and Agriculture Organization (FAO), the Open Society Foundation, the International Labour Organization (ILO), and, more recently, the European Labour Authority (ELA).

About PICUM

PICUM is a diverse network of member organisations working for social justice and human rights for undocumented people and people with insecure residence status. Founded in 2001 as an initiative of grassroots organisations, today PICUM has 155 members working across 34 countries, mostly in the European region. With two and a half decades of experience and expertise, PICUM provides an essential link between local realities and the policy cycles of the United Nations, the Council of Europe and EU institutions.

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Fair recruitment to the EU: regulation, rights and remedies

Private labour intermediaries — recruitment agencies, temporary work agencies and informal brokers — play a growing role in connecting migrant workers to jobs in the EU, especially where labour migration pathways are restrictive and administrative procedures are complex. This reliance carries serious risks: excessive fees, deceitful changes to employment contracts, document fraud, debt bondage and labour exploitation, and specific challenges to hold anyone accountable for such rights violations. EU law addresses some of this indirectly (e.g. the Temporary Agency Work Directive) but offers no comprehensive framework.

Across Europe, a number of promising national practices have emerged — but no one measure is sufficient alone and each comes with limitations that will need to be addressed if regulation is to be genuinely effective. This policy brief points out six recommendations to do so. Instead of starting from scratch, the challenge now is to refine them to address their limitations, reproduce them EU-wide as a complementary package of measures and invest in implementation and adequate resourcing. Crucially, regulation must include protections and remedies for migrant workers to be effective.

Further informations on the topic can be found here:

➤ brussels.fes.de