

ANNEX I.—RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS
FOR EMPLOYMENT RECRUITED OTHERWISE THAN UNDER GOVERNMENT-
SPONSORED ARRANGEMENTS FOR GROUP TRANSFER

Article 1

This Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

Article 2

For the purpose of this Annex—

(a) The term “recruitment” means—

(i) The engagement of a person in one territory on behalf of an employer in another territory, or

(ii) The giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

(b) The term “introduction” means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of paragraph (a) of this Article; and

(c) The term “placing” means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of paragraph (b) of this Article.

Article 3

1. Each member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

(a) Public employment offices or other public bodies of the territory in which the operations take place;

(b) Public bodies of a territory other than that in which the operations take place which are authorized to operate in that territory by agreement between the Governments concerned;

(c) Any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, the operations of recruitment, introduction and placing may be undertaken by—

(a) The prospective employer or a person in his service acting on his behalf, subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority;

(b) A private agency, if given prior authorization so to do by the competent authority of the territory where the said operations are to take place, in such cases and under such conditions as may be prescribed by—

(i) The laws and regulations of that territory, or

(ii) Agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.