Understanding recruitment agencies in migrant domestic work in Ghana: Exploiters or facilitators?

Key Messages
- Recruitment agencies are an important part of migrants’ strategies to access labour markets and to exercise agency in the context of highly unequal power relations with employers
- A migration industry exists in Ghana involving a multiplicity of recruitment agents, intermediaries and networks facilitating the recruitment of adults and children for domestic work
- Recruitment agencies and intermediaries play a range of often contradictory roles in facilitating migration for domestic work. In some cases, these roles reinforce patriarchal ideologies, in others they promote the interests of female migrant domestic workers
- Laws and policies only offer limited protection of the rights of domestic workers in the informal sector as they focus more on formal sector employment
- State agencies set up to regulate the work of recruitment agencies are generally unable to offer full protection to domestic workers because of policy ambiguities, and lack of resources for effective monitoring of recruitment agencies’ activities
- A more nuanced understanding of the mediating role of brokers and intermediaries in the recruitment process is necessary

Rural-urban migration from the poorer regions of Northern Ghana to the south is an important part of the livelihood portfolios of poor women and girls in the country. In the last few decades, domestic work has emerged as one of the most important avenues of employment for migrant women and girls, who move in search of decent jobs to support their families. In urban Ghana, irrespective of their poverty status, many households employ domestic workers under a wide range of terms and conditions.

Although Ghana has no specific legal instrument for governing domestic work, provisions in various laws of Ghana, namely the Constitution, the Labour Act (Act No. 651 of 2003) and its legislative instruments, the Children’s Act and the Domestic Violence Act, are usually applied to deal with issues of employment, exploitation and abuse of workers in informal sectors. Ghana also ratified seven of the eight International Labour Organisation Core Conventions in 1999 which provide a framework for employment and protecting the rights of all categories of workers. However, assessments of these laws and policies indicate that the current legal instruments are limited when it comes to the protection of the rights of domestic workers and other workers in the informal sector.

The migration of women and girls, and their entry into domestic work in southern urban centres, is often facilitated and sustained by an entire industry centred around recruitment agencies and their chains of brokers and sub-agents, both formal and informal, as well as migrants’ own social networks.

Despite their importance, recruitment agencies or brokers are often portrayed in a negative light, as unscrupulous exploiters of domestic workers for profit and gain. Migrants using the services of recruitment agents and intermediaries are framed as passive and having no agency in setting their own migration agendas. Therefore, much of the limited literature on the industry, is presented within the context of smuggling and trafficking of persons, thus focusing on the ‘illegitimate’ end of the migration industry.

However, recruitment agencies and brokers play a range of multiple and often contradictory roles in facilitating and mediating migration for domestic work. Brokers are an important part of migrants’ strategies to access labour markets in destinations that are well beyond their normal cultural and social spheres of interaction. There is a need for a more nuanced understanding of the mediating role of brokers and intermediaries as they traverse the multi-layered space in the recruitment process. These are especially relevant as efforts are in place to regularise and regulate the domestic work sector in the framework of the ILO’s Domestic Workers Convention, 2011 (No. 189).
Methodology
Primary data was collected using in-depth and key informant interviews (76) made up of 23 formal and informal recruitment agents and intermediaries, 24 domestic workers, seven employers of domestic workers, 18 government agencies, trade unions, and civil society organisations, two faith-based organisations, two travel and tour companies, and one researcher. A snowball sampling strategy was used to select interviewees. To deal with the limitations of snowballing, particularly the tendency to select only actors in similar networks, several nodes were used as entry points for selection to ensure variety in the categories of respondents. Interviews took place in Accra because it is the main migrant destination.

Findings

Types of recruitment agencies, intermediaries and recruitment practices
A typology of agencies and intermediaries can be classified based on their registration status and methods of operation.

Table 1: Typology of Recruitments

<table>
<thead>
<tr>
<th>Type</th>
<th>Recruitment Process, Services Provided</th>
</tr>
</thead>
</table>
| Type One: Formally Registered Recruitment Agency | Registered with the Registrar General’s Department and have a licence to operate from the Labour Department.  
  - Function like an employment exchange, advertising through formal channels, formal registration processes, including a formal interview  
  - Deal preferentially with applicants with some level of education  
  - Generally operate within the confines of the law, including adhering to the minimum work age limit of 18 years  
  - Provide some level of training in domestic skills |
| Type Two: Partially Registered Recruitment Agency | Registered with the Registrar General’s Department, but do not have a license from the Labour Department to operate.  
  - Operate under some level of semi-informality  
  - Recruitment process is less formal, most workers recruited by word of mouth  
  - Recruit domestic workers for middle- and higher-income Ghanaian and expatriate families in large urban centres or for overseas employers, mainly in the Gulf States  
  - Formal education is less important, but may be required for specific employers |
| Type Three: Individual Recruitment Intermediaries and their sub-agents | Neither registered nor licenced to operate.  
  - Recruitment processes wholly informal  
  - Major recruitment channels are advertising by word of mouth, in places of worship and via recommendations by previously placed domestic workers, as well as through family and friends. Sometimes sub-agents are used who scout rural areas for potential applicants  
  - Recruit from a wider range of applicants, including those under 18 years. Contracts are verbal  
  - Relationship based on trust, respect and religious/cultural notions of reciprocity |
| Type Four: Recruitment through networks of friends and family | Neither registered nor licenced to operate.  
  - Operate similarly to Type 3  
  - Recruiter usually a member of extended kinship networks with direct/indirect personal relationship with the migrant  
  - Mainly non-profit  
  - Works with co-ethnic and co-religious families and individuals  
  - Recruits only on demand and matches workers to specific requirements by employers  
  - Relationship based on trust, respect and religious/cultural notions of reciprocity  
  - Verbally agrees terms and conditions of employment involving members of the community to build trust  
  - Acts as a guarantor and vouches for the migrants’ character, willingness to work hard and reliability  
  - Worker has long-term cultural debt to recruiter for their service that may be called in in the future  
  - Mediation and dispute resolution |

Data from the Labour Department indicates a proliferation of Type 1 recruitment agencies, rising quite sharply from three registered/licenced agencies in the mid-2000s to nearly 200 that recruit domestically and another 19 that recruit for employers abroad as of 2015. This is attributed to the increase in demand for domestic workers both within Ghana – among the wealthy and expatriate communities – and abroad, especially in the Gulf countries.
Non-financing transportation costs: potential migrant domestic workers through an informal system

City life and surmount cultural barriers. Some agents assist the newly arrived workers navigate the challenges of travel and providing accommodation at destination, and risk management strategies. Some help migrants by paying amount promised, and acting as economic guarantor.

Employers also prefer informal brokers to the formal ones both because of the cost and because they felt they would bring more trustworthy people to them. As one employer noted:

"We don’t just go in for anybody. We go in for people who are recommended by someone who is well known. That is why you contact someone whom you trust to get you someone whom he or she trusts. You don’t just pick them from the street."

Alrokeral social protection and risk management

Informal brokers can help migrants to mitigate the costs and risks of migration through the provision of informal social protection and risk management strategies. Some help migrants by paying for travel and providing accommodation at destination, and helping the newly arrived workers navigate the challenges of city life and surmount cultural barriers. Some agents assist the potential migrant domestic workers through an informal system of pre-financing transportation costs:

"Sometimes, too, when you see any indication that the person doesn’t have the money and she is so desperate to come and work, we send her the money through MTN Mobile Money or any other transaction to pay, so that when they work they can pay us back."

Faced with having to manage travel, settling down in the city and looking for jobs on their own, migrants and their families would otherwise find the task almost impossible.

Acting as a guarantor

One of the most important requirements for finding a job as a domestic worker is to be able to produce a guarantor. For those girls who leave home without the permission of their guardians, brokers such as Alex provide critical support by acting as their guarantors. Alex does this to ensure that employers can report to him if there is a problem.

"Yes, I am the guarantor for almost all of them and it is very risky; for most of them it is because I know either their brother or their sister so I am able to guarantee them. With most of the girls I send to work for expatriates, the least thing that happens, I am the first person to be called, so it is very risky and I always pray that nothing bad happens. So, I always ensure I talk to them about staying out of trouble, I always tell them I did not take a penny from anyone when they arrived. Instead, I fed them and paid for their transport so they should stay out of trouble. By the grace of God, nothing bad has happened."

In the case of child migration, brokers not only facilitate the transportation to Accra, but also act as guarantors for the children. This latter role includes providing details about the job, payment terms, the employer, the recruiter’s contact details, the address of the employer and an offer to arrange for the parents to visit their wards periodically.

Mediating relations between employers and domestic workers

Recruitment agencies also play a key role as a facilitating interface between employee domestic workers and their employers. This includes negotiating wages, working conditions and workers’ rights such as number of working hours and days, work schedules, payment terms if the domestic worker does extra days, hours or chores and the managing of employer–employee expectations. Negotiating days off was a particularly key facilitating role played by many recruitment agencies. As Margarette, from Hammani stated:

"You send somebody to a place and maybe the agreement was that he/she was supposed to stay at work till Friday and go away on weekends but maybe the employer will say ‘I want you to stay Saturday and Sunday’. Then we draw their attention to the fact that, in order for the person to stay on Saturday and Sunday, the employer needs to pay extra to the person. If the person doesn’t agree, the employer can’t force him or her."

Facilitating the long-term plans of the domestic worker

Common roles among Types 3 and 4 agents included negotiating conditions that allow for the realization of the long-term aspirations of domestic workers, such as improving their education, acquiring new skills, or moving up the career ladder.
“Most of the girls learn how to prepare Indian or Lebanese dishes now and, as such, when they lose their jobs, I am able to find a new job for them with other residents or companies. They are able to earn high wages because they now know how to prepare Indian and Lebanese dishes which they learnt from previous employers. For instance, some start as cleaners or home helps and are able to earn how to cook. Within two or more years they leave to move to other places; some will actually tell you that they want to work for two years or that number of years. After two years, when they have learnt other things, I recommend them to other places – like in the Indian companies – as cooks and they get higher wages.”

Reinforcing patriarchal ideologies, stereotypes and identities

Despite the positive roles played by many recruitment agencies, brokers also play a key role in reinforcing ideologies and stereotypes that create a docile and subservient workforce and confirm stereotypes related to ethnic identities. Brokers also sometimes collude with employers to impose immobility on domestic workers through a range of controlling mechanisms, which can then become the source of exploitation of domestic workers, especially child domestic workers.

Many recruitment agencies, particularly Types 1 and 2, see it as their responsibility to ensure that the appearance and behaviour of workers meet the expectations of the employers. These qualities are critical in the transformation of the identity of the worker from their original ethnic identity to an urban working-class girl. Hammani Recruitment Agency also see themselves not just as the-makers and custodians of good character among the girls, but as supplying a docile workforce which downplays its own needs, and privileges the demands of the employer.

“We don’t encourage that (i.e. negotiating days off) because what will you be doing when you are off? You are being paid well, housed, fed and taking this huge sum as a salary, so why would you ask for days off? You expect your employer to treat you well but you don’t want to return that favour – what are you going home to do? If the person says you will be off for two days per month or over the weekend or after three months, you will be taking days off; but you also have to think that this person needed you, that is why he came for you, so why don’t you do the person’s work first, so he can also think of helping you? When the person sees that you think good about him/her, other things will follow. It is ‘give and take’ so don’t think of days off. Where are you even going to go?”

Conclusion

With an increase in labour migration, recruitment agencies and brokers have become important facilitators of migration. Recruitment agencies of various kinds play multiple and often contradictory roles in facilitating and mediating migration for domestic work. These roles, in some cases, could be said to be reinforcing patriarchal ideologies while, in other cases, they help migrants with integration into urban areas, bargaining and job-switching for better working conditions and wages; negotiating and managing multiple responsibilities and counselling them on the wise use of earnings. Thus, recruitment agencies and intermediaries are an important part of migrants’ strategies to exercise agency in the context of highly unequal power relationships with the employer.

Policy Recommendations

- Promote a more nuanced understanding of the role and practices of recruitment agents and intermediaries
- Protect the rights of migrant workers in the informal sector including domestic work
- Ensure that the current legal and policy regimes for protecting workers’ rights are extended to cover all workers in the informal sector
- Facilitate and strengthen the formation of Domestic Workers Union as an arm of Trade Union Congress
- Ratify the ILO’s Domestic Workers Convention, 2011 (No. 189) which focuses on the protection of the rights of domestic workers to enable those in the sector to enjoy the same rights as other workers.

References


Acknowledgements

This briefing is based on findings from the Migration Industry in Ghana research project conducted by the Centre for Migration Studies, University of Ghana in partnership with University of Sussex, UK as part of Migrating out of Poverty. This document is an output from a project funded by UK aid from the UK Department for International Development (DFID) for the benefit of developing countries. The views expressed are not necessarily those of DFID.

Contact

This briefing was written by Mariama Awumbila, Joseph Kofi Teye, Leander Kandilige and Mariana Chambel, Centre for Migration Studies, University of Ghana. For further information please contact the Research Uptake Officer at the Centre for Migration Studies (equarshie@gmail.com).