

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

Type	Recruitment Process, Services Provided
Type One: Formal Recruitment Agency	Registered with the Registrar General's Department and have a licence to operate from the Labour Department. <ul style="list-style-type: none"> • Function like an employment exchange, advertising through formal channels, formal registration processes, including a formal interview • Deal preferably 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. <ul style="list-style-type: none"> • 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	Recruitment Process, Services Provided
Type Three: Individual Recruitment Intermediaries/ and their sub-agents	Neither registered nor licenced to operate. <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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 his/her 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.

Alex - Type 3 - Recruitment Agent

Alex works as a security guard for an expatriate enclave but also has a business on the side as a broker for migrants from rural areas. The business grew from occasional requests from his employers to find them a maid and has now become a large enterprise. Personal bonds of trust, reciprocity and respect are at the heart of Alex's business, which is built on the relationships that he has established with people he has placed in jobs: "These people I place, in turn call their brother and sisters in the village...When I tell them about a resident needing help, they tell me they have brothers and sisters in the village who will be interested".

Alex's model of recruitment is to charge the employers to find a suitable match and to ask the workers to give him something, based on goodwill and gratitude. He emphasises the help that he is giving girls from disadvantaged backgrounds and says he will act as a guarantor for them even if they do not pay him. Thus although, at face value, these acts suggest a selfless approach to recruitment, they are often carried out in anticipation of future payment by workers.

Roles and services provided by recruitment agencies

Establishing trust and cultural brokerage

Recruitment agencies make the migrant's journey materially feasible, by assisting with transport and arranging documentation and certification and also acting as a cultural mediator between the rural and urban worlds. The trust-based functions of recruitment agents include: reassuring the family that their ward will be found a good job, acting as a character witness for domestic workers, providing a character reference for the employer as being fair and one who pays both promptly and the amount promised, and acting as economic guarantor.

For Type 3 and 4 brokers, personal relations with domestic workers and an in-depth knowledge of their family and their religious and cultural backgrounds allow for the initiation of informal verbally agreed 'contracts' guided by cultural notions of reciprocity. Interviews with domestic workers indicate that their families placed trust in the agents who brought them to the city. 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."

Informal 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 Margarete, 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 realisation 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 learn 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.

Domestic work in exchange for the opportunity to gain an education

She (the broker) told me that the man would take me to school. But I never heard the man talking about school issues. Later the man told me personally that he was not going to take me to school. He said he could not take care of me and his children at the same time...So one day, as I was there in his house, he just told me to pack off. He had complications in his marriage, so he was not close to his wife. So, when I was about to leave the place, she (the broker) gave me Gh₵120 Cedis (£23.53) for me staying there for a year.

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.**

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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).