

# **Guidelines for Licensing of Foreign Workers Recruitment Agents**

## **I. Recruitment of Foreign workers**

### **1. Direct Recruitment**

#### **a. Professional Foreign Workers**

An Employer who has applied for work permit for *professional foreign workers* must complete the formalities with Department of Immigration/Regional Immigration Office concerned himself/herself. At the most, he/she can authorize only his/her immediate family members (spouse and children only) to complete the required formalities with the Department of Immigration/Regional Immigration Office concerned. The person recruiting and completing formalities with the Immigration authorities shall be required to produce a letter of authorization. No employer shall be permitted to authorize a Thrikhadar (Non-Bhutanese Labour Contractor) to recruit foreign workers, complete formalities with Immigration authorities and process work permits on behalf of the employer.

#### **b. Companies/Enterprises**

Companies and Enterprises who have applied for work permits for professional foreign workers may authorize their Liason Officers/employees to recruit foreign workers and process for work permits. The authorized person must register with the Department of Immigration/Regional Immigration Office concerned with a letter of Introduction and Authorization duly signed by the Chief Executive of the Company/Enterprise. No Company/Enterprise shall be permitted to authorize a Thrikhadar (Non-Bhutanese Labour Contractor) to recruit foreign workers, complete formalities with the Immigration authorities and process for work permits.

### **2. Compulsory Recruitment through Licensed Foreign Workers Recruitment Agents**

- a.** An employer (whether an individual, an enterprise, government agency, public, joint or private corporation, bilateral or multilateral agency operating in Bhutan) is required to recruit skilled and *semi skilled foreign workers* compulsorily through licensed Foreign Workers Recruitment Agents. Application for such foreign workers if submitted directly shall be rejected by the Department of Labour.

## **II. Function/Roles and Responsibilities of Foreign Workers Recruitment Agents**

### **Foreign Workers Recruitment Agents:**

1. Shall be governed by the Licensing Rules and Regulations of the Ministry of Economic Affairs,
2. The Foreign Workers Recruitment Agents should open branch offices in the dzongkhags in consultation with the department of labour.
3. Shall focus on the recruitment of foreign workers for employers against the number and categories sanctioned by Department of Labour,
4. Shall be fully responsible for screening, recruitment, management and repatriation of foreign workers recruited through them and also maintain records of every foreign worker recruited and placed by them.
  - A. Not recruit foreign workers who have undesirable antecedents and likely to cause harm to Bhutan and her people,
  - B. Not recruit foreign workers who had absconded from the country previously,
  - C. Ensure that foreign workers recruited and placed by them are not exploited and abused by the employers,
  - D. Ensure through inspection that foreign workers are paid the agreed wages by the first week of the subsequent month and are employed only by the designated employer,
  - E. Ensure that foreign workers are in possession of work permits at all times for inspection purpose,
  - F. Ensure that all foreign workers properly undergo drug test and scan thoroughly before sending them to workplace.
5. Shall prepare a written contract with the employers on receipt of job offers and shall be made available on demand to a labour inspector.

6. On receipt of job offers from the employers the Agents shall process for approval of foreign workers as follows; (They shall strictly follow the procedures as prescribed in the “Handbook on Recruitment and Employment of Foreign Workers in Bhutan”).
  - a. Apply ONLINE on behalf of the employers to the Ministry of Labour and Human Resources,
  - b. After getting approval from the Ministry, the Agents shall submit the following documents to the Regional Immigration Office concerned:
    - i. Form ‘B (II)’ issued by Department of Immigration, ii.  
Medical fitness certificate
    - iii. Identification documents (passport/Voters card/ identity card issued by central and state governments of India in the case of Indians being recruited)
  - c. Process for obtaining work permits for the foreign workers,
  - d. Make arrangements to transport the foreign workers to the workplaces and hand over to the employers,
  - e. Before 15 days of the expiry of work permits, the FWRA shall consult with the employers whether there is need to renew the work permits, and if necessary they should apply for renewal of work permits,
  - f. After the completion of the work the FWRA shall ensure that the foreign workers recruited by them are repatriated through proper channel,
  - g. The FWRA shall seek briefings and update on governments foreign workers and labour policies from the Department of Labour,
  - h. The FWRA shall visit all the worksites of labourers recruited through them atleast once in two months and ensure that the foreign labourers are adequately taken care of and the decent working conditions are provided to them. FWRAs are required to submit quarterly report.

7. The Agents may charge maximum of 20% of the first month's basic wage of the foreign workers from the employers for mobilizing, recruiting and providing other services to them.

### **III. Staffing and Office Arrangements**

1. An Agent shall not employ foreign workers in its office
2. An Agent shall have minimum of 3 employees with a minimum qualification of Class 12 passed, one manager, one ICT person, and other staffs who shall deal with screening, recruitment, management and repatriation and any matters pertaining to foreign workers
3. There shall be a minimum of three computers with internet connection, one fax, one printer and not less than 2 telephone lines,
4. The premises of an Agent must be located in an ideal place easily accessible by foreign workers, labour and other inspectors.
5. An Agent must have transport facilities for easy communication/travel to work sites at short notice, and

### **IV. Licensing of Agents**

1. Selected agents must submit completed registration forms to be issued by MoLHR, to the Chief Labour Administrator
2. The physical premises from where the applicants propose to operate will be physically verified by the Ministry of Labour and Human Resources
3. Selected Agents must sign a written record of undertaking with MoLHR that testifies that the aspiring agents has:
  - i. Knowledge and understanding of Labour and Employment Act, 2007 with particular emphasis on Chapter 13
  - ii. Knowledge and understanding of regulations under the Act that apply to the Agents
  - iii. Knowledge and understanding of penalties and sanctions under the Act and the regulations applying to the Agents

4. The aspiring agents who meet all the criteria will be recommended to the Ministry of Economic Affairs/ Regional Trade and Industry Office concerned for issue of business licenses.

**V. Registration of Agents**

1. After obtaining the business licenses, the agents shall be issued with a Registration Certificate by the Chief Labour Administrator within 30 days,
2. The Certificate of Registration shall be valid for two years in the first instance,
3. The renewal of the Certificate of Registration shall be reviewed by the Chief Labour Administrator based on performance and periodic reports of Labour Inspectors and recommendation of the Department of Labour,
4. If the Chief Labour Administrator is satisfied with the reports and accepts the recommendation of the Department of Labour, the Certificate of Registration shall be renewed for further two years,
5. The same process shall be applied for renewal of the Certificate after two year.

NOTE: The Foreign Workers Recruitment Agent's application should submit a detailed proposal covering the following key components:

- i. How the foreign workers will be mobilized in the shortest possible time with details on;
  - a. Foreign workers mobilization strategies,
  - b. Establishing foreign workers recruitment agents in the neighboring countries.

ii.  
Strategies to:

- a. Control foreign workers absconding from work site before completion of work activity,
  - b. How you would conduct regular inspection of foreign workers recruited through the FWRA to ensure that have access to four decent working conditions.
- iii. Practical roles and changes you can bring out as an agent over existing Foreign Workers Recruitment Agencies.

Ministry of Labour and Human Resources

# Roles and Responsibilities of Employers and Foreign Workers Recruitment Agents and Recruitment Process



