

# Labour exploitation: what is it and how to recognize it among working asylum seekers?

---

FairWork and LSI



# Programme

- Human trafficking for labour exploitation: definition and legal framework
- Labour exploitation in practice: what are signs?
- Which factors make asylum seekers vulnerable for exploitation?
- Victim rights and support: the international framework and bottlenecks in practice
- How to detect labour exploitation among your target group?  
Case study in small groups
- Questions and wrap up



# Numbers

- Estimation: 50 million people in modern slavery globally (ILO 2021), of which > 27.6 million in forced labour
- 10.093 victims of Trafficking in Human Beings registered in the EU in 2022
- In the Netherlands > 814 victims reported (estimation of real numbers: 5000)



# UN legal definition THB

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons (act), by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
- Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (forms of THB)



# Trafficking, Forced labour or labour exploitation?

- **Overlap of definitions: FL part of THB and THB part of FL definition**
- **No separate criminal offence for FL (only THB) at national level**
- **All elements of THB to be proven for LE to be THB**
- **Difficult to proof force**
- **Labour exploitation often not defined in national (criminal) law**
- **If Forced Labour and THB cannot be proven, it is mostly seen as violation of labour laws**
- **If crime not proven, victims: limited access to justice**



# Key International legal instruments – THB and Forced Labour

- **UN TOC and UN Trafficking Protocol (2000)**
- **ILO Conventions incl. on FL (1930,1957) & Protocol (2014)**
- **CoE Convention on Action against THB (2005) & Istanbul Convention & CoE recommendation on labour exploitation**
- **EU law; THB Directive (2011), Victims Rights Directive (2012)**
- **Relevant jurisprudence**



# Victim Rights according international legal instruments

- **Identification**
- **Recovery and reflection period**
- **Assistance**
- **Legal assistance**
- **Residence**
- **Protection of private life and identity**
- **Protection during court procedures**
- **Compensation**
- **Repatriation and return**



# Exploitation in practice

Exploitation occurs when someone **makes money** by **forcing** another to (online) **'work'** under **bad conditions**.

3 elements of THB in practice:

- Poor working and/or living conditions
- Little or no payment
- Coercion/dependence (victim is not free to leave)/ abuse of vulnerable position
  - Physical violence
  - Psychological

3 forms:

- Labour exploitation
- Sexual exploitation
- Criminal exploitation





# Some signs of labour exploitation (1):

## Questions on bad Working/living conditions:

- Do you sleep at the workplace?
- Do you have to work or be available to work for many hours a week?
- Do you have protection (clothes and materials)?
- Is your work dangerous or unhealthy?
- Do you have any free days?
- Can you take breaks?
- Are you not allowed to see a doctor when you are ill?



# Some signs of labour exploitation (2):

## Questions on little to no payment:

- Do you not get paid enough or not at all?
- Do you have sufficient money to fulfil your basic needs?
- Do you have to pay for other services and how much is that?
- Do you have access to your own money?



# Some signs of labour exploitation (3):

## Questions on coercion/ dependence/ abuse of vulnerable position

- Is the work not as promised? Were you misled about the working conditions/ type of work?
- Did your travel agent or employer take away your passport?
- Do you have to pay off (large) debts?
- Are you forced to work?
- Is someone threatening you or your family?
- Are you not able to move freely?
- Are you dependent on your employer for housing and many other services?



# Case Javinder

[Shop assistant - Modern slavery in Holland \(youtube.com\)](#)

**Why was Javinder vulnerable to be exploited?**



**Which factors make  
asylum seekers more  
vulnerable to  
exploitation?**



# Factors that make asylum seekers more vulnerable to exploitation:

- In case officially not allowed to work: dependent on jobs in the informal sector > no contracts
- Wants or needs to earn money quickly, for example because of travel debts or to send to family members
- Little knowledge about rights as a worker or as a victim, lack of social network, lack of knowledge of language
- Possibly; Not having stable housing/shelter
- Fear of the authorities (in case undocumented: fear of detention and expulsion)
- Shame
- Others??



# Victim support in NL

- Per region: care coordinators (human trafficking) > [Zorgcoördinatoren | Wegwijzer mensenhandel](#)
- Helpdesk comensha: [Onze Helpdesk - Coördinatiecentrum tegen Mensenhandel - CoMensha](#)
- Signs of labour exploitation? > [www.fairwork.nu](http://www.fairwork.nu)
- Internal route at COA > contact persons human trafficking



# You can contribute to protection of supporters in your organisation against exploitation:

## 1. Identification:

You can recognize possible victims of human trafficking and refer them to specialised (support) organisations/institutions. You can help by identifying signs of human trafficking and taking appropriate action.

## 2. Awareness-raising:

You can provide supporters with information about the risks of exploitation and their labour rights.





# Break out groups

- **Case story**

Aminah from Uganda approaches you. She needs help finding a doctor because stress is keeping her up at night. She works a lot, has kids, and her living situation is unsure, making things tough. She's not sure if she can keep living in her home. You find out that the person renting her the house is also her boss, who sends her to several places to do cleaning work.

- **Exercise:** Make groups persons. Write down
- Which signs of exploitation do you see?
- Who in your organisation has contact with Aminah and can identify?
- General: what should you (your organisation) do, to:
  - Prevent labour exploitation?
  - identify and support victims of labour exploitation?



# Questions?

