

Project fiche 3.1.1 | First Priority

Asylum, immigration and integration of migrants

Severe forms of labour exploitation

The June 2009 EUROPOL report on trafficking highlighted that trafficking for labour exploitation has traditionally “not been a priority for law enforcement action, and in general terms has remained undetected” and that “there is a lack of definition at EU level of the degree of exploitation serious enough to constitute a crime”. In its conclusions the report notes that “this crime will continue to have a major impact upon the EU and, with the current financial climate, it is highly likely that labour exploitation in Europe will rise. The Charter prohibits slavery and forced or compulsory labour.

Also, under Article 31 every worker has the right to working conditions which respect his or her health, safety and dignity. In addition, severe forms of labour exploitation are often accompanied by other fundamental rights abuses. Different groups of EU and non-EU citizens are vulnerable to severe forms of labour exploitation, which include work in sectors such as agriculture, construction, domestic work and restaurants, and can encompass a range of abuses, such as having to work extremely long hours or confinement in sub-standard accommodation without the freedom to leave. The phenomenon is assisted by informal recruiters and temporary employment agencies, which can play a role in leading workers into a situation of extreme labour exploitation.

The project will build on previous FRA research, in particular on the report on migrants in an irregular situation employed in domestic work, and will be linked to work relating to victims' rights and support. The Employers' Sanctions Directive (2009/52/EC) and the Trafficking Directive (2011/36/EU) will serve as benchmarks for the research. Where appropriate, also the draft Seasonal Worker Directive (COM(2010) 379 final) will be taken into account. Because of the illegal nature of labour exploitation and the vulnerabilities of its victims – which include both EU and non-EU citizens – it largely remains undetected and unreported by victims. At the same time, the absence of sufficient controls for investigation of severe forms of labour exploitation by authorities – such as labour inspectorates – means that these abuses remain hidden. Victims of severe labour exploitation have a right to assert claims for remuneration and compensation for violations of their rights as well as to instigate criminal proceedings. A lack of legal definitions or support can hinder victims' access to justice. It is apparent that this is an area that warrants further research on the nature of and responses to the phenomenon in the EU, particularly in areas other than sex trafficking – which has been extensively researched to date.

Objectives

- To collect information in EU Member States from those working in professions that can encounter severe forms of labour exploitation, as well as (where feasible) with victims of such exploitation, which can shed light on the nature of this phenomenon in the EU in areas that have not been extensively addressed to date; for example, labour inspectorates and health and safety officers, and areas of work such as the agricultural sector;
- To identify existing good practices that can serve as possible models for the identification of fundamental rights abuses in the field of extreme labour exploitation;
- To map legal and policy response to extreme forms of labour exploitation in Member States.

Overall outputs

- Reports will be produced in 2014;
- Engagement with stakeholder groups in the development of the project and targeted outputs.

Activities and results achieved so far

In 2011 the FRA collected data and published reports on the situation of irregular migrants in the EU, where some issues of extreme labour exploitation were identified,

in particular in the context of domestic work.

Beneficiaries and target groups

- Labour inspectorates, health and safety officers, recruitment and employment agencies, representatives of areas of work such as agriculture;
- EU agencies, including those working in the area of employment and living and working conditions;
- Member States.

Planned activities in 2013

Focusing on areas other than sex trafficking the project will collect information on the nature of and responses to severe forms of labour exploitation in the EU – through fieldwork interviews with (1) professions such as labour inspectorates, health and safety officers, recruitment and employment agencies, and representatives of areas of work such as the agricultural sector, (2) law enforcement and immigration officers, and (3) victims of severe labour exploitation (where feasible);

Through fieldwork interviews and the analysis of secondary source material, the project will collect information about existing good practices that can serve as possible models for the prevention and identification of fundamental rights abuses concerning extreme labour exploitation;

Conduct desk research to map legal and policy responses to severe labour exploitation;

Conduct preliminary research into how a communication and awareness raising strategy could help to change attitudes among the public concerning 'acceptance' or 'oversight' of severe labour exploitation

Planned outputs in 2013

Developments of reports on the situation;

Development of monitoring methods at the Member State and EU level;

Development of a communication and awareness raising strategy model.

Output indicators

- relevance of the information and the analyses provided to the specific objectives;
- relevance of the meetings to the specific objectives, based on the participants' feedback;
- Stakeholders' perception of the relevance of this work to their needs.

FINANCIAL AND HUMAN RESOURCES ALLOCATED TO THE PROJECT

	TA	CA	SNE	Total	Budget 2013 (First priority)	Budget 2013 (Third priority)
Research and stakeholder cooperation	1.5	0.5	-	2.0	€ 1.132.000	€ 300.000
Communication awareness-raising	-	0.1	-	0.1	-	-
Total	1.5	0.6	-	2.1	€ 1.132.000	€ 300.000

