

Protecting workers from exploitation: boosting inspections

IN BRIEF

Workers are being severely exploited for their labour across the EU, and inspections are not effective at stopping this reality. Based on interviews with almost 240 workers – including non-EU citizens who came to the EU and EU nationals who moved to another EU country to work – a new FRA report outlines the problem and identifies ways to bolster inspections.



What we found

Inspections do happen, but not often enough. Just over half of the workers did not experience, see or hear of inspections at their workplace. In some countries – such as Germany, Poland and the United Kingdom – this is true for over 70 %. Inspections are especially rare in construction and food services, and virtually non-existent in domestic work.

Inspections that take place are not always effective. Some are carried out on ‘auto pilot’. Inspectors question workers in their employers’ presence, let employers choose the workers to talk to, and accept clearly rehearsed responses. Language issues can impede inspections. But inspectors sometimes wrongly assume that foreign workers do not speak the local language and do not even try to interact.

Shady practices

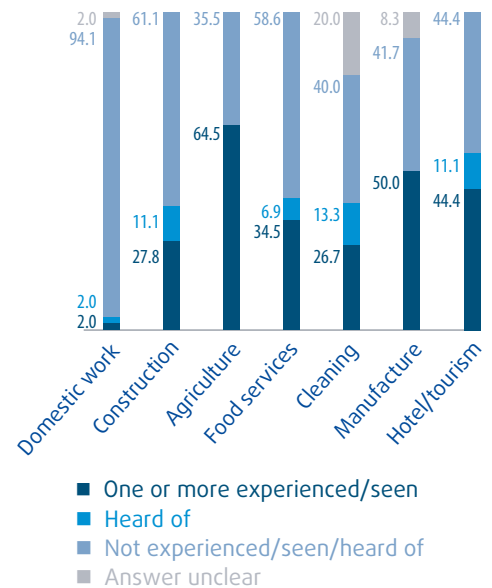
Exploitative employers can be resourceful – and crass – in undermining inspections. Some make workers hide – in the street, basements or storage rooms so cold they later need medical attention. Others maintain fake contracts and time sheets to feign legal compliance, or coach workers to lie. Only temporarily providing certain items – from protective gear to toilet paper – is another recurring theme.

Such tactics are easier when employers know of inspections in advance. There may be valid reasons for announcing these, such as making sure employers are present on a given day. But the potential for abuse is clear.

Workers’ ambivalence towards inspections can also be a hurdle. Not knowing what their rights are, or what will happen next in an investigation, can prompt fear and distrust. Inspections can result in threats, extra work and lost income (when employers tell workers not to show up for work due to a pending inspection, for example). Some lose their job as a result of inspections; others are arrested or deported.

Meanwhile, exploitative employers often evade fines and prosecution. This gives some workers the impression that only they suffer the consequences. Inspectors and victim support services confirm that, when employees live in the EU irregularly, their status can undermine the support available to them.

Share of inspections identified, by economic sector (%)



Source: FRA, 2018

Whom we asked

The 237 workers FRA reached out to were active in diverse sectors – on construction sites, in agricultural fields, at manufacturing plants, hotels, carwashes, beauty studios and in people’s homes. Their legal status also varied. What they share is that they all endured severe exploitation on the job.

In numbers

36%

of workers saw or experienced at least one inspection



What next?

More inspections alone are not the solution. These also need to become more strategic and effective.

Smart resource allocation is crucial. Monitoring and inspections should be targeted, based on insights into what sectors and circumstances entail the highest risks of exploitation. Past FRA [research](#) highlights key risk factors. Training monitoring staff to better assess risk factors and spot signs of exploitation can also help.

Where possible, employers – particularly in sectors with higher exploitation risks – should not be told about inspections in advance.

Monitoring authorities should be pushed to talk to workers about their working conditions – without their employers being present. Issuing materials on labour rights in multiple languages, or cooperating with organisations that can provide language and translation services, can help overcome language barriers.

To convince workers that inspections bring more benefits than problems, they need to be able to report exploitation without having to fear losing their only source of money, a place to live, or being deported. Workers need to see that justice is done. In some cases, this means prioritising protecting the rights of crime victims over immigration management.

Information is key. Those responsible for monitoring and enforcement need to take the time to clearly inform workers – about the aim of inspections, their rights, and what the next steps will be; and where they can get support. This helps empower them to take part in proceedings. Seeing that inspections have real consequences for unscrupulous employers can spur action, as well.

Some workers are so dependent on their employers, even exploitative ones, that they are reluctant to seek help. This makes it important for third parties to help bring attention to exploitation. Raising awareness – among businesses, trade unions, hospitals and the general public – is vital.

Important legal steps include making detecting criminal forms of labour exploitation a key aim of workplace inspections. Deceiving inspectors should trigger tough sanctions. Finally, more efforts are needed towards introducing inspections in the domestic work sector.

▲ FRA carried out face-to-face interviews and focus groups with exploited workers in 8 EU countries

Bright spots

Specialised investigative units within labour inspectorates that focus on countering labour exploitation and human trafficking can be effective. Workers noted that these are better at “picking up the signals” of exploitation. Joint inspections carried out by inspectorates and the police can also yield better results.

Related reading



Protecting migrant workers from exploitation in the EU: boosting workplace inspections
Report
September 2018



Out of sight: migrant women exploited in domestic work
Paper
June 2018

For the agency's official opinions, see the main report.

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