



HOW WORKPLACE INSPECTORS CAN
PROTECT THIRD-COUNTRY WORKERS'
RIGHTS

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PRACTICAL EXERCISES FOR TRAINING AND ORGANISATION GUIDE

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PART 1: **HOW WORKPLACE INSPECTORS CAN PROTECT THIRD-COUNTRY WORKERS' RIGHTS – Practical exercises for training**

These practical interactive exercises are part of the learning materials that are supplementary to the training manual. They cover all modules presented in the training manual, except the introductory and closing module.

Workplace inspection staff may use these to better understand how to apply the relevant EU law presented in the training manual.

Trainers may use the exercises to explore the topics covered in each module of the training manual. They can adjust the practical exercises to their own experiences and to the needs of the target audience.

Speaking with migrant workers during inspections

Plenary exercise for Module 2 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- consider the relevant cultural and linguistic aspects of their communication with migrant workers;

- understand intercultural communication factors;
- understand how to conduct interviews in a victim-centred, trauma-informed and culturally sensitive manner.

Plenary exercise – Speaking with migrant workers during inspections

This plenary exercise is to be undertaken by all participants together, whereas the group exercises in the other modules are to be conducted in groups.

Handout

Plenary exercise: Communication with migrant workers during inspection/ interview

The facts of the case

The labour inspectorate conducts a routine inspection at a strawberry-picking field in southern Spain. The farm is remote, and the workers seem exhausted, are focused on the field work and avoid eye contact. The employer explains that most are seasonal workers from Morocco and return annually for the strawberry season. He claims that all is in order and shows paperwork (under the umbrella of the bilateral agreement between Spain and Morocco). You notice the extreme heat in the greenhouse and in the background the small makeshift shelters made of plastic sheets and carton boxes, where most of the workers live – with no electricity or sanitation. You also notice that almost all of the workers are women and the majority of them must be around 25–45 years of age.

Your research in preparation for the inspection – and the institutional knowledge of your inspectorate – showed that over 100 complaints were filed in the previous year from similar farms, even though the producers' trade association claims to not have encountered inappropriate practices. Wanting to speak to the workers directly, you arrived on the site with a female Arabic language interpreter.

Plenary discussion questions

1. How would you approach the workers on the inspection sites? What would you do if the workers responded that there was no problem and everything was all right?

2. How would you create an interview environment that could help the workers to open up?

3. What are some of the signs you have noticed that point to the workers being vulnerable to exploitation and how could you communicate in a victim-centred manner to address them?

Background information

During the plenary discussion of the exercise, keep in mind the following information.

- The agrifood sector is heavily reliant on migrant workers. Between 2011 and 2017, the number of third-country workers in the agricultural sector in the EU increased by 31 %, while EU migrants increased by 36 % (totalling 837 000 and 585 000 workers, respectively). Long working hours, exposure to toxic pesticides and endurance of summer heat and winter cold for low pay are structural shortcomings of migrant labour in the sector. These issues are partly due to the remote, rural nature of the work – and not only irregular third-country workers but also seasonal workers experience such conditions (¹).
- More specifically, according to an [Ethical Consumer report](#) (²), which workers' rights organisations such as Anti-Slavery International have endorsed, fruit and vegetable farms in Spain are routinely violating workers' basic rights – with violations being as severe as:
 - demanding sex in return for employment;
 - confiscating passports so workers cannot 'escape';
 - firing workers for trying to unionise or join strikes;
 - penalising workers for going to the toilet;
 - making workers' perform hazardous work without protective equipment, etc.
- These strawberry farms target mothers between 25 and 45 years of age when recruiting due to their vulnerability as mothers of young children and because they are more likely to return to their home country after their contract ends (³).

Discussion points for the trainer / reference points for individual learning

1. How would you approach the workers on the inspection site? What would you do if the workers responded that there was no problem and everything was all right?

First, prioritise the workers' **sense of safety**. Separate a group of them from the employer or other supervisors and take them away from the greenhouses. An effective way of doing this would be to divide the inspectors at the site into different groups: one group could focus on the employers, separating them from the workers as much as possible, while the others could approach the workers.

Tell the workers about who you are and emphasise that you are there to check that the employer and the workplace follow the rules. Once the employer is out of sight/earshot, ask the workers if they would be open to speaking with you briefly about their experience of working at the location. Asking if they are open to speak about their experience, rather than immediately asking them to talk about any complaints, helps to prevent them automatically answering that there is no problem and no need to talk. If they respond that there is no problem and no need to talk, tell them that that is all right. Make it clear that the interview is voluntary and they do not have to engage if they do not feel comfortable, but that you would like to tell them more about

the process and what the agencies involved in inspections can do.

- Explain the support services available that you can connect them to (translation, medical care and psychosocial support, if any, as well as migrant-supporting non-governmental organisations (NGOs), etc.; use the results of the mapping exercise done in the exercise for Module 4, 'Access to justice and facilitation of complaints').
- Explain the sanctions that can be imposed on the employer under your national law (refer to the presentation of the legal framework, including the applicable national laws and policies, in the training manual).
- Stress that the interviews are confidential and explain the ways in which the information that the interviewees share may be used. Use the techniques of intercultural communication and verbal and non-verbal communication set out in Module 2 of the training manual.
- Offer the possibility of conducting the interview at a later time, at a different location (e.g. the inspectorate) or with another interviewer (e.g. with a female interviewer). Leave your card with your contact details and explain how they can reach you or the inspectorate (telephone, online, in-person, etc.). Make sure to conclude your conversations with the workers who are unwilling to participate in interviews at this time on a friendly note that inspires confidence and encourages them to get in touch.

2. How would you create an interview environment that could help the workers to open up?

Among the workers who are willing to speak, try to select workers who seem to be representative in terms of their background, their age and any groupings and power dynamics that you can pick up on among the workforce. Do not assume the workforce is homogeneous, as power dynamics exist not only in relation to the employer but also among workers and these dynamics can make some workers feel less free to answer inspectors' questions. Be vigilant and do not follow the employer's suggestions on whom to interview. Sit down at a **safe and private interview location** – if suitable, even near the fields or their shelters. The more reluctant the employer is about the separation of the workers, the more important such separation is for the integrity of the interviews. Make sure to also hand out your card with your contact information to the rest of the workers who are not being interviewed and encourage them to contact you and make a complaint if they experience exploitation. Rely on your interpersonal skills and, if you sense a worker may be a victim of exploitation, offer to hold a one-on-one interview either on-site or at a later moment in time (4).

If you decide to interview a small group of workers together, once you settle with them in a spot, try to make them comfortable: ask them to sit down and enquire about their well-being, if they need water, etc. Ask the Arabic-speaking **interpreter to translate** and ask the workers whether they can understand. Based on the specific circumstances of the situation, consider how to proceed. If the workers cannot understand you at all, consider rescheduling the inspection. Always make sure that there is follow-up contact with adequate translation abilities when you cannot communicate with a worker whom you suspect is a victim of exploitation.

Try to **establish trust** by explaining what the inspection is about and your role, emphasising that you are there for them and not against them. However, be transparent about any potential risks to the interviewees (e.g. any reporting obligation you may have towards the immigration authorities if the worker's legal status is compromised). Be clear on how the information they provide will be used. Assure them of the confidentiality you can offer and be proactive in informing them about avenues for protection and support if they fear consequences, such as the loss of their job or the retaliation of their employer.

Start with open-ended, 'light' questions, **asking about what they need** (as opposed to any other questions you have). Listen to their answers carefully, without interruption, and actively show **empathy** (the ability to understand how a person feels and to respond appropriately). Place yourself in the interviewee's

situation; however, do not assume that the person has the same possibilities for or approach to resolving difficult situations as you do (5). This can help centre the conversation on the potential victims of exploitation and avoid them feeling that they are simply a means of conducting the inspection. Ask expressly whether they feel safe and comfortable talking to you (and make sure to acquire their consent to being interviewed). Be aware of your position of authority and assume that this may be intimidating to the workers, who may feel obliged to talk to you – or, on the contrary, may shut down. If they do not consent to being interviewed, ask what they are concerned about and assure them that you and other service providers are available to help them (interagency support). Be careful not to offer specific promises – instead, provide information.

Once you establish the initial **rapport**, move on to asking questions to uncover exploitation. Do not follow an interview questionnaire strictly; instead, develop an **open-ended conversation** using simple language that covers the relevant information, such as 'Can you tell me about how it is working here?' Avoid interrogative questions and questioning the timelines, details or credibility of the worker early in the process, as this may jeopardise the continuation or effectiveness of the interview as a whole. Listen out for the answers you receive sounding too similar, scripted or unrealistic. Do feel free to ask follow-up questions, but be careful not to accuse or blame the interviewee.

3. What are some of the signs you have noticed that point to the workers being vulnerable to exploitation and how could you communicate in a victim-centred manner to address them?

In this case, during the inspection, you suspect that most of the risk factors of labour exploitation are present in relation to the interviewees. During the interview, make sure to incorporate questions that elicit answers related to each of them.

As a situation of **poverty** makes workers more vulnerable to exploitation, ask broad questions to ascertain the workers' circumstances, both in their home country and in the country of employment. The reason for asking open-ended questions is that exploitation or even violence against workers often remains un- or under-identified. Giving workers the space to speak freely and about what is important to them helps depart from practices in which workers are either not spoken to directly or, when they are directly spoken to, the interaction is limited to them providing answers to questionnaires. Starting two-way conversations gives agency to the migrant workers and facilitates their engagement. This is essential to ensuring that the workers feel the inspectors are there **for** them and not to simply extract information **from** them.

At the beginning of the conversations, consider asking questions such as the following: 'How was your life in Morocco?', 'Did you and your family have what you needed?', 'Why did you come to work here?', 'How is your life in Spain?', 'Where do you live?', 'What is the place where you live like?', 'Can you cook and wash yourself there and do you feel safe there?', 'Can you put food on the table?', 'Do you have enough to take care of yourself, such as rest time or access to medicine?', 'Do you live with others?', 'Do you feel safe?' and 'Can you send money home?'

Even though the employer insisted that all workers have proper papers and showed you his copies of them, ask the workers questions such as 'Do you know if you are legally in Spain?', 'Did you sign any papers?', 'Could you read the contract before signing?', 'Did you understand what you were signing?', 'Do you understand your contract now and what rights you have based on that?', 'Did you feel free to sign or reject the contract?' and 'Do you have a copy of your contract?' Use some of these questions to ascertain whether the workers indeed hold a regular contract, but be careful not to question further than needed to establish that. Even if you ascertain that the workers do not have an **irregular legal status**, continue asking questions to see whether there are signs of labour exploitation – for example, ask 'Do you get paid the amount in your contract?', 'Do you have to work overtime?', 'Are you paid for extra work?', 'Can you say no to extra work?', 'Are there any other conditions attached to you receiving your salary?', 'Are you paid only in cash?', 'Are you able to rent your accommodation?', 'Do you have access to proper and safe housing, healthcare and enough food?', 'Do you know that you have the right to the same treatment as EU workers?', 'Are you treated the same way?', 'Do you think you are being treated fairly here?', etc. These questions are meant to be conversation openers that allow the worker to share their experience of exploitation, if any.

The answers to the above questions will already give you a sense of whether the workers are able to manage their lives independently under the circumstances of their employment. Nevertheless, ask specifically about the role of the employer to ascertain the degree to which the workers might be **dependent on the employer**. To that end, you can ask questions such as 'Do you feel safe working here?', 'Can you take breaks during work?', 'Can you trust your boss?', 'Did your boss ever ask you for tasks or favours that are not part of your job?', 'Can you decide what you do with your time after work?', 'Are you able to travel?', 'Do you have all your papers, such as your passport or visa, with you?' and 'Can you say no to the requests of your boss and why / why not?'

To determine if the workers are finding their way in the country, ascertain their **knowledge/familiarity** by asking questions such as 'Can you

speak the language here?', 'Do you understand how to secure basic needs in Spain, such as how to get or change housing, how to see a doctor and how to call the police?', 'Do you know if you have a right to healthcare?' and 'Whom would you turn to if there was an emergency or violence?'. You will already be able to tell from the answers how well the worker can understand you. Nevertheless, ask questions such as 'Do you speak Spanish?', 'Do you need someone to translate for you?', 'Do you have a trusted person who helps you to communicate?' and 'Who is your main point of contact when sorting out official matters or making arrangements, for instance with the municipality, with the hospital or concerning travel?'

Being mindful of migrant workers' experiences (see Module 2, 'Speaking with migrant workers during inspections') – namely, that discrimination is a lived experience of many of them, which makes them vulnerable to exploitation – consider asking some of the following questions: 'Do you feel you are welcome in Spain?', 'Do you have any friends here?', 'Have you had any negative experiences as a Moroccan here?', 'Do you feel you have a choice about working here?' and 'What would happen if you said no to this work?'

After this, you may cover additional and more technical questions concerning the recruitment and hiring process, including related fees and expenses; the circumstances regarding their contract with their employer, including document retention; and the conditions of work, such as working hours, wages and deductions, and personal freedoms.

To that end, during the on-site interviews, ask broad questions such as 'Do you feel safe working here?' and pay close attention to the workers' responses. As the conversation unfolds, you will get a sense of the workplace environment. Ask the workers if they are frightened of something, but first ask the question indirectly: 'Have you seen or heard of violence of any sort at the workplace?' Explain that violence could be physical, sexual or verbal. It is important to start the discussion broadly and not to ask these questions directly vis-à-vis the respondent. Monitor the atmosphere of the discussion: are your questions being met with silence? Try another approach and ask 'What processes are available to address incidents, if they were to occur?' or 'Is there a way to file a complaint or a person to turn to if there are incidents?' Make sure that at the end of the conversation you assure the workers that, if they have suffered any form of harm, threat or violence, the inspectorate is available to conduct follow-up interviews in private. You should also let them know that various forms of support are available to them (refer to Module 4, 'Access to justice and facilitation of complaints', and Module 5, 'Identification and referral of exploited workers').

Providing information

Group exercise for Module 3 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- inform workers about their work-related rights in the EU Member State in a manner that considers the specific situation of third-country workers;
- overcome possible practical obstacles to the provision of information.

Group exercise 1 – Providing information (scenario 1)

Handout

Group exercise 1: Complaint received in the transport sector (scenario 1)

The facts of the case

The labour inspectorate received an anonymous call from a Russian truck driver working for a company providing international transport. His work is to transport goods to several Member States. In the call, the driver sounded distressed and desperate. He complained about several violations of his labour rights, including unpaid overtime work and excessive working hours. He said that his pay slips show the correct wages, but at the end of the month his employer forces him to pay back wages in cash, so that each month he receives only the minimum wage, without the supplements for overtime. In this way, the documented wages comply with the posting rules in the event of inspections. He thought he was a posted worker; however, his contract is with his employer and he is not entirely sure of 'legal matters'.

He is wondering what his rights are in terms of payment for his work and working hours.

Discussion questions

1. What preparatory steps would you take to ensure sufficient provision of information?

2. What type of information would you provide to the complainant and why?

Background information

When discussing the scenario, keep in mind the following characteristics of the transport sector.

Several EU documents regulate the working conditions of drivers engaged in the international road transport sector within the EU. [Regulation \(EC\) No 561/2006](#) ⁽⁶⁾ and [Directive 2002/15/EC](#) ⁽⁷⁾ are the main legal instruments providing for a certain level of harmonisation of driving times, breaks, rest periods and working time for drivers, including through the use of tachographs, with no distinction between employee and self-employed drivers.

[Directive 2006/22/EC](#) ⁽⁸⁾, which aims to ensure the enforcement of [Regulation \(EC\) No 561/2006](#), requires Member States to carry out checks, in particular roadside checks, concerted checks and checks at the premises of undertakings.

Third-country nationals are an important group of workers in the road freight transport sector ⁽⁹⁾. [Data](#) show that third-country nationals often work as posted workers ⁽¹⁰⁾. To this end, both [Directive 96/71/EC](#) (the posted workers directive) ⁽¹¹⁾ and [Directive \(EU\) 2020/1057](#) ⁽¹²⁾, which lay down specific rules on the posting of drivers in the road transport sector, should be respected.

In its [framework for action in road transport of February 2022](#) ⁽¹³⁾, the European Labour Authority (ELA) noted a number of specific challenges in ensuring compliance with the applicable rules in this sector. In the case of posting, the lack of information for posted drivers and language barriers were mentioned in particular. In addition, the reference to the widespread phenomena of undeclared work and bogus posting in the sector should be of concern.

As the EU legislation in the international road transport sector serves very different policy objectives, ranging from fair competition to the protection of drivers' social and labour rights, [enforcement](#) is entrusted to many different public authorities at the Member State level ⁽¹⁴⁾.

Discussion points for the trainer / reference points for individual learning

1. What preparatory steps would you take to ensure sufficient provision of information?

As a preliminary step, always ascertain whether the complainant is safe and if more urgent steps need to be taken than the provision of information to remedy the reported situation.

- Acknowledge and reflect back to the caller that it sounds as though he is in distress. Ask whether he is safe. If he is hesitant, follow up and ask if he needs urgent assistance. If so, ask about the nature of the issue (medical, safety, etc.), ask for his location and contact information, and connect him to the appropriate services.

In terms of the provision of information, take the following steps.

- **Verify the level of understanding of the local language** and if the migrant worker is able to understand you or if another language should be used.

- When providing information, including on the right to payment for overtime hours, check whether you have informational material in and/or interpreters who speak the language of the worker. Make a **list of the ways in which you are able to provide information**, including in person, through informational materials such as a multi-language leaflet, by telephone or through online tools, including via social media. If those tools are not available, it is advised that you flag this to your national authority and see if steps can be taken to develop such materials.
- Check whether you were provided with information on the complainant's legal status. If you were not, determine if you can contact the complainant for clarification or if you can ascertain their status based on the information in the complaint. This is relevant, as different rights are attached to different legal statuses (see further information in Module 1, 'Introduction and legal framework'). The Commission's [Practical Guide on Posting](#) notes that, for instance, when checking whether a worker qualifies as a posted worker, Member States must make an overall assessment, taking into account all factual elements ⁽¹⁵⁾.

- List the main rights violations that you suspect are present in the reported scenario, such as the refusal of payment, and specifically flag any elements that may point to exploitation, especially those that suggest particularly exploitative working conditions.
- Vis-à-vis each suspected violation, identify the type of information that is to be provided. When doing so, keep in mind that the scope of the relevant rights often depends on the legal status of the complainant.

Finally, think about the steps you can take next to best protect the migrant workers after the provision of information. In this scenario, remain aware that the complexity of transport legislation requires **structured and organised cooperation** between different national authorities. At the national level, it is thus important to clarify which authority is responsible for verifying compliance with labour law and how to share data in cases of suspected labour exploitation.

2. What type of information would you provide to the complainant and why?

Once the legal status of the complainant is established, they should be provided with information on the rights applicable to them under the relevant laws in the given Member States. For example, if the third-country driver can be

considered a posted worker either based on his declaration or due to contextual information, the inspection or any investigation of exploitative labour conditions should respect the framework for inspections of workplaces. This framework is set by the posted workers directive, [Directive 2014/67/EU](#) (the enforcement directive) ⁽¹⁶⁾ and Directive (EU) 2020/1057, with the last of these having been applicable since 2 February 2022 specifically to drivers employed by undertakings established in a Member State who are posted to another Member State in the framework of a contract of service. In order to prepare, make sure to consult Module 3, which provides a list of areas on which information should be provided to migrant workers. Always remember to check your national rules, including those measures that transpose the relevant EU legislation, to understand whether your Member State has taken additional legal or policy measures to introduce more explicit obligations.

For detailed information on the terms and conditions of employment applicable to posted workers, you can also refer to the national website on posting, which may be accessed via the [Your Europe portal](#) ⁽¹⁷⁾. This meets the requirements of Article 5 of the enforcement directive, namely for Member States to make such information ‘generally available free of charge in a clear, transparent, comprehensive and easily accessible way at a distance and by electronic means’, notably via a **single official national website**.

Group exercise 2 – Providing information (scenario 2)

Handout

Group exercise 2 : On-site investigation at a farm (scenario 2)

The facts of the case ⁽¹⁸⁾

Acting on a tip-off from a local NGO, the labour inspectorate visited a remote berry farm established in the North Karelia region of Finland. On arriving at the location, the inspectors noticed a large number of foreign workers who seemed to be seasonal workers from eastern Europe. The region is known for relying on Russian and Ukrainian migrant workers in the planting season. The workers at the farm spoke with each other in Russian, avoided any eye contact with the authorities and refused to speak to them. After inspecting the premises, the inspectors found simple sheds without proper facilities.

The employer’s representative was present at the workplace and appeared to be cooperative, while the workers refused to talk to the labour inspectors.

Further inspection revealed that some of the workers had crossed the Russian–Finnish border clandestinely to work irregularly at the farm, which was near the border.

Discussion questions

1. What preparatory steps would you take to ensure sufficient provision of information?

2. What type of information would you provide to the migrant workers and why?

Background information

When discussing the scenario, keep in mind the following characteristics of the agricultural sector.

- In many Member States, agriculture is overwhelmingly seen as the sector most prone to exploitation ⁽¹⁹⁾.
- One of the risk factors is the 'invisibility' of the work in the sector, as it is carried out on remote, isolated farms with little contact with customers or people outside the employer's business. This leads to limited supervision and greater dependence on the employer ⁽²⁰⁾. Exploitation, including sexual exploitation, is therefore difficult to detect.
- Another risk factor is the seasonal nature of agricultural work ⁽²¹⁾. The fact that the sector relies heavily on seasonal labour increases the likelihood that workers will not be able to speak the language of the country in which they are working. In addition, workers leave after the season, making evidence gathering and prosecution difficult.
- In some parts of the agricultural sector, workers are paid only at the end of the season, just before they return home, and often in cash. Various amounts may be deducted from workers' wages, such as accommodation, transport and food costs ⁽²²⁾.
- Irregular third-country workers in agriculture are often subjected to very poor living and working conditions. They are housed in abandoned farmhouses or sheds with limited access to hygiene facilities and to the outside world. Their work often involves long working hours without a weekly day off and for low pay.
- According to [Directive 2014/36/EU](#) (the seasonal workers directive (SWD)) ⁽²³⁾, seasonal workers' rent should not be automatically deducted from their wages, the employer should provide seasonal workers with a rental contract or equivalent document stating the rental conditions for the accommodation and the employer should ensure that the accommodation meets the general health and safety standards in force in the Member State concerned.
- Agricultural work is often carried out on private properties and farms, which are often exempt from inspections of working conditions ⁽²⁴⁾.

Discussion points for the trainer / reference points for individual learning

1. What preparatory steps would you take to ensure sufficient provision of information?

The following preliminary steps should be considered in each case, as explained in more detail in scenario 1 above.

- Ascertain whether the worker is safe or if more urgent steps need to be taken than the provision of information.
- Verify the worker's level of understanding of the local language or if other languages should be used.
- Take into account what you already know about the situation at the prospective inspection site. For instance, if the workers are speaking a foreign language and wearing headscarves, this might make it likely, although not certain, that they speak Arabic. You would need to proactively identify the material you can make available in that language and think through the ways in which you will provide information that is not available in Arabic, for instance via an interpreter or through automatic translation on a computer or phone. This enables you to arrive at the inspection site as prepared as possible.
- Confirm or ascertain the workers' legal status or lack thereof and if they have residence permits (take note of whether they have access to them themselves).
- List the suspected rights violations that can be ascertained based on the preliminary information you have.
- Identify the range of information you can provide vis-à-vis each of the rights violations. When your or your authority's competence or ability is limited in addressing the given violation, make sure that you provide the workers with information on the authorities and contact people who can actually help them.
- Think through what information is probably needed to remedy the workers' situation and, if your authority cannot provide that information, determine who you should put the workers in touch with and which authorities you should alert about the workers' situation.

In the current scenario, as agriculture is seasonal in nature, this particular sector relies heavily on **seasonal labour**. This often means that there are longer-term bilateral arrangements in place between the countries of origin and employment, which could give you an indication of both the legal status and the associated rights of the workers.

2. What type of information would you provide to the migrant workers and why?

The SWD outlines the information to be provided to third-country seasonal workers; however, the exact scope of the information depends on the applicable laws in the given Member States. The inspector should consult relevant national sources and could also refer to Module 3 for a list of areas on which information should be provided and guidance on how the information requirement may have been implemented in a particular Member State.

Seasonal workers should, as a minimum, be informed about their right to **accommodation**, which ensures an adequate standard of living for the entire duration of their employment as seasonal workers. It should be explained that, if such accommodation is arranged by or through the employer, the rent should never be automatically deducted from their salary, nor is the employer allowed to charge excessive rent amounts in relation to either their remuneration or the quality of the accommodation. Regarding the quality requirement, the conditions of the accommodation should be specified in a rental contract or equivalent document, and the accommodation should always meet general health and safety standards (Article 20(1) of the SWD).

In addition, they should be informed that they have the **right to enter and stay** in Finland, as the Member State that issued the authorisation. It should also be emphasised that they have a right to perform the specific form of employment authorised under the authorisation (Article 22 of the SWD).

Importantly, you should explain to them that (under Article 23 of the SWD) they enjoy a **right to equal treatment with nationals** with regard to most aspects of their work. You should also proactively inform them of at least the following areas to which equal treatment applies:

- the terms of their employment – this includes the minimum working age, working conditions, pay and dismissal, working hours, leave and holidays, and health and safety requirements at the workplace;
- back payments to be made by the employers, concerning any outstanding remuneration;
- social security; however, the Member State can exclude family benefits and unemployment benefits.

Upon the worker's request, information on other areas in which the right to equal treatment applies should be provided, including:

- access to goods and services, except housing;
- advice services on seasonal work afforded by employment offices;

- education and vocational training; however, the Member State can limit this to education directly linked to the specific employment activity and can also exclude study and maintenance grants and loans or other grants and loans;
- recognition of diplomas and other professional qualifications;
- tax benefits, if the workers are tax residents in Finland; however, the Member State may limit the application of this to cases in which the registered or usual place of residence of the family members of the seasonal worker for whom the worker claims benefits lies in the territory of the Member State concerned;
- the right to strike, freedom of association, take up membership of an organisation representing workers and exercise related rights.

You should tell them that they have a right to **change employer** and you could possibly suggest online resources for them to use to identify new possible employers.

In addition, seasonal workers moving to a third country, or the survivors of such seasonal workers residing in a third country, have the right to receive statutory **pensions** at the same rates as the nationals of the Member States concerned.

If there are violations of any of the rights specifically ensured to seasonal workers, they have a right to **file a complaint** (Article 25 of the SWD), either directly or through third parties. Such third parties must have a legitimate interest in ensuring compliance with the SWD and may engage either on behalf of or in support of a seasonal worker in civil and administrative proceedings, but only with the worker's approval (except in proceedings concerning short-stay visas). It is important to reassure the workers that they have the same right to **protection against dismissal** or other adverse treatment by the employer as a reaction to a complaint as other workers in a similar position.

Finally, it is noted that any workers found to be without work permits or visas should be considered third-country workers in an irregular situation. In these cases, it is imperative to check national migration laws and provide third-country workers with information that is accurate and considers the well-being of the workers. It is important to inform workers if they are subject to certain sanctions, including deportation.

Remember to **distribute information leaflets and cards with contact details** to the workers in their own language (in the case in question, in Russian), if possible, and confirm that they can understand the materials. If not, enquire about other languages to see if there is written information that would be useful to leave with them. Such leaflets could include basic information on the signs of labour exploitation, an explanation of key rights, and emergency contact details such as telephone numbers. If this is not possible due to time or financial constraints, or because workers are illiterate, provide the information verbally rather than (only) in writing – for instance, via smartphone interpretation.

Remember to first always try to **build initial rapport and trust** and reassure workers that you are focused on sanctioning employers, not them (refer to Module 2, 'Speaking with migrant workers during inspections').

Access to justice and facilitation of complaints

Practical exercise for Module 4 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- recognise the most relevant national actors, social partners and NGOs that can support third-country workers in accessing justice;
- use tools to reconcile their dual role to enforce sanctions against the employer under [Directive 2009/52/EC](#) (the employer sanctions directive (ESD)) ⁽²⁵⁾ and to implement protective elements for third-country workers;
- understand how to act if they have an obligation to report third-country workers in an irregular situation to immigration law enforcement.

Mapping exercise

- Introduce the purposes and objectives of the activity – to map the main national actors, organisations, trade unions and NGOs that can be involved in the context of access to justice and to understand the national rules and practices on reporting third-country workers in an irregular situation, so as to inform workers accordingly.

- Divide the whiteboard into four parts (see the example in Figure 1). Use the first part to list the public authorities and inspection bodies involved in monitoring and ensuring labour rights; use the second and third parts to map social partners, NGOs and other organisations that can support third-country workers in the areas of labour and/or migration; use the fourth part to list the public authorities involved in migration issues.
- As a group, **brainstorm** all of the potential national stakeholders who may be involved in ensuring access to justice for third-country workers, including those in an irregular situation. It is important that trainers complete the mapping exercise prior to the training so that they can guide participants.
- **Categorise** the national stakeholders according to the groups indicated on the four-quadrant map. Write their names on sticky notes and place them in the appropriate quadrants. Note that some authorities may be listed in more than one quadrant.
- Use markers to draw the **connections** between stakeholders. You should focus on the interaction between labour and migration authorities, with an emphasis on national rules on and practices for reporting third-country workers in an irregular situation.
- Finally, take some time to **review** the mapping exercise and take a moment to comment on the national stakeholders and their interactions. You may want to add more stakeholders to the map or remove some, move them to another quadrant or change the interactions between them.

Figure 1 illustrates the four groups to which organisations at the national level can be assigned, depending on their nature (public authorities or social partners / NGOs) and their function (monitoring/enforcement of labour or migration legislation).

Figure 1: Illustrative four-quadrant map



Group exercise 3 – Access to justice and facilitation of complaints

Handout

Group exercise 3: Workplace inspection on a construction site

The facts of the case

Mohammed is irregularly residing in an EU country. He suffered an accident at work on a construction site and broke his hand. His employer did not declare the accident at work and paid him EUR 800 as compensation, which was not enough to cover all of his medical expenses and the time he was unable to work. Mohammed was still working for the employer when he contacted the local NGO, providing pictures and videos of his working conditions.

The NGO immediately filed a complaint with the labour inspectorate on his behalf. The inspectorate took the case seriously and launched an on-site investigation at the construction site where Mohammed's employer and many other subcontractors were working for their contractor, a construction company. The site inspection found that different subcontractors had hired, under false contracts, 60 male workers from Bangladesh and the Philippines, meaning that their work permits had been issued under false pretences.

Discussion questions

1. What preparatory steps would you take to ensure that the third-country workers in an irregular situation have adequate access to justice?

2. What measures would you take to facilitate migrant workers' access to justice and why?

3. How would you build trust with workers and protect confidentiality, while ensuring that national rules on informing migration authorities are respected?

Background information

When discussing the scenario, keep in mind the following characteristics of the construction sector.

- Construction is one of the sectors that is most prone to the exploitation of third-country workers due to high levels of undeclared work. Over a fifth of undeclared jobs in Europe are in the construction sector, studies show ⁽²⁶⁾.
- Workers in the construction sector often work in conditions that violate human dignity ⁽²⁷⁾. This is partly due to the prevalence of temporary work and subcontracting, as it can be difficult for workers in these situations to understand their rights and to know who to complain to ⁽²⁸⁾.
- One of the risk factors is also the 'invisibility' of work in the sector, as it is carried out in isolation on construction sites where workers are difficult to approach ⁽²⁹⁾.
- Effective monitoring can also be a challenge due to the rather complex legal framework, with multiple companies involved and chains of subcontractors. In such cases, it is difficult to identify who is ultimately responsible for ensuring labour rights are respected and conditions are met, and who is liable for violations. Because of the prevalence of subcontracting in certain sectors, the ESD states that, where the employer is a subcontractor, Member States must ensure that the contractor of which the employer is a direct subcontractor may, in addition to or instead of the employer, pay due wages and financial sanctions (Article 8).
- Trade unions are often active in industries in which there are collective agreements, such as the construction industry ⁽³⁰⁾.

Discussion points for the trainer / reference points for individual learning

Map the legislative and institutional landscape in your country. In particular, read the section on Module 4, 'Access to justice and facilitation of complaints', in the training manual, which provides tips on how to find relevant national laws and practices.

1. What preparatory steps would you take to ensure that the third-country workers in an irregular situation have adequate access to justice?

In terms of facilitating access to justice and complaints, the following preliminary steps should be considered in each case.

- Check whether you were provided with information on the complainant's legal status. If you were not, determine if you can contact the complainant, or a third party representing them, for clarification or if you can ascertain their status based on the information in the complaint. This is relevant, as their status could affect the scope of their labour rights and, indirectly, the type of national redress procedures available to them.
- List the main rights violations that you suspect are present based on the information obtained from the NGO and the information obtained during the on-site inspection, such as:
 - non-compliance with health and safety legislation;

- non-compliance with legislation on accidents at work;
- non-payment of taxes and social contributions;
- employment of third-country workers residing irregularly without proper work permits.

Specifically, flag any elements that might point to exploitation, especially those that suggest particularly exploitative working conditions.

- Identify what national measures are available to third-country workers in an irregular situation (e.g. where complaints can be filed) in relation to the rights that are violated. In addition, identify your powers as a labour inspector. If you can only receive a complaint but do not have the authority to reach out to the employer with the intent to enforce the claim, provide the worker with information on where and how they can seek redress. Inform the worker about limitation periods for different types of claims and about national legal aid mechanisms available.
- Verify the workers' level of understanding of the local language and if they are able to understand you or if other languages should be used. If the latter is the case, make sure that you have translation services at your disposal or that you have leaflets or information cards in the appropriate foreign languages.
- When recording a complaint, double-check if a third party (e.g. an NGO) is able to engage on behalf of the worker based on applicable

national legislation. To this end, you can ask the NGO to give you power of attorney. Make sure to also inform the workers about and provide the contact details of such third parties.

- For third-country workers involved in irregular work, it is essential to effectively exercise their labour rights without risking immigration enforcement. To this end, consider implementing safe reporting practices that would prevent you from sharing the name of the third-country worker with immigration authorities. If the presence of the police or migration authorities cannot be avoided, make sure that you explain to such workers that you are not there to punish them but to help them enforce their rights and that you will treat all correspondence confidentially.

2. What measures would you take to facilitate migrant workers' access to justice and why?

You should ensure that during the on-site inspection you **collect and preserve evidence** that the worker could later use in judicial or non-judicial proceedings. In particular, consider collecting information that proves the existence of the alleged violations, based on information received from NGOs and obtained during the on-site inspection. Make sure that all evidence that could be used to support the migrant worker's claims is **included in the official inspection report**. This includes the employment contract or any other document describing working tasks, working hours and remuneration; pay slips or photocopies of wage bank transfers; photographs of the working conditions, in particular a lack of protective equipment; and invoices for medical expenses.

It is also good practice to **share the inspection report** with the migrant worker, as this will help them to substantiate their claim and improve their chances of meeting the burden of proof in any future judicial proceeding. Do not forget to **inform the worker** of the results of the on-site inspection and any measures taken against the employer. In the present case, Mohammed filed his claim through a local NGO, so you may not be able to reach him. In such a case, make sure you **establish a channel of communication with the NGO** and share the results of the workplace inspection with it. The type of information provided to the migrant worker would depend on the national redress mechanisms. If you do not have the power to enforce the worker's claims against the employer, inform the worker about possible national redress mechanisms, limitation periods for different types of claims and the available national legal aid mechanisms.

3. How would you build trust with workers and protect confidentiality, while ensuring that national rules on informing migration authorities are respected?

One of the main challenges stems from inspectors' dual role to, on the one hand, support the implementation of the sanctioning function of the ESD vis-à-vis non-compliant employers – for instance, through seizing evidence at the inspection site – and, on the other hand, implement the protective elements of the ESD and other applicable laws in support of third-country workers, for which **building trust and rapport** is essential (refer to Module 2, 'Speaking with migrant workers during inspections'). As third-country workers in an irregular situation often rely on support and advice from **social partners and/or NGOs**, you should consider developing a relationship with such third parties.

In Member States where workplace inspectors are obliged to report migrant workers in an irregular situation to the police or migration authorities, this reporting obligation makes it difficult to build trust with workers to facilitate complaints. In such situations, **safe reporting mechanisms** could be implemented. One such mechanism is to protect the anonymity of the complainant, either by not asking the worker about their status or by allowing them to make an anonymous complaint. Only when such mechanisms are in place can irregular third-country workers feel safe enough to interact freely with inspection authorities. If identification of a migrant worker is crucial, you should try to keep all information confidential, unless clear reporting rules apply.

Identification and referral of exploited workers

Practical exercise for Module 5 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- better identify victims using indicators specific to labour exploitation;
- better identify different types of victims;
- better identify the support needs of victims and refer them to service providers.

Group exercise 4 – Identification and referral of exploited workers

Handout

Group exercise 4: Cleaners at a restaurant

The facts of the case

As part of routine inspections in the hospitality sector, the labour inspectorate carries out inspections of restaurants and snack bars in Belgium. At one restaurant, the cleaning workers found at the back of the venue are unable to speak French, but the employer later shows their Bulgarian, Kazakhstani, Romanian and Turkish passports (the Kazakhstani and Turkish workers do not have valid visas). None of these workers has an employment contract, but they are paid as agreed in cash through the 'middleman of the boss'. One of them speaks enough English to explain that they are required to spend most of their time at the back of the restaurant cleaning and have only minimal contact with other people, namely when they are transported to another venue for cleaning there. They work for EUR 45 a day from 07:00 to 22:00.

They say that they are often humiliated, but they accept working there, as there are no jobs in the regions they are from and their families need every euro they send home. Leaving is not an option. Some of the Romanian workers thought that, since they were EU citizens, they could come and go whenever they wanted, but then realised that they had no money and the employer said that they must work to make up for all of the costs of organising their work.

'At least we knew what to expect', says one worker. The worker describes some young Turkish girls at the accommodation who cry all of the time. They were told that they would come to Europe and have time to study and make friends; they never thought that the conditions would be as bad as they are. One of them has wanted to leave a couple of times, but she has no money for travel and the boss took her passport and said that she must work to make up for all of the costs and trouble of bringing her here. They hardly have any time outside work and are too ashamed to tell their families.

'Overall, we are lucky', says the worker; 'many others at our accommodation were deported last year after speaking up against the conditions'. The worker describes how an NGO told them that they would be able to stay, but they were deported before getting their permits. The worker says that the Kazakhstani and Turkish workers have specifically asked them not to make a complaint.

Discussion questions

1. What indicators of labour exploitation and rights violations can you identify?

2. What type of potential crimes and victims can you identify?

3. What type of support services do these workers need, and what steps could you take to connect them to the relevant service providers? *Include a list of relevant service providers in your Member State per service type.*

Background information

When discussing the scenario, keep in mind the following characteristics of the hospitality sector.

- In 2020, over 8.3 million workers were employed in the accommodation and food sector within the EU ⁽³¹⁾. This includes a wide range of service providers, ranging from bars, cafes, restaurants and hotels to cruise ships, theme parks, casinos, sports stadiums and airports. The sector employs a high proportion of migrant workers, many of whom are temporary workers, women and young people ⁽³²⁾. The sector is often an entry point to the labour market for newly arrived immigrants, as it does not necessarily require knowledge of the local language.
- The International Labour Organization (ILO) has consistently reported poor working conditions in the sector resulting from, among other things, the facts that the majority of employers are small and medium-sized enterprises with low union density and the work in the sector is characterised by low wages, low skill requirements, shifts and night work, and seasonality ⁽³³⁾. Due to the seasonality, flexible and part-time work arrangements and non-transparent, informal compensation are common in the sector. The sector is also sensitive to economic upturns and downturns, and the availability and stability of the work often fluctuates.

Discussion points for the trainer / reference points for individual learning

1. What indicators of labour exploitation and rights violations can you identify?

The following indicators can be identified in this case.

- Workers consent to the work but come from poor communities, and the subsistence of their families depends on their remittances. This indicates:
 - an **abuse of vulnerability**, namely the abuse of difficult family situations, economic situations and the irregular status of the Kazakhstani and Turkish workers.
- Girls were told that they could come to work and study but were then made to perform excessive labour with no access to education and little outside contact. This indicates:
 - **deceptive recruitment** about education and working conditions.
- Third-country workers asked others not to make a complaint. This indicates:
 - an **abuse of vulnerability**, namely, a fear of the authorities and of the possible

consequences, including deportation, due to a lack of legal residence status.

- Workers expressed an intention to leave and not remain in the job but were told that they needed to make up for the employer's costs. This indicates:
 - **coercion at destination**, namely debt bondage.
- For all workers, the following indicators are also seen:
 - **exploitation**, namely excessive working days and hours, low salary, no respect for labour laws, no social protection and wage manipulation;
 - **coercion at destination**, namely through the confiscation of documents and isolation.

Additional rights violations are detected/suspected as regards the deported workers in terms of the:

- denial of the right to temporary residence permits for victims;
- lack of effective support services to assist with the timely and effective application for residence permits to prevent deportation.

2. What type of potential crimes and victims can you identify?

The following are **victims of labour exploitation**:

- all workers, since they meet several of the labour exploitation indicators listed above.

The following are **victims of forced labour**:

- the Romanian and Turkish workers, since they expressed their intention to leave and not to remain in the job, yet were kept there; even though they were not held physically, their circumstances, which were within the knowledge and control of the employer, forced them to remain.

The following are **victims of trafficking in human beings**:

- the young woman who was transported to Belgium from Türkiye, as she was deceived into believing that she was coming for a decent job but is now unable to leave due to her passport being retained, her economic dependency and her lack of knowledge of the country of employment, which make her vulnerable to an exploitative employer.

3. What type of support services do these workers need, and what steps could you take to connect them to the relevant service providers?

Check the rules on referral within your Member State. Is there a **national referral mechanism** in place that helps coordinate support for victims? If so, check that the service providers that you identify below can be reached through it.

If there is no centralised procedure for referral, **map the relevant providers** (this would ideally take place proactively, prior to inspections). It is important to not only refer potential victims but also ensure that there is an organisation that or, preferably, a case worker who can receive them.

All workers need to be **informed** about the victim support services that are available to them. Hand out leaflets, as available, with up-to-date contact information, but also make sure to explain what the service providers can do for them.

- List the public and NGO victim support services in your Member State, both the general ones and those focusing on victims of labour exploitation, modern slavery, trafficking in human beings, migrants' rights, violence against women, etc. Mention that they will keep the information confidential.

Given the isolation, exploitative working conditions and exhaustion that must have taken a toll on them,

the workers are probably in need of **psychosocial support**. Provide the information to everyone and observe the workers; when you detect signs of them needing this type of support, be sure to specifically refer the victims to these services.

- List the organisations providing psychosocial support for victims and/or migrants, including public victim support services, NGOs focusing on trauma and healthcare providers.

Workers need safe **accommodation** to escape from the exploitative employer's control. Screen any specialised shelters available to victims of exploitation or, if none is available, those available to victims of crime in general. Include safe houses and temporary shelters, and consider those for victims of violence against women specifically. Listen to the victim's needs and preferences, but be sure to provide them with all of the options and information at your disposal.

- List shelters and organisations providing accommodation.

Finally, prior to the inspection, check the availability of **residence permits for victims of exploitation** in your Member State. This information should be available within your national authority. Refer to the mapping exercise completed for Module 4 on the organisations that can provide legal support. Confirm that they are in fact able to assist in practice. Inspectors should ideally also prepare an overview of the type of evidence that can support labour exploitation claims (and the types of evidence that are commonly presented but are without any evidentiary value on their own, such as photos of the worker at the work site).

Right to back pay and compensation

Practical exercise for Module 6 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- understand the national legal framework and practices relating to the right to back pay and/or compensation;
- conduct investigations in a way that facilitates third-country workers' right to back pay and/or compensation;
- advise third-country workers on national mechanisms to claim back pay and/or compensation and promote good practices.

Group exercise 5 – Right to back pay and compensation

Handout

Group exercise 5: Claiming back pay and/or compensation in the catering sector

The facts of the case

During an inspection of a restaurant owned by an Indian national, three of his fellow nationals were found working in the kitchen. While two workers fled before the labour inspectorate could take their statements, one remained and was able to talk to the inspectors. The inspection found that the wages paid to the three men were extremely low (around EUR 500 a month for a 6-day working week, 15 hours a day), while the family of the worker who stayed was living in the restaurant's basement, which was uninhabitable.

The inspection report formed the basis for initiating an administrative case against the owner of the restaurant for the violation of several labour rights and non-payment of social security contributions. In the meantime, the migration authorities have issued deportation orders for all three third-country workers in an irregular situation.

Discussion questions

1. What preparatory steps would you take to ensure that the third-country workers in an irregular situation can exercise their right to back pay?

2. What measures would you take during an inspection to facilitate the workers' right to back pay?

3. What measures would you take to facilitate the right to back pay for third-country workers in an irregular situation who cannot be reached or are no longer in the country?

Background information

When discussing the scenario, keep in mind the following information.

- Underpayment is a particular problem for third-country workers in an irregular situation ⁽³⁴⁾. Often, such workers are paid less than regular workers, are paid only for part of their working hours, have their wages withheld or have living expenses deducted from their wages ⁽³⁵⁾. Migrant workers often tolerate such conditions because they are in the country without a valid residence permit ⁽³⁶⁾.
- The right to back pay, introduced by Article 6 of the ESD, has been largely transposed. In all but one Member State, workers can claim back pay even if they are no longer residing in the country ⁽³⁷⁾.
- The ESD establishes an assumption that the worker should have been paid the minimum wage or wage set by collective bargaining agreements, and that they have been employed for at least 3 months, unless the employer can prove otherwise.
- Ten Member States have established state compensation funds to compensate third-country workers in an irregular situation who are unable to obtain back pay from their employers, according to a [2021 FRA report](#) ⁽³⁸⁾. A similar number of countries have state compensation funds for migrant workers who are victims of crime.

Discussion points for the trainer / reference points for individual learning

1. What preparatory steps would you take to ensure that the third-country workers in an irregular situation can exercise their right to back pay?

To prepare for this exercise and to guide the participants, you should map the national legal framework on the right to claim back pay and/or compensation and familiarise yourself with the institutional landscape in your country. In particular, read the information on Module 6, 'Right to back pay and compensation', in the training manual, which provides information and tips on how to find relevant national legislation and practices.

To ensure that you have gathered sufficient evidence of underpayment of third-country workers, you may wish to consider, in particular, the following points:

- the personal scope of the right to back pay and compensation (irregular third-country workers, victims);
- the nature of the right to back pay (e.g. remuneration, costs, social security contributions and taxes) and/or compensation (material versus non-material / moral damage);
- any national presumptions (regarding the amount of outstanding remuneration or the duration of employment);
- any national redress mechanisms to enforce the right to back pay and/or compensation.

To enable migrant workers to exercise their right to claim back outstanding wages, you should **systematically and objectively inform them about**

their rights and the national complaint mechanisms available to them (e.g. the right to file a complaint for back pay, the right to claim compensation and the right to receive back pay if returning to the country of origin). You should pay particular attention to the fact that the right to information should be provided **prior to the enforcement of any return decision** (see Module 3, 'Providing information').

If the right to claim outstanding wages has been pursued judicially, consider explaining to migrant workers what their options are in terms of criminal and civil proceedings. It may be that the claim for outstanding wages should be brought before specialised labour courts. According to a [2020 Platform for International Cooperation on Undocumented Migrants \(PICUM\) report](#), 12 out of the 14 Member States examined (i.e. Belgium, Bulgaria, Cyprus, Czechia, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain) allow migrant workers to lodge a complaint for back pay directly with the inspection bodies. However, not all inspection bodies also have a mandate to investigate and decide on complaints from third-country workers in an irregular situation ⁽³⁹⁾.

Also consider that countries have mechanisms for applying for **free legal aid** and that it is not always necessary for workers to be represented by lawyers. You could consider providing migrant workers with written information on how to enforce their rights.

Trade unions and/or NGOs could also assist or even represent workers in any court or other national proceedings. Ensure that migrant workers are aware of the existence of these organisations and provide them with the necessary contact details.

2. What measures would you take during an inspection to facilitate the workers' right to back pay?

To facilitate the migrant workers' right to back pay, you should ensure that the inspection also aims to **collect and secure evidence** that workers could later use to support their claims in judicial or non-judicial proceedings. In particular, you should consider collecting information that proves the existence of the employment relationship (e.g. any evidence of subordination or orders to perform a specific task or to go to a specific place of work), the duration of the employment relationship, the duration of the work (full-time or part-time) and the remuneration received, including the payment of taxes and social security contributions. Evidence that could be used to support workers' claims can be gathered in **different forms**, including records of hours worked, advances or in-kind benefits paid, and communications between the employer and the worker by email, telephone, social media, etc. Any evidence regarding the amount of the outstanding wages and the length of the employment relationship should be **included in the official inspection report**.

As irregular third-country workers are at risk of detention and deportation, it is important that any inspection procedures are carried out and completed **expeditiously**.

Even in countries where workplace inspectors do not have the power to enforce workers' claims against employers, inspectors could play an important role in the **recovery of back pay**. For instance, inspectors could try to persuade the employer to pay the outstanding wages in order to avoid a fine for violation of labour legislation.

3. What measures would you take to facilitate the right to back pay for third-country workers in an irregular situation who cannot be reached or are no longer in the country?

If irregular third-country workers have left the country and there are indications that the employer is trying to evade payment by disappearing or closing down the business, you should try to reach

such third-country workers and explain to them the complaint mechanisms available and national rules on the confiscation of the employer's assets.

If your Member State is among those that have set up **special state compensation funds** for underpaid workers, make sure you understand who can claim payment from these funds (e.g. victims, third-country workers in an irregular situation) and the conditions for workers to gain access to such funds. If national funds can be used in the case in question, the employer is obliged to deposit the necessary amount into such a fund. The workers should be informed about this possibility.

Remember that social partners, migrant workers' rights NGOs and victim support organisations often play a key role in assisting third-country workers in claiming back pay. Such **NGOs and/or social partners** can also help identify third-country workers whose whereabouts are unknown or who have left the country. In some cases, they could also liaise with relevant NGOs and social partners in the worker's home country.

Decent housing and changing employer

Practical exercise for Module 7 of the training manual

Targeted learning outcomes

At the end of this exercise, workplace inspectors will be able to:

- ensure certain miscellaneous protective elements, in particular the right to provide adequate accommodation and to change employer;
- recognise inadequate living conditions.

Group exercise 6 – Decent housing and changing employer

Handout

Group exercise 6: Adequate accommodation for migrant workers and the right to change employer

The facts of the case

The tax authority carried out checks at a temporary work agency that allegedly employed more than 120 people from the Western Balkans (Albania, Kosovo ⁽⁴⁰⁾ and Serbia) to work on various construction sites in the Berlin area during the summer period. The employer was suspected of tax evasion, as it paid less than one third of the minimum wage.

During on-site inspections at several construction sites, the tax authority also observed very poor working and living conditions for the workers, but did not inspect these, as it was not within its mandate to enforce compliance. The tax authority therefore informed the labour inspectorate of the possible violations of the right to decent working and living conditions, but did not provide the workers with any information about their labour rights.

As a result, the labour inspectorate launched an investigation into violations of labour rights and decent accommodation standards. The on-site inspection found that workers were being housed in containers on the site without toilets or furniture. Up to six workers were found to be living in one container and sleeping on bunk beds.

Discussion questions

1. What preparatory steps would you take to understand the residence status of the third-country workers and therefore to determine their rights?

2. What measures would you take to check if the third-country workers have adequate accommodation? Who should be in charge?

3. What can be considered an inadequate standard of housing?

4. How could you inform the workers of their right to change employer?

Background information

When discussing this scenario, keep in mind the following.

- Seasonal workers must be recruited legally, on the basis of either a procedure under the SWD or other national specific forms of employment for seasonal work. Seasonal workers may work through various intermediaries, such as temporary work agencies, employment agencies or subcontractors, or may even be posted to work in another Member State.
- Article 20 of the SWD requires Member States to ensure that:
 - accommodation, if provided by the employer, respects adequate standards of living as defined by national law and/or practice;
 - seasonal workers have a rental contract;
 - the rent is not automatically deducted from the wages, if accommodation is provided by the employer.
- Posted workers should enjoy the same rights as nationals in relation to accommodation when it is provided by the employer (Article 3 of the posted workers directive). For other categories of migrant workers, Member States should consider their relevant obligations under national law.
- Many third-country nationals working in exploitative conditions are obliged to stay in accommodation that is provided by their employers and does not meet adequate standards. The costs of the accommodation are also often deducted from their wages without any written agreement, such as a work and/or rental contract ⁽⁴¹⁾.
- EU law entitles some categories of regularly residing migrant workers to change employer but allows Member States to limit this entitlement.
 - For migrant workers under the single permit directive (Article 11(2) and (3) – to be transposed by May 2026), changing employer may not be allowed during the first 6 months after they receive their residence permit, and other conditions may need to be fulfilled. If the employer seriously breaches the terms and conditions of the employment relationship, the worker is allowed to change employer before the expiration of the 6 months.
 - Seasonal workers (under Article 15 of the SWD) are entitled to change employers at least once within the authorised period of stay. Member States may allow them to do this more than once.

Discussion points for the trainer / reference points for individual learning

1. What preparatory steps would you take to understand the residence status of the third-country workers and therefore to determine their rights?

All migrant workers, including irregular third-country workers, enjoy basic fundamental rights. However, the extent of the rights enshrined in EU law depends on the specific group of migrant workers (e.g. seasonal workers, posted workers). For example, migrant seasonal workers have the same equal treatment rights as EU seasonal workers in terms of health and safety at work, working conditions and terms of employment (e.g. pay and dismissal, working hours, leave and holidays), minimum working age and rules on posted workers (where applicable). Under EU law, seasonal workers also have a right to change employer at least once during the validity of their seasonal work permit.

It is therefore important to determine the legal status of migrant workers on the basis of the evidence gathered during the inspection (e.g. work permits; employment contracts; paperwork; interviews with workers, supervisors and the employer's representatives; and information from relevant authorities) and by taking into account all factual elements.

In addition, national legislation may provide for a wider range of rights than those enshrined in EU law. To do this, you should map the extent of the working conditions and social security rights available to third-country workers in your Member State.

As a labour inspector, you have better knowledge of the equal treatment rights of different types of third-country workers than other authorities, such as police, border guards and tax, immigration or other authorities. For this reason, you should be present during workplace inspections, even if other authorities initiate such inspections (e.g. the tax authority or health and safety authority).

2. What measures would you take to check if the third-country workers have adequate accommodation? Who should be in charge?

Both prevention and monitoring are essential to ensure decent living conditions for third-country seasonal workers. To this end, it is important that workplace inspectors also check the living conditions of third-country workers in practice and inform workers about the applicable national standards on adequate accommodation.

During their stay in the host Member State, all seasonal workers should have access to housing of an adequate standard and at a reasonable cost, in accordance with national legislation and practice. Accommodation for seasonal workers should comply with the health and safety standards applicable in the Member State of employment.

As a workplace inspector, you may have a legal mandate to inspect accommodation, including private accommodation. If it is not in your mandate to monitor compliance with rules on decent living conditions, make sure that you inform the relevant national authorities if you suspect that such standards are not being met. In addition, explain to workers what the applicable national standards are.

Training is also important for being able to identify poor housing standards and to cross-check evidence. As a workplace inspector, you should not limit yourself to checking paperwork and legal documents such as employment contracts. It is also important to check living conditions on the ground and talk to workers about them.

As seasonal workers are in the EU on a temporary basis to carry out seasonal work, the speed of the inspection process is crucial for successfully identifying poor living standards.

3. What can be considered an inadequate standard of housing?

The concept of 'adequate living standards' is defined at the national level and therefore differs from one Member State to another. Check any national legislation, guidelines or other documents that set out criteria or guidelines for determining living standards. It is also important to check the personal scope of these national provisions, as such standards may apply regardless of the legal status of migrant workers. Safeguards under EU law and standards set out in international human rights law – including those developed by the Council of Europe – can also provide assistance.

Signs of inadequate housing include:

- the standard of the accommodation provided not meeting the legally required living standards set out in national legislation, guidelines or other documentation;
- the standard of the accommodation provided to third-country nationals not being equivalent to that provided to EU workers;
- the accommodation being uninhabitable;

- the accommodation being overcrowded (e.g. several workers in one room, bunk beds, mattresses on the ground);
- the accommodation not meeting minimum hygiene and/or living standards in terms of, for example, minimum living space, sanitation, safety, access to utilities (drinking water, electricity and heating), the inclusion of basic facilities (e.g. food preparation, furniture and sanitation), access to public transport and separate areas for men and women;
- the accommodation not meeting national health and safety standards;
- the rent for the accommodation being excessive compared with the market rent for similar types of accommodation;
- rent being automatically deducted from the worker's salary, leaving the worker with a salary that does not meet the legal minimum wage or the salary set out in the applicable collective agreement.

4. How could you inform the workers of their right to change employer?

EU law entitles different categories of regularly residing migrant workers to change employer but allows Member States to limit it. It is therefore important to determine the legal status of migrant workers on the basis of the evidence gathered during the inspection and to inform the migrant workers of their options regarding changing employer and which conditions apply.

When labour inspectors identify migrant workers with a single permit who experience serious breaches of labour law, including labour exploitation, they should inform the workers that they can, at any time, change employer.

National labour inspectors could provide migrant workers with the name and contact details of organisations that provide useful information on vacancies and support migrant workers with the procedure for changing employers.

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PART 2: HOW WORKPLACE INSPECTORS CAN PROTECT THIRD-COUNTRY WORKERS' RIGHTS – Training organisation guide

This training organisation guide is part of the learning materials that are supplementary to the training manual. It guides the trainer in selecting and combining the training modules to create a training programme adapted to their specific country context, the content of existing national training, the time available and the target audience.

It consists of three phases (before, during and after the training). It may be particularly useful for trainers who do not have much experience in providing training on the protective elements for third-country workers or who have experience but would like to refresh their training knowledge.

Trainers may adjust this organisation guide to their experience and the needs of the target audience.

Phase 1: Before the training

Guidance for the trainers

The training primarily targets workplace inspectors, who are frontline workers well placed to put the protective elements explained in the training manual into practice. Therefore, it is important that the training uses **a participatory approach and interactive learning tools**.

To this end, all thematic modules include practical exercises that present participants with real-life case-studies. Although the scenarios are fictional, they are based on real cases and are, therefore, similar to those that the workplace inspectors may encounter when conducting inspections. Practical exercises give the participants the opportunity to actively participate in the learning process, as they must put into practice the knowledge acquired during the thematic modules.

To maximise interaction and to encourage discussion and the exchange of promising practices between participants and the trainer, the training should be **organised as a face-to-face session**. This also makes it easier to adapt the training programme to the needs and prior knowledge of the target group.

You need to consider the following practical arrangements.

Materials

- Use a PowerPoint presentation to explain the topics of each module.
- You can choose to use a whiteboard to write down any discussion questions and/or answers. Materials include an optional whiteboard, Post-it notes and markers.
- When conducting practical exercises, you will need to adapt and prepare handouts. Make sure you have enough handouts for the number of participants.

Room

- You will need to arrange for a plenary room with enough chairs and tables to seat all participants comfortably.
- For the group exercises, you will need to arrange separate round tables or areas for the groups.

Group size

- To ensure interaction and discussion, it is recommended that the total group size be limited to 20–25 people.
- When working in groups, ask participants to form groups of six to eight people.

However, if you do not have the time or resources to conduct in-person training, you could also conduct some of the modules or the whole training programme online.

Tips for adapting the training to an online context

- You can use any online meeting applications, such as [Microsoft Teams](#), [Webex](#), [GoTo Meeting](#), [Zoom](#) or other software. Make sure the software you choose has chat, screen-sharing and presentation capabilities and allows participants to raise their hands virtually to request to speak. Preferably, choose software that does not require participants to create an account to join and allows them to join from their computer, tablet or even mobile phone.
- If the group size requires it, make sure that the software allows you to divide the participants into breakout rooms for the purpose of group exercises.
- It is important that online training is as similar as possible to face-to-face training. To ensure this, ask participants to keep their video on during the session and encourage them to choose a view that allows them to see all the other participants, not just the trainer.
- Before you start an online training session, you need to explain some simple housekeeping rules to participants. These can include the following.
 - Make sure your speaker and microphone are working. Keep your microphone muted when you are not speaking.
 - If you want to ask a question, please use the chat function or the virtual 'raise your hand' function (depending on the functionality of the application you are using) to ask a question. The trainer will give you the floor and the time limit for your intervention.
 - If you have any questions, you can also use the chat function to inform the trainer/everyone.
- The trainer may want to use a whiteboard during practical exercises. This can also be done in an online environment with the help of several collaborative online tools for digital whiteboards, mind maps, etc. (e.g. [Miro](#) and [Mural](#)), or even features such as polling (e.g. [Slido](#)). The use of such tools can help to encourage participants to participate interactively.

Mapping the target audience and learning needs

To adapt the training agenda and to prepare individual training modules, especially the group exercises, it is important to get to know the target group and to map their learning needs. Try to get as much information as possible in advance about the profiles of the participants and about existing national training. This will help you to better analyse the participants' training needs, prior knowledge and expectations and to design the training programme accordingly.

You may wish to collect the following information from the national authorities that are organising the training or from individual inspectors attending the training.

- **Size of the group.** How many participants will attend the training?
- **Experience.** What is the profile of the participants (e.g. newly appointed inspectors, experienced inspectors or a mix)?
- **Knowledge.** Do participants have any prior knowledge of EU legislation in this field? What is their level of experience with the employment of (irregular) third-country workers? Have they

undertaken training on trafficking in human beings?

- **Learning needs.** What is the content of the existing institutional training for inspectors? Have participants received similar training (e.g. on trafficking in human beings)?
- **Competence.** What are the areas of work of the participants (e.g. only labour law, social security and tax law or occupational health and safety)? Do the inspectors actually carry out workplace inspections?
- **Personal characteristics.** What is the gender balance? What is the average age of the participants?
- **Hierarchy.** Are the inspectors' managers present?

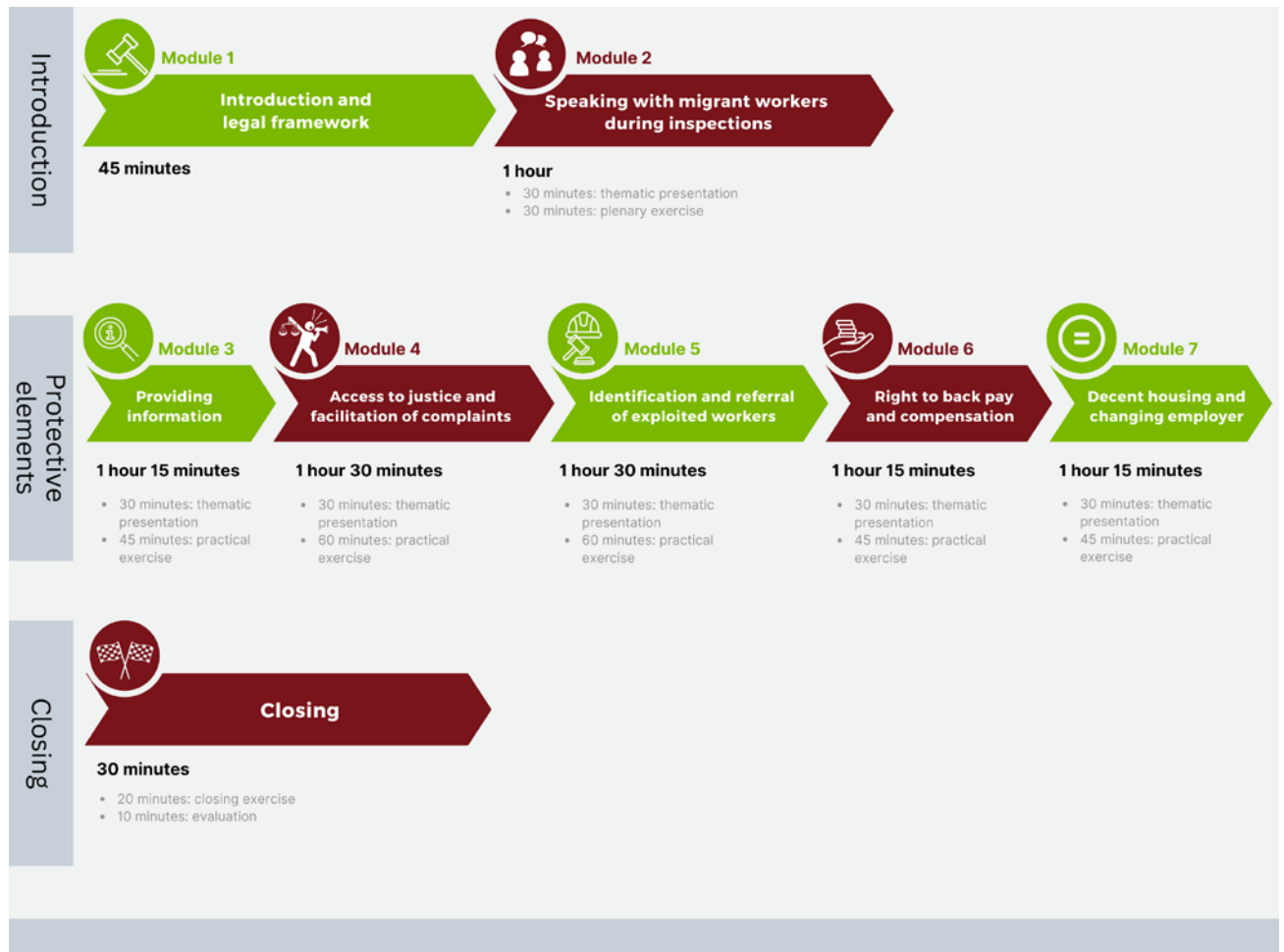
All this information will help to determine whether and to what extent the PowerPoint presentations and the exercises need to be adapted. It will also be helpful in interpreting the results of the training, as captured by the evaluation form and the post-training participant survey. Information on the composition of the group can also help the trainer to better design subsequent training events by considering, for instance, whether the presence of superiors facilitated or hindered participation.

Phase 2: The training programme

Preparing the training programme

The training programme consists of seven modules, as visualised in Figure 2. The first module deals with introductory topics, the second focuses on communication with migrant workers, the following five deal with key protective elements and the final module serves as a concluding section. All modules, except for the first module, include practical exercises.

Figure 2: Structure of the training programme



The seven modules of the training programme are made up of:

- the introduction, which includes:
 - Module 1, 'Introduction and legal framework';
 - Module 2, 'Speaking with migrant workers during inspections';
- protective elements, which include:
 - Module 3, 'Providing information';
 - Module 4, 'Access to justice and facilitation of complaints';
 - Module 5: 'Identification and referral of exploited workers';

- Module 6, 'Right to back pay and compensation';
- Module 7, 'Decent housing and changing employer';
- closing remarks.

The estimated time for training, including exercises, is 9 hours. A **suggested agenda** for such a **1.5-day training programme** is given in Annex 1.

However, you are free to structure the training as you see fit. The seven modules together with the practical exercises should be selected according to the specific circumstances and setting of the training, in particular the country context, the content of existing national training on trafficking in human beings, the time available and the target audience.

Designing a training module

When designing the training modules, you should use the following methodology:

- step 1 – read the thematic sections in the training manual and adapt the information to your national context;
- step 2 – review and adapt the PowerPoint presentations and add the national slides;
- step 3 – adapt a practical exercise from the practical exercises provided for training and prepare the necessary handouts.

Step 1: Adapting thematic sections to the national context

The information included in the training manual is rooted in the applicable EU standards and, where appropriate, also informed by international standards. These standards are implemented in each EU Member State. It is important for you to understand how these obligations are incorporated into your national legislation and to tailor the training to the specific requirements of each country.

EU directives require transposition into national law to become operational. Some Member States may simply restate the wording of the EU law in their national laws, while others may formulate specific operational obligations. To prepare the training, it is important for you to look at how the relevant provisions of the EU directives have been implemented in your Member State. Useful sources of information include:

- national legislation transposing the directives in question and more detailed implementing regulations or decisions;
- circulars or guidelines from the relevant ministry, labour inspectorate or other authority;
- national reports on third-country workers or annual reports on the activities of the labour inspectorate;
- websites of relevant national authorities, such as labour or immigration authorities, and of social partners and non-governmental organisations (NGOs) that promote the rights and/or labour market integration of third-country workers.

When adapting information in the thematic sections of the training manual to the national context, make sure to verify the ratification status of the applicable International Labour Organization (ILO) conventions in your country (see Annex 1 of the training manual and the web page on [ratifications of ILO conventions](#)).

Step 2: Adapting the PowerPoint presentations

Please use a PowerPoint presentation to explain the topics covered in each module. A draft PowerPoint presentation for each module can be requested by sending an email to migration@fra.europa.eu.

The PowerPoint presentation for each module includes slides for you to add information on national implementation. The slides also provide guidance on the type of information you may wish to include as part of the national rules.

Step 3: Adapting practical exercises and preparing handouts

The document *How Workplace Inspectors Can Protect Third-Country Workers' Rights – Practical exercises for training* contains practical exercises.

The interactive group exercises are designed to help participants apply the protective elements and communication methods in practice. For this reason, it is strongly recommended that you allow sufficient time for them.

Their aim is to help participants to:

- effectively facilitate the practical implementation of the given protective element and communication methods in the Member State;

- identify and overcome possible practical obstacles for the implementation of the given protective element and communication methods;
- develop and implement appropriate methods for making the given protective element and communication methods accessible to migrant workers, taking into account the specific situations of different workers (third-country workers, third-country workers in an irregular situation, third-country workers at a particular risk of exploitation, etc.).

To this end, a practical exercise accompanies most modules. You will need to review the practical exercise and see if and how it needs to be adjusted to fit your particular national context, for example, to fit the sector of activity, the type of third-country workers or the issues to be covered in the exercise. You are free to modify the facts of the case presented in the exercise to reflect a real case that has occurred in your Member State or to reflect an issue that is particularly problematic in your national legal system and practice. If you change any element of the exercise scenario, please make sure that you also change both the background information part of the handout and any discussion points for the trainer.

Practical instructions on preparing and conducting the exercises, including preparing the handouts, are provided below.

Running a training module

This section provides a step-by-step guide on how to run a training module.

It gives suggested timings for each block. Trainers should approach Modules 3–7 flexibly, dedicating more time to those modules for which the training needs are higher. This will enable trainers to run the training programme in 1.5 days.

Module 1: Introduction and legal framework (45 minutes)

Module 1 introduces the training, providing an overview of the legal framework. Module 1 is, therefore, **mandatory** and should be included in the training programme, regardless of how the trainer decides to structure the modules on the protective elements that follow (Modules 3–7).

This introductory module should also present the training programme and its objectives and welcome the participants. You are welcome to use the PowerPoint presentation for Module 1 to conduct this module.

Module 2: Speaking with migrant workers during inspections (1 hour)

Equally important is Module 2 on how to speak with migrant workers during inspections. This module raises awareness among training participants of the most common circumstances that make migrant workers vulnerable to exploitation, the importance of adopting a trauma-informed and victim-centred approach when speaking with migrant workers, and the dos and don'ts of verbal and non-verbal intercultural communication. For these reasons, this module should always be delivered and should be planned early in the training in order to address any pre-existing biases. The lessons and communication tools learnt in this module should be embedded throughout all practical exercises and are crucial for the implementation of the protective elements in practice.

Modules 3–7: Protective elements (each 1 hour 15 minutes to 1 hour 30 minutes)

Modules 3–7 deal with specific sets of protective elements applicable to third-country workers. To ensure that workplace inspectors are well prepared to facilitate the implementation of the protective elements of EU law applicable to third-country workers, it is advisable to train them on all five modules – subject to available time and resources.

Structure of the thematic training modules

Modules 2–7 follow a standardised structure:

- a **thematic presentation** explaining the points raised in the training manual;
- **questions and answers** on the thematic presentation based on the training manual;
- a **practical exercise** based on the document *How Workplace Inspectors Can Protect Third-Country Workers' Rights – Practical exercises for training*.

Thematic presentation (20 minutes)

Each thematic training module starts with a presentation of the thematic area and the issues described there. The aim of the thematic presentation is to provide participants with the most important information stemming from international and EU law, focusing on selected EU directives.

In the light of the national context, you will need to supplement this legal background with relevant national rules. This part should be presented to the participants in the form of a **short lecture** using a **PowerPoint presentation**. Draft PowerPoint presentations can be requested by sending an email to migration@fra.europa.eu. You should adapt these draft presentations to your national context. Sufficient time should be allowed to present examples of good practices and potential gaps in practice.

Questions and answers (10–20 minutes)

It is important to allow sufficient time at the end of your presentation for comments or questions from the participants. If possible, these questions should be answered on the spot. If you do not have time to address all of the questions, or if you are unable to answer some of them on the spot, make sure that you deal with these questions after the training, for example by sending emails or discussing a specific issue with the participants individually.

Practical exercise (30–60 minutes)

Most of the time should be spent on the interactive exercise, which will help to explore the topic under discussion. Examples of practical exercises for each module and accompanying handouts to be distributed to the participants are given in *How Workplace Inspectors Can Protect Non-EU Workers' Rights – Practical exercises for training*. Please refer to [Figure 2](#) for the exact time allocated to each practical exercise.

Module 2, 'Speaking with migrant workers during inspections' includes a **plenary exercise**, while all other thematic modules suggest **group exercises**.

Running a practical exercise

All practical exercises except one follow a standardised structure:

- plenary introduction
- group exercise
- plenary discussion.

When conducting the plenary exercise for Module 2, 'Speaking with migrant workers during inspections', participants do not need to be divided into groups but should instead participate jointly in a trainer-led but interactive plenary discussion.

For this exercise, the same steps are to be followed as when you are facilitating group exercises, while remaining in a plenary setting. That is, after the trainer briefly introduces the exercise, the participants have some time to read the facts of the scenario and outline their answers to the questions posed in the exercise. The questions will then be discussed in detail in a trainer-led plenary setting that allows the trainer to more closely monitor and facilitate the discussion while encouraging participation by asking individual participants to share their answers to a particular question. The answers can then be discussed in a plenary setting while the trainer outlines the key elements of the answers on the whiteboard.

An important element of this exercise is to practice (e.g. in a game-like format) the way in which the discussion with migrant workers would unfold.

Note that the practical exercise for Module 4 ('Access to justice and facilitation of complaints') also includes a mapping exercise, which should take about 15 minutes. Similarly, the exercise for Module 5 ('Identification and referral of exploited workers'), which also requires the mapping of national actors, will take more time.

Plenary introduction to the exercise (10 minutes)

- Introduce the purpose and objective of the practical exercise.
- Distribute the handout that you have prepared based on the draft provided.
- Briefly present the example scenario, as adjusted to your national context, if needed. Although the situation is fictional, it is inspired by real-life examples.
- Remind participants that there are specific workplaces / economic sectors where third-country workers are at greater risk of labour exploitation. These include particularly labour-intensive sectors such as agriculture, construction, food services, domestic work, cleaning, meat processing, transport and forestry. Point out that the main characteristics of each of the sectors are presented on the handout.
- Remind participants that there are different groups of third-country workers (e.g. workers with a single permit, seasonal workers, posted workers and third-country workers in an irregular situation) and that not all groups have the same scope of rights.
- Walk participants through what is expected from them during the group exercise and the subsequent plenary discussion, and write one or more of the discussion questions on a whiteboard. Explain that the group should list the relevant answers under the discussion questions and a member of the group should provide a summary of the answers provided during the plenary discussion while the trainer writes the key findings on the whiteboard.

Group exercise (15–20 minutes)

- For the exercise, you will need to divide the participants into groups, preferably with around six to eight people in each, to be able to work on a fictional scenario.
- Ask participants to take a few minutes to read the scenario and the questions individually. There is also a short background section explaining the main risks of labour exploitation in the context of the main issues covered in the given scenario.
- Next, ask participants to discuss the fictional scenario in groups for about 10–15 minutes. They should list their answers on the handout.
- Make sure that the groups have understood their tasks and the questions well and that they appoint a rapporteur to present their answers in the plenary discussion and one member to take notes of the discussions.
- Make sure that you are present to answer any questions that the groups may have during the exercise.

Plenary discussion (20–30 minutes)

- After the groups have discussed the scenarios, the groups gather in the plenary.
- Ask each group rapporteur to summarise the discussions in the group.
- Make sure to summarise the rapporteurs' main points on the whiteboard. Provide tailored feedback, drawing on information from the training manual and the detailed points of discussion for the trainer.

Closing the training

Finally, do not forget to take the time to conclude the training with a dedicated closing section. This section reinforces what has been learnt and helps to evaluate the effectiveness of the training programme.

The closing module is structured as follows:

- closing exercise (takeaway board),
- evaluation questionnaire.

Closing exercise: Takeaway board (20 minutes)

The aim of this exercise is to bring together all of the lessons learnt from each of the thematic modules of the training and to identify the most applicable good practices.

Participants are asked to reflect on two questions.

1. What is your takeaway from this training?
2. How will you apply what you have learnt during the training in your daily work?

You could use a whiteboard to write down the participants' main takeaways and learning points. Take some time to review their input and group similar answers together. Finish by briefly summarising the main points.

Evaluation questionnaire (10 minutes)

The purpose of this end-of-training evaluation is to measure participants' satisfaction with the training topics and tools.

Handout: Evaluation questionnaire

Date and place of the training:

Organisation you work for:

Your function and position in the organisation:

This evaluation is anonymous. Your answers will help us to identify areas for improvement and enhance the quality of the training in the future.

Practical and organisational aspects

1. Please choose the most appropriate answer.

	EXCELLENT	GOOD	AVERAGE	SATISFACTORY	POOR	DO NOT KNOW / NO OPINION
Length of the training programme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material provided to participants (PowerPoint presentations, handouts, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Group dynamics (group size, groups composition, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trainer (professionalism, friendliness, accessibility, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Please explain any of your answers above and provide any additional comments you might have on the practical and organisational aspects of the training.

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Relevance

3. How relevant was the training to your work?

	EXCELLENT	GOOD	AVERAGE	SATISFACTORY	POOR	DO NOT KNOW / NO OPINION
Module 1, 'Introduction and legal framework'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 2, 'How to speak to migrant workers during inspections'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 3, 'Providing information'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 4, 'Access to justice and facilitation of complaints'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 5, 'Identification and referral of exploited workers'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 6, 'Right to back pay and compensation'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Module 7, 'Decent housing and changing employer'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'Closing'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Please explain any of your answers above and provide any additional comments you might have on the relevance of the training.

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Usefulness

5. To what extent do you agree with the following statements about the outcomes of the training?

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DO NOT KNOW / NO OPINION
I gained new information and skills for my work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am better prepared to speak with migrant workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am able to understand the protective elements available to third-country workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had the opportunity to discuss and exchange ideas on good practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had the opportunity to practise dealing with the issues that the trainer presented	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Please explain any of your answers above and provide any additional comments you might have on the usefulness of the training.

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7. As a result of attending this training, what changes will you make when you come into contact with third-country workers when receiving complaints or carrying out inspections?

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Thank you very much for taking the time to respond. We greatly appreciate your feedback!

Phase 3: After the training

Follow-up survey for participants

To map how the techniques learnt have been used in practice during inspections, we suggest that you conduct a follow-up survey 6–9 months after the completion of the training. The purpose of this survey is to understand the extent to which the protective elements have been used during inspections following the training.

Handout: Follow-up survey

Date of the follow-up survey

Date and place of the training

Organisation you work for

Your function and position in the organisation:

This survey is anonymous. Your answers will help us to understand the relevance and usefulness of the training to your work, particularly when carrying out workplace inspections. The results of this survey will help us improve the quality of training in the future.

Relevance

- To what extent do you agree with the following statements about the relevance of the training to your work in the past 6–9 months?**

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DO NOT KNOW / NO OPINION
I have used the knowledge gained in the training to prepare for inspections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have used the tools on how to speak with migrant workers in practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I explained to third-country workers the protective elements available to them under EU and national law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have established relationships with social partners and NGOs that are promoting migrant workers' rights and with victim support organisations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Please explain any of your answers above and provide any additional comments you have on the relevance of the training to your work in the past 6–9 months.

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Usefulness

3. To what extent do you agree with the following statements about the usefulness of the training for your work in the past 6–9 months?

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DO NOT KNOW / NO OPINION
The training enabled me to have a better understanding of the rights and protective elements that apply to third-country workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The training helped me to consider the risk factors of labour exploitation and the vulnerabilities of migrants when carrying out workplace inspections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to use the tools presented in the training to build trust when talking to migrant workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to inform migrant workers about their rights in an effective way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to facilitate complaints from migrant workers and inform them of their right to access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to identify victims of labour exploitation, explain to them their rights and refer them to victim support services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to facilitate the right to back pay / compensation for third-country workers, including those in an irregular situation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was able to identify different groups of migrant workers and provide them with specific protective elements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Please explain any of your answers above and provide any additional comments you have on the usefulness of the training for your work in the past 6–9 months.

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5. As a result of attending this training, what changes will you make when you come into contact with third-country workers when receiving complaints or carrying out inspections?

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Thank you very much for taking the time to respond. We greatly appreciate your feedback!

Additional training materials

The following draft PowerPoint presentations can be requested by contacting migration@fra.europa.eu:

- Module 1, 'Introduction and legal framework';
- Module 2, 'Speaking with migrant workers during inspections';
- Module 3, 'Providing information' (protective element 1);
- Module 4, 'Access to justice and facilitation of complaints' (protective element 2);
- Module 5, 'Identification and referral of exploited workers' (protective element 3);
- Module 6, 'Right to back pay and compensation' (protective element 4);
- Module 7, 'Decent housing and changing employer' (protective element 5).

Annex

AGENDA FOR A 1.5-DAY TRAINING PROGRAMME

Day 1: morning (09:00 - 12:30)



Module 1: Introduction and legal framework
(45 minutes)



Module 2: Speaking with migrant workers during inspections (1 hour)

- 30 minutes: thematic presentation
- 30 minutes: plenary exercise



Coffee break (30 minutes)



Module 3: Providing information
(1 hour 15 minutes)

- 30 minutes: thematic presentation
- 45 minutes: practical exercise



Lunch break (12:30 - 13:30)

Day 1: afternoon (13:30 - 17:00)



Module 4: Access to justice and facilitation of complaints (1 hour 30 minutes)

- 30 minutes: thematic presentation
- 60 minutes: practical exercise



Coffee break (30 minutes)



Module 5: Identification and referral of exploited workers (1 hour 30 minutes)

- 30 minutes: thematic presentation
- 60 minutes: practical exercise

Day 2: morning (09:00 - 12:30)

Module 6: Right to back pay and compensation
(1 hour 15 minutes)

- 30 minutes: thematic presentation
- 45 minutes: practical exercise

Coffee break (30 minutes)

Module 7: Decent housing and changing employer
(1 hour 15 minutes)

- 30 minutes: thematic presentation
- 45 minutes: practical exercise

Closing: (30 minutes)

- 20 minutes: closing exercise
- 10 minutes: evaluation



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