



How can Ukrainian business prevent use of forced labour?

Ukrainian employers' meeting organized by the Confederation of Employers of Ukraine with the support of the ILO Project

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Forced labour and trafficking in human beings: indicators, trends, measures to tackle

Zsolt Dudás

Manager of the ILO project funded by EU

“Towards safe, healthy and declared work in Ukraine”



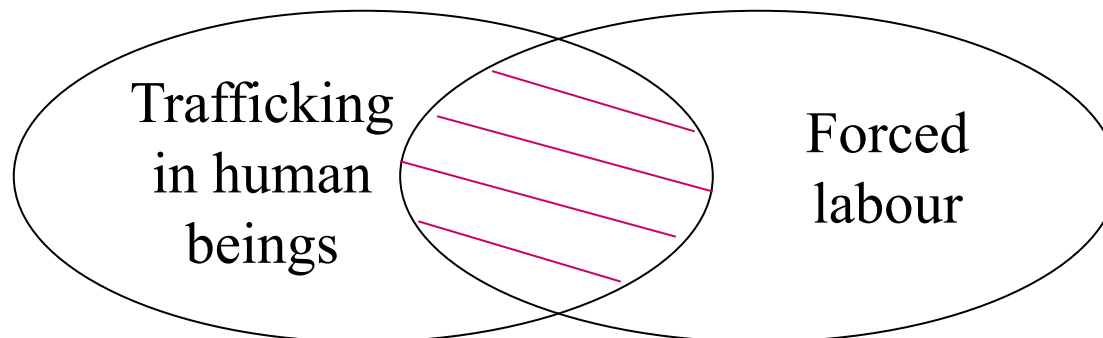
Decent Work =
Work carried out in
conditions of freedom, equity,
safety and human dignity

Forced
labour



Decent
work

Exploitation





What is forced labour?

ILO Forced Labour Convention, 1930
(No. 29)

« *All work or service that is exacted from any person under the menace of any **penalty** and for which the said person has **not offered himself voluntarily*** »





Key Elements

- **“Any work or service”**
 - All types of work, service and employment
 - Any industry, sector or occupation (including prostitution, begging)
 - With or without contract, legal or illegal
- **“Any person”**
 - Adults and children
 - Regardless of nationality, including irregular migrant workers
- **“Menace of any penalty”**
 - Including sanctions, threats, violence, etc.
 - Non-payment of wages
 - Loss of rights or privileges
- **“Voluntarily”**
 - Free consent to enter into employment
 - Free to leave job / employer

Exceptions



- Exceptions listed in Convention 29
 - Compulsory military service
 - Normal civic obligations
 - Prison labour (if conviction by a court + public authority supervision)
 - Work in emergency situations (war, calamity...)
 - Minor communal services (within the community)
- Forced labour must also be distinguished from:
 - Lack of economic alternatives: there must be a perpetrator
 - Exploitation: long hours, low pay...
 - Hazardous work



2000 Trafficking Protocol

- Palermo Protocol broadened concept of human trafficking
- Legal elements of trafficking:

Act:

Recruitment, transportation, harbouring or receipt of persons

Means: threat of use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability

Purpose: exploitation, including sexual exploitation, forced labour, slavery or practices similar to slavery, servitude or removal of organs



Forced labour and the global economy

Sectors at risk

- Agriculture
- Construction
- Forestry & logging
- Garments & textiles
- Cleaning & security services
- Food processing
- Transport (e.g. seafarers)

Vulnerable workers

- Workers in informal enterprises
- Uprooted/displaced – increased risk/vulnerability to coercion
- Vulnerable social strata/none or limited reserves
- Migrant workers, especially with irregular status

➤ 86% of all forced labour occurs in the private economy



Managing risk and reputation

Why is the issue important for business?

- Increasing public awareness and consumer pressure
- Tougher sanctions against traffickers and conspiring employers even though enforcement is still weak
- Investors are becoming more concerned
- Trade related risks

→ 60% of company value is linked to brand reputation



Challenges

1. Difficult to identify forced labour in practice
2. Global supply and recruitment chains are getting more complex
3. Uncertainty about scope of liability
4. Unfair competition linked to corruption, loopholes in law and weak enforcement
5. Organised crime penetrating mainstream business → changing business environment
6. Competing priorities of employers' organisations and company management
7. Growing mobility of workers and increasing role of labour brokers



Indicators of forced labour

- **Recruitment**

- Recruitment fees
- Deceptive recruitment
- Compulsory deposit
- Substitution contract

- **Coercion in employment**

- Withholding or non-payment of wages
- Retention of identity documents
- Compulsory overtime
- Threats of violence, harassment, intimidation
- Restricted freedom of movement

- **Debt-induced forced labour**

- Bonded labour or debt bondage
- Manipulation of a debt (through loan or wage advance)
- Unjustified deductions on wages

- **Forced labour in prisons**

- Involuntary work performed by prisoners for the benefit of a private undertaking

Risk assessment



Risks in employment relations

- Hiring and recruitment practices
- Wage payments & calculations
- Hours of work & overtime
- Training opportunities & conditions
- Disciplinary practices & sanctions
- Living arrangements & dormitories
- Termination of employment

Risks in business relations

- Suppliers
- Contractors: recruitment agencies
- Other service providers (e.g. janitors, security guards, drivers)

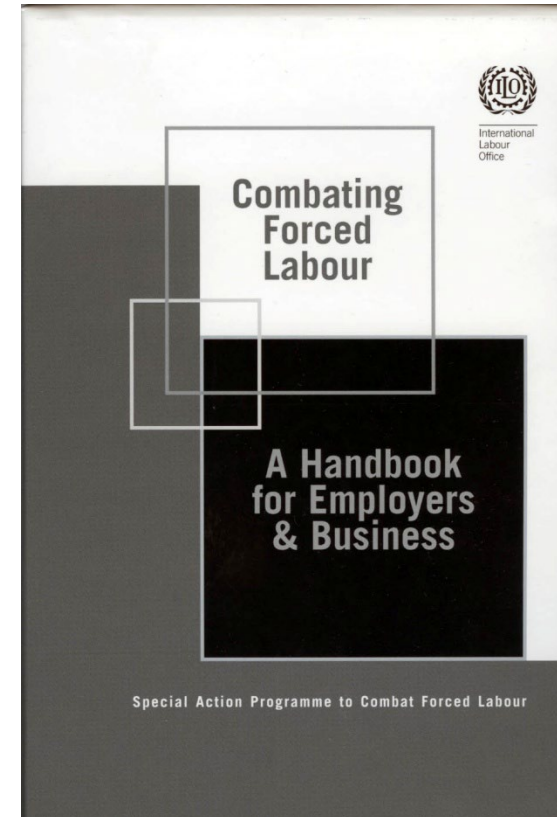


Handbook for employers and business

- Employers' FAQ
- Guiding principles
- Assessing compliance
- Tips for taking action
- Good practice case studies

Conceived with the IOE

Available in English, Spanish, Arabic,
Chinese, Georgian, Armenian, Azeri,
Ukrainian, and in French





How to take action ?

- Have a **clear and transparent national/company policy**
- **Train staff** (auditors, HR, buyers, compliance officers) for identification and remediation
- **Inform shareholders** and potential investors
- Promote **codes of conduct** nationally and by sector and take appropriate **remedial measures**;
- **Treat migrant workers fairly** and carefully monitor recruitment agencies
- Ensure that all workers have **written contracts**, in language that they can easily **understand**, specifying their rights (wages, overtime, identity documents, ...)
- Encourage **dissemination of good practices**, find innovative means to **reward good practice**, in conjunction with the **media**
- Contribute to **rehabilitation programmes** for victims (vocational training, ...)
- Promote **cooperation** with governments, workers, law enforcement agencies and labour inspectorates



Visit our website :

www.ilo.org/forcedlabour