



International
Labour
Organization

Combating Forced Labour

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Introduction & Overview

A Handbook for Employers & Business
Special Action Programme to Combat Forced Labour

Combating Forced Labour A Handbook for Employers & Business

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Preface

The ILO estimates that 21 million people are currently victims of forced labour. Employers are committed to the elimination of this abhorrent practice. Not only does it create unfair competition and ultimately affect the bottom line, but it represents a huge potential reputational risk, particularly when global supply chains have reached unprecedented levels of complexity. Forced labour, including human trafficking and slavery-like practices, is a violation of human rights and international labour standards, and is thus universally condemned. No employer, anywhere, wishes to be associated with this crime.

Employers are fully committed to eradicating forced labour in all its forms. They overwhelmingly supported the adoption of two important new ILO instruments in 2014, the Protocol to the Forced Labour Convention, 1930 and the Forced Labour Recommendation (Supplementary Measures), No. 203. The International Organisation of Employers (IOE) is an active participant in the Global Alliance against Forced Labour, launched by the ILO in 2005. It has joined forces with the ILO's Special Action Programme to combat Forced Labour (SAP-FL) to sensitize employers to the risks of forced labour and to promote effective mitigation measures.

This newly revised edition of the Employers' Handbook on forced labour, produced jointly by the IOE and the ILO, offers updated guidance to employers on what forced labour is, how to detect it and effective ways to combat it, thereby ensuring that business operations remain free of such practices.

The revised handbook reflects new ILO statistics and research on forced labour as well as the framework of action approved by the ILO Governing Body in 2014. It takes into account as well the UN Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011.

The IOE and the ILO look forward to future close collaboration on this critical component of fundamental rights at work and invite employers' organisations across the world to join forces to eliminate forced labour.

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Introduction

Forced labour and human trafficking for the purpose of forced labour are becoming increasingly important issues for employers' organisations and business. This handbook aims to help business actors at different levels address the issue, providing practical tools and guidance material to enable them to identify and prevent situations of forced labour.

Employers' organisations and business have a central role to play in combating all forms of forced or compulsory labour. Employers' organisations, in particular, are strategically well-placed to provide institutional engagement and sustainability, and business involvement is key to the success of the ILO's campaign to ensure that by 2019 forced labour will no longer persist at a scale estimated by the ILO to affect 20.9 million women, men and children worldwide.

There are many reasons why business and employers' organisations should play a central role in the global fight to end forced labour and human trafficking:

- **Legal compliance:** The vast majority of ILO member States have ratified Conventions 29 and 105 on forced or compulsory labour, and have ratified the "Palermo Protocol" against human trafficking. Consequently, they are required to make this practice a crime. This means forced labour and human trafficking are punishable as crimes in most countries around the world, and that companies found involved in such activities could face prosecution.
- **Managing risk and reputation:** To be successful, companies must manage risk in an environment where risk is not static and can emerge through the actions of the company itself, its suppliers and other actors. Allegations of forced labour and trafficking present legal risks as well as serious threats to brand and company reputation.
- **Forced labour in global supply chains:** Globalisation and the growing links across countries and firms have raised forced labour and trafficking in persons as significant issues within global supply chains.
- **Codes of conduct and corporate social responsibility (CSR):** The elimination of forced labour is a key element of codes of conduct and other CSR initiatives. Companies – particularly those that supply consumer markets and have significant brand value – face new and growing expectations that production will comply with social and human rights criteria.
- **Trade and investment risk:** In some countries, trade regulations prohibit the import of goods that have been produced by forced or trafficked labour. In these jurisdictions, such allegations can result in confiscation of imported goods by public authorities or disruption to trade and production

schedules. Allegations of forced labour and trafficking can also significantly threaten investor relations and jeopardize access to public funds such as export credits.

- **Forced labour and human trafficking are morally unacceptable.**

Aims of the handbook

This handbook is addressed to employers' organisations and a broad spectrum of business actors that include small and medium sized enterprises, multinational enterprises, export-oriented companies and those operating within global supply chains. Senior managers, human resource personnel, sourcing and social compliance staff, and social auditors are among those who will find material and information here that will help them in their day-to-day work. Organisations within the broader community of CSR as well as companies providing management services – for example, consultants or quality control companies – will also find this handbook useful.

The handbook's main aim is to assist business and employers' organisations in understanding and tackling the various dimensions and issues related to forced labour and human trafficking, acknowledging that each company and organisation is unique and has different needs and priorities. These are truly global phenomena, affecting all countries in the world today. Forced labour thus presents a significant risk to global businesses as well as their national and international representatives. The handbook has the following specific aims:

- To raise awareness of forced labour and human trafficking, what they are, and where they can be found;
- To provide practical material and guidance to different business actors and employers' organisations to encourage efforts to combat forced labour and human trafficking;
- To support employers in their engagement on the issues and propose specific measures to help them take preventive action against the risk of forced labour;
- To facilitate a better understanding of international standards addressing these issues;
- To serve as a resource book and guide for further reading.

How to use the handbook

This handbook has been designed for practical use by the business community. It takes the form of stand-alone tools and booklets that provide practical guidance to help business address forced labour. The handbook presents background information, the latest statistics on forced labour, an overview of key issues, and resources for further reading. It adopts a cross-sectoral approach and presents information drawn from different regions, countries, employers' organisations and companies of different sizes. Throughout the handbook, concrete examples of action illustrate measures that are already being taken. The following resources make up the handbook:

- **Employers' Frequently Asked Questions:** A quick reference guide for managers, human resource personnel and others that answers FAQs from employers. The guide addresses complex topics such as prison labour, forced overtime and debt bondage in an easy-to-use format.
- **Guiding Principles to Combat Forced Labour:** A set of principles based on ILO standards and jurisprudence to guide business action against forced labour and trafficking.
- **Checklist and Guidance for Assessing Compliance:** A checklist designed for social auditors and other practitioners for use in enterprise-level assessments. The tool includes a set of questions as well as policy guidance and technical advice on how to conduct assessments.
- **A Guide for Taking Action:** Presents the key measures that companies and employers' organisations can take to address forced labour at enterprise, national and industry levels, and in global supply chains.
- **Tips for Taking Action:** A set of practical reference guides that identify some of the concrete measures that companies can take to address forced labour, and their benefits.
- **Case Studies:** Selected examples of company and industry action that indicate the variety of approaches such actors can take in addressing forced labour at the workplace and in supply chains. These case studies have been prepared using publicly available resources.

Definitions and concepts

Forced Labour

The internationally recognised definition of forced labour is found in ILO Convention No. 29 (1930). According to this Convention, forced labour is “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The key elements of this definition are:

All work or service: This includes all types of work, service and employment, regardless of the industry, sector or occupation within which it is found, and encompasses legal and formal employment as well as illegal and informal employment.

Any person: This refers to adults as well as children, regardless of their nationality; it is considered irrelevant whether the person is a national of the country in which the forced labour case has been identified.

Menace of any penalty: This can refer to criminal sanctions as well as various forms of coercion such as threats, violence, the retention of identity documents, confinement, or non-payment of wages. The penalty may also take the form of a loss of rights or privileges.

Voluntary: This refers to workers' consent to enter into employment and to their freedom to leave the employment at any time, with reasonable notice in accordance with national law or collective agreements.

In essence, persons are in a forced labour situation if they enter work or service against their freedom of choice, and cannot leave it without penalty or the threat of penalty. This does not have to be physical punishment or constraint; it can also take other forms, such as the loss of rights or privileges.

Box 1 provides a list of examples to illustrate different aspects of this definition.

Box 1: Identifying forced labour in practice

Lack of consent to work (the “route into” forced labour)

- Birth/descent into “slave” or bonded status
- Physical abduction or kidnapping
- Sale of a person into the ownership of another
- Physical confinement in the work location – in prison or in private detention
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages
- Retention of identity documents or other valuable personal possessions

Menace of a penalty (the means of keeping someone in forced labour)

- Physical violence against worker or family or close associates
- Sexual violence
- (Threat of) supernatural retaliation
- Imprisonment or other physical confinement
- Financial penalties
- Denunciation to authorities (police, immigration, etc.) and deportation
- Exclusion from future employment
- Exclusion from community and social life
- Removal of rights or privileges
- Deprivation of food, shelter or other necessities
- Shift to even worse working conditions
- Loss of social status

Trafficking in Persons

Trafficking in persons, or human trafficking, can lead to forced labour. It involves the movement of a person, often across international borders, for the purpose of exploitation. In recent years, human trafficking has taken on new forms and dimensions, linked to developments in information technology, transportation and transnational organised crime. It affects developing countries, countries in transition and industrialised market economy countries alike.

A basic definition of human trafficking is found in the “Palermo Protocol” of 2000 (see [Annex 1](#)). This definition distinguishes trafficking from smuggling by

focusing on the elements of exploitation, deception and coercion.¹ According to the Protocol:

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

This definition is complex, but it emphasises the following key points:

Activities: These include each phase of the trafficking cycle, namely recruitment, transportation, transfer, harbouring or receipt of a person;

Means: This can include the threat or use of force, deception, abduction, coercion, fraud, threats, and abuse of power or of a position of vulnerability; and

Purpose: This is exploitation, including forced labour, slavery and servitude.

The Palermo Protocol distinguishes between trafficking in children (under 18 years of age) and adults. In this case, the recruitment and movement of a child for exploitation is considered “trafficking in persons” even if it does not involve the illicit means identified in the definition.

It should also be noted that in Article 1 of the ILO Protocol of 2014 to the Forced Labour Convention, the definition of forced or compulsory labour contained in ILO Convention 29 is reaffirmed and measures referred to in the Protocol include specific action against trafficking in persons for the purposes of forced or compulsory labour – making a clear link between forced labour and human trafficking.

Corporate Social Responsibility

ILO defines CSR as “a way in which enterprises give consideration to the impact of their operations on society and affirm their principles and values both

¹The definition of smuggling is provided in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organised Crime. It states: “Smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

in their own internal methods and processes and in their interaction with other actors. CSR is a voluntary, enterprise-driven initiative and refers to activities that are considered to exceed compliance with the law.”

The key elements of the ILO definition are:

Voluntary: Enterprises voluntarily adopt socially responsible conduct by going beyond their legal obligations;

Integrated: CSR is an integral part of company management; it is thus distinguished from philanthropy; and

Systematic: Socially responsible action is systematic, not occasional.

Companies are encouraged to develop and implement the best CSR approaches for their individual situations, but this cannot be a substitute for the role of legislation.

The point of reference for the ILO on CSR is the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*.² The MNE Declaration is the only international instrument addressed to enterprises which has been agreed to by governments, employers’ and workers’ organisations. The ILO *Declaration on Fundamental Principles and Rights at Work* is also a key promotional instrument. It commits Member States of the ILO to respect and promote four core labour principles, including the elimination of forced labour, whether or not they have ratified the relevant Conventions.³ The principles and rights identified in this Declaration also comprise the labour principles of the UN Global Compact. Since the Compact’s launch in 1999, ILO has actively collaborated with the Global Compact Office and its UN member agencies.

Reinforcing these initiatives, the UN *Guiding Principles on Business and Human Rights* were adopted in 2011. Guiding Principle number 12 states that “the responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO’s Declaration on Fundamental Principles and Rights at Work.” This encompasses ILO Conventions 29 and 105 as part of the eight ILO core Conventions and are the basis of the fundamental principle of elimination of all forms of forced or compulsory labour. Furthermore, as the 2014 Protocol to the Forced Labour Convention supplements Convention 29, the “business responsibility to respect” is also automatically linked to the Protocol.

² See: www.ilo.org/multi.

³ See: www.ilo.org/declaration. In addition to the elimination of all forms of forced or compulsory labour, the Declaration also addresses freedom of association and the effective recognition of the right to collective bargaining; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.



Further information about the definitions of forced labour and trafficking in persons can be found in [Booklet 2](#) of this handbook, the [Employers' Frequently Asked Questions](#). See also the [Annex](#) provided below, which includes excerpts from the relevant international instruments.

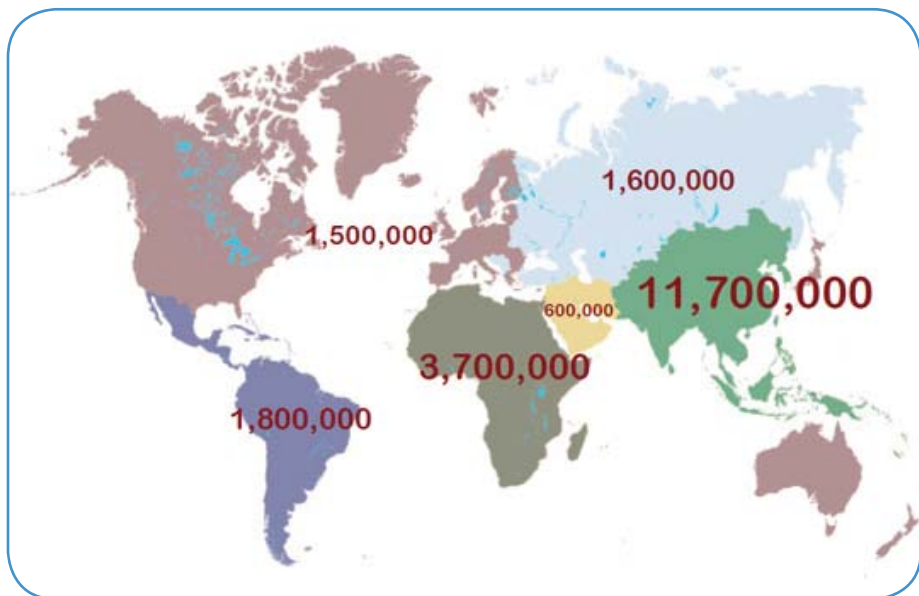


Forced labour and the global economy

Facts and figures

According to ILO data, 20.9 million people are victims of forced labour worldwide, trapped in jobs into which they were coerced or deceived and which they cannot leave. Of these, 18.7 million (or 90%) are exploited in the private economy by individuals or enterprises. Women and girls are particularly vulnerable to abuse, representing 11.4 million victims, but men and boys are likewise affected, with 9.5 million.

Forced labour exists in industrialised as well as in developing countries. It is a global problem that affects all countries to a greater or lesser extent. The map below shows the regional distribution of forced labour and reveals that it is a truly global phenomenon.



It is estimated that the total illicit profits generated by the use of forced labour in the private economy worldwide amount to US\$150 billion per year. A majority of these profits are generated in Asia, followed closely by the developed economies. An estimated US\$99 billion of this amount is generated by forced sexual exploitation, while the remaining US\$51 billion derives from forced

labour exploitation, including in domestic work, agriculture and other economic activities.⁴

Some of the most common forms of forced labour include:

Debt-induced forced labour: Commonly referred to as “bonded labour” in South Asia, where the practice is most common, but also widely known as “debt bondage”. This involves the taking of a loan or wage advance by a worker from an employer or labour recruiter, in return for which the worker pledges his or her labour and sometimes that of family members in order to repay the loan. The terms of the loan or work, however, may be such that the worker is trapped for years without being able to pay back the loan.⁵

Forced labour in prisons: Labour exacted from prison workers is not generally considered forced labour under international law. However, involuntary work performed by prisoners who have not been convicted in a court of law and whose work is not supervised by a public authority is considered forced labour. Similarly, involuntary work performed by a prisoner for the benefit of a private undertaking is also considered forced labour.

Human trafficking for the purpose of forced labour: Trafficking in persons has become a truly global enterprise. It is often linked to organised crime and involves deceptive recruitment, racketeering and blackmailing to obtain a cut of migrant workers’ earnings.

Coercion in employment: This refers to the many forms of deception and coercion in employment that can amount to forced labour under specific circumstances. Withholding or non-payment of wages, the retention of identity documents, and induced indebtedness are some examples of such coercion.

Forced labour linked to exploitative labour contract systems: This can be found almost everywhere in the world today. For example, migrant workers can find themselves “bonded” to a labour contractor because excessive fees have been charged and with limited if any possibilities to change the employer once they arrive in the destination country.

Economic sectors at risk

Reliable statistical information about the economic sectors where forced labour

⁴These figures are taken from: ILO, *Profits and poverty: The economics of forced labour*, 2014.

⁵ Debt bondage is defined in the UN’s *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.

is found remains difficult to establish. However, ILO estimates that, globally, only 10% of all forced labour is exacted by the State or armed forces. This means that the overwhelming majority of forced labour is exacted by private agents. Of this majority, 22% is exacted for forced sexual exploitation, while 68% is exacted for the purpose of forced labour exploitation.

The following presents a list of economic sectors in which cases of forced labour and human trafficking are frequently reported:

- Agriculture, forestry, and fishing;
- Construction, manufacturing and utilities;
- Mining and logging;
- Domestic service and other care and cleaning work;
- Sex industry and prostitution;
- Garments and textiles under sweatshop conditions;
- Hospitality and catering; and
- Transportation.

Forced labour that results from human trafficking largely affects persons working at the margins of the formal economy, with irregular employment or migration status. However, it is increasingly evident that coercive recruitment and employment practices can affect migrant workers in other mainstream economic sectors as well, for example in health care, food processing, and contract cleaning, both in private and public sector employment.

Vulnerable workers

Forced labour is a global phenomenon that affects every country, region and economic sector, and workers in both formal and informal employment relationships. However, there are certain categories of workers that are more vulnerable to coercion than others. For example ILO data conclude that 55% of all victims of forced labour are women and girls, and are affected particularly by forced sexual exploitation. Some are at risk because of their ethnic background, relative poverty or irregular migrant status. Employers should give special attention when employing them directly or when they are working in subcontracted firms within the supply chain:

- Workers who are part of a group that has suffered a long-standing pattern of discrimination, such as indigenous and tribal peoples in Latin America, low castes in south Asia and, in particular, women within these groups;
- Migrant workers, particularly those with an irregular status, whose vulnerability can be exploited through coercion;

- Workers employed in informal enterprises, including home-based workers and those in geographically remote rural regions, operating at the margins of the formal economy; and
- Young people and unskilled or illiterate workers who may be less aware of their legal rights than their older, more skilled and better educated counterparts.

Further resources

International Conventions, Recommendations and Declarations

General

- ILO Declaration on Fundamental Principles and Rights at Work, 1998.
- ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 2006.
- ILO Declaration on Social Justice for a Fair Globalisation, 2008.

Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Protocol to the Forced Labour Convention, 2014 (No. 29)
- Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

Forced Labour and Trafficking in Children

- Worst Forms of Child Labour Convention, 1999 (No. 182)

Migrant Workers

- Migration for Employment Convention (revised), 1949 (No. 97)
- The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Domestic Workers

- Domestic Workers Convention, 2011 (No. 189)
- Domestic Workers Recommendation, 2011 (No. 201)

Recruitment and Employment Relationship

- Private Employment Agencies Convention, 1997 (No. 181)
- Private Employment Agencies Recommendation, 1997 (No. 188)
- Employment Relationship Recommendation, 2006 (No. 198)

Human Rights

- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990

Abolition of Slavery

- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1957

Crime

- Convention against Transnational Organised Crime, 2000

Trafficking in Persons

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000

Reports and surveys

- ILO: *Profits and poverty: The economics of forced labour*, Geneva, 2014.
- ILO: *Global estimate of forced labour*, Geneva, 2012.
- ILO: *Cost of coercion*, Geneva, 2009.
- ILO: *A global alliance against forced labour*, Geneva, 2005.
- ILO: *Eradication of forced labour: General survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)*, Geneva, 2007.
- ILO: *Action against trafficking in human beings*, Geneva, 2008.
- ILO, *Trafficking for forced labour: How to monitor the recruitment of migrant workers*, Geneva, 2006.
- ILO: *An information guide: Preventing discrimination, exploitation and abuse of women migrant workers*, Geneva, 2003.

IOE policy statements and fact sheets

- IOE, *The informal economy: An employer's approach*, Geneva, 2006.
- IOE, *The role of business within society*, Geneva, 2005.
- IOE, *Corporate social responsibility: An IOE approach*, Geneva, 2003.

- IOE, *Factsheet for business: Corporate Social Responsibility*, Geneva, 2013.
- IOE, *Codes of conduct: Position paper of the IOE*, Geneva, 1999.
- IOE, *UN Guiding Principles on Business and Human Rights: Employer's guide*, Geneva, 2012.
- IOE, *Factsheet for business: Business and human rights*, Geneva, 2012
- IOE, *Fact Sheet for Business: Human Trafficking*, Geneva, 2012.
- IOE, *Factsheet for business: Forced labour in the fisheries sector*, Geneva, 2013.
- IOE-ILO, *Guidance note on the 2014 Protocol to the Forced Labour Convention, 1930*, Geneva, 2014.

Other relevant resources

- Anti-Slavery International, *Arrested Development: Discrimination and slavery in the 21st century*, London, 2008.
- Anti-Slavery International, *Debt Bondage*, London, 1998.
- US State Department, *Trafficking in Persons Report*, 2014.
- UN Guiding Principles on Business and Human Rights, 2011.



Annex 1: International Legal Instruments

A – ILO Forced Labour Convention No. 29 (1930) – excerpts

Article 1

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 2

1. For the purposes of this Convention the term **forced or compulsory labour** shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term **forced or compulsory labour** shall not include—
 - (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
 - (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
 - (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
 - (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

B – ILO Abolition of Forced Labour Convention No. 105 (1957) – excerpts

Article 1

Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour–

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

Article 2

Each Member of the International Labour Organization which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

C – ILO Protocol of 2014 to the Forced Labour Convention, 1930 No. 29 (2014) – excerpts

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to

sanction the perpetrators of forced and compulsory labour.

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organisations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organisations, as well as with other groups concerned.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

D – ILO Private Employment Agencies Convention No. 181 (1997) – excerpts

Article 1

1. For the purpose of this Convention the term **private employment agency** means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:
 - (a) services for matching offers of and applications for employment, without

the private employment agency becoming a party to the employment relationships which may arise therefrom;

- (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a “user enterprise”) which assigns their tasks and supervises the execution of these tasks;
 - (c) other services relating to jobseeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.
2. For the purpose of this Convention, the term **workers** includes jobseekers.

Article 2

1. This Convention applies to all private employment agencies.
2. This Convention applies to all categories of workers and all branches of economic activity. It does not apply to the recruitment and placement of seafarers.

Article 3

1. The legal status of private employment agencies shall be determined in accordance with national law and practice, and after consulting the most representative organizations of employers and workers.
2. A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice.

Article 4

Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are not denied the right to freedom of association and the right to bargain collectively.

Article 5

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction,

social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

Article 7

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.
2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.

Article 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.
2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

Article 9

A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies.

Article 10

The competent authority shall ensure that adequate machinery and procedures, involving as appropriate the most representative employers and workers organizations, exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.

Article 11

A Member shall, in accordance with national law and practice, take the

necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b) above, in relation to:

- (a) freedom of association;
- (b) collective bargaining;
- (c) minimum wages;
- (d) working time and other working conditions;
- (e) statutory social security benefits;
- (f) access to training;
- (g) occupational safety and health;
- (h) compensation in case of occupational accidents or diseases;
- (i) compensation in case of insolvency and protection of workers claims;
- (j) maternity protection and benefits, and parental protection and benefits.

E – Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime – excerpts

Article 2: Statement of purpose

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

Article 3: Use of terms

For the purposes of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation,

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

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

Article 6: Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
 - (a) Information on relevant court and administrative proceedings;
 - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - (a) Appropriate housing;
 - (b) Counselling and information, in particular as regards their legal rights, in

- a language that the victims of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
 - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
 5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
 6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 9: Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:
 - (a) To prevent and combat trafficking in persons; and
 - (b) To protect victims of trafficking in persons, especially women and children, from revictimization.
2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

- 1 **Introduction & Overview**
- 2 **Employers' Frequently Asked Questions**
- 3 **Guiding Principles to Combat Forced Labour**
- 4 **A Checklist & Guidance for Assessing Compliance**
- 5 **A Guide for Taking Action**
- 6 **Tips for Taking Action**
- 7 **Case Studies**

Special Action Programme to Combat Forced Labour

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