



Research Brief

April 2021

Access to protection and remedy for human trafficking victims for the purpose of labour exploitation

The role of labour inspectors in Belgium and the Netherlands

Key points

- ▶ Labour inspectors play an important role in providing access to support and remedy for human trafficking victims. In Belgium and the Netherlands, **labour inspectors are key actors in the respective National Referral Mechanisms (NRM) for human trafficking victims.**
- ▶ In both countries, **specialised labour inspection units have been established which have been specially trained to detect human trafficking victims.** As human trafficking for labour exploitation is often not evident, having specially trained inspectors is crucial for them to spot indicators pointing to a situation of human trafficking.
- ▶ Labour inspectors in both countries **play an important role in facilitating access to protection for (potential) victims.** Labour inspectors typically detect (potential) victims during workplace inspections and refer them to the NRM. In the Netherlands, the labour inspectors can recommend a (potential) victim to be granted the reflection and recovery period [1] and have powers equivalent to law enforcement that allow them to investigate such cases without involvement of the police.
- ▶ In both countries, labour inspectors have an important role in facilitating access to remedy for (potential) victims. The **quality of information they collate in the inspection report** on the working and living conditions of a potential victim appears to **have a significant impact** on the outcome of a potential case and the decision of the prosecutor to launch criminal proceedings in each case.
- ▶ Labour inspectors can play an important role in the **recuperation of back wages**, such as through requesting ‘on the spot payments’ in Belgium or fining employers for underpayment of wages in the Netherlands.

- In both countries, where labour inspectors detect migrant workers in an irregular situation who work under exploitative conditions, there is no formal support available for them to claim any back wages or social security contributions. As a result, **there is a high risk for such workers to be deported before being able to effectively claim their rights**. There is a need to **better protect the rights of these workers**.
- As detecting and investing in potential human trafficking cases is labour-, time- and resource-intensive, **adequate resources and training** for labour inspectors must be ensured.

Introduction

This research brief is based on a comprehensive [study on access to protection and remedy for human trafficking victims in Belgium and the Netherlands](#) [2]. The study focuses explicitly on (potential) human trafficking victims for the purpose of labour exploitation [3]. This research brief zooms into findings regarding the role labour inspectors play in providing access to protection and remedy to (potential) victims in both countries.

Q: Why are labour inspectors important actors in tackling human trafficking?

Labour inspectors' **main task is to ensure employers respect applicable labour law, offer decent and safe working conditions and workers are protected while they are engaged in their work** [4]. To this end, they can make unannounced workplace inspections and interview workers. They are thus **uniquely placed to come into contact and detect potential human trafficking victims**. In Belgium and the Netherlands, labour inspectors are an **integral part of the respective National Referral Mechanisms (NRM) for human trafficking** and have an important role in facilitating access to remedy for such victims.

In both countries, the national labour inspectorates have included tackling labour exploitation and protecting vulnerable workers amongst their objectives [5]. Labour inspectorates have identified specific risk sectors vulnerable to exploitation and inspectors undertake

targeted inspections often in coordination with other inspection services. Current risk sectors identified in both countries include the construction sector, horeca and the cleaning sector. In the Netherlands, there is furthermore a focus on agriculture, transport, temporary work agencies and care work [6]. In Belgium, particular emphasis is placed on manual car wash, recycling of clothes, night shops but also massage parlours and bars [7].

Q: How do labour inspectors support access to protection for potential human trafficking victims?

There are several ways labour inspectors in Belgium and the Netherlands support access to protection to victims of human trafficking for the purpose of labour exploitation.

First, labour inspectors can play a role in the detection of victims.

- **Workplace inspections.**

exploitation

Labour inspectors typically come into contact with potential human trafficking victims through workplace inspections. Human trafficking is often a ‘hidden crime’ and thus may not be immediately evident. **Whether or not a potential victim is detected** as such during an inspection, **hinges on the inspector’s capacity to spot any indicators of human trafficking.**

Therefore, both countries have specialised units or teams of labour inspectors who are specifically trained to detect potential human trafficking victims.

► *It is often impossible to immediately identify exploited workers/potential human trafficking victims. I mean during the first inspection visit, [and] certainly when it is an inspection visit carried out by non-specialized inspectors. It is important to notice that labour trafficking is not a crime that you prove in the act, the inspector finds a worker who is doing undeclared work.*

► **ONSS-RSZ Labour inspectorate, Belgium**

For instance, **Belgium has specialised ECOSOC teams, in each of the 10 Belgian provinces** (in total about 40 inspectors). Following a reform of the Belgian labour inspectorate in 2017, these units operate under a new central thematic unit on human trafficking (*Direction thématique Traite des êtres humains*) which is integrated in the National Office of Social Security (ONSS-RSZ). The central unit provides guidance to the ECOSOC teams and ensures they function properly [8].

In the Netherlands, the SZW labour inspectorate has a separate criminal investigation unit and inspectors in this unit have investigative powers equivalent to law

enforcement. They are competent to investigate human trafficking for the purpose of labour exploitation under the supervision of the public prosecutor. Some of these inspectors are certified human trafficking investigators. They have received specific police training and are thus competent to interview potential victims. Following the interview these inspectors can recommend that a potential victim be granted the reflection and recovery period. However, interviewees noted that investigative considerations sometimes play a role in these interviews with victims and may influence whether the reflection and recovery period is recommended. Hence, in the Netherlands, labour inspectors’ role goes well beyond the detection of victims [9].

In both countries, **labour inspectors use indicators to detect potential trafficking situations.** In the Netherlands victims should be referred to the NRM upon the ‘slightest indication’ (*geringste aanwijzing*) of human trafficking, though in practice it appears this is not followed consistently.

Where potential situations of trafficking are suspected, **joint inspections** with the police may be organised and can include other actors, such as inspectors from different inspection services but also interpreters.

Improved evaluation process of labour exploitation indicators by Dutch SZW Inspectorate

To improve detection, the Dutch SZW labour inspectorate under the larger umbrella of its thematic programme on labour exploitation (*ernstige benadeling*) has set up an information exchange (*informatieplein*) within the labour inspectorate. This exchange aims to collect and evaluate all indicators of labour exploitation reported from the different sectoral and thematic programmes of the inspectorate. In 2020, the SZW inspectorate committed to follow up any report of signals of labour exploitation very quickly, by organising an informative interview [10] and then deciding which instruments of administrative and criminal law are most appropriate for dealing with the situation. For 2021, the SZW Inspectorate set itself the target to increase the detection rate by 20% compared to the previous year [11].

► Complaints

In both Belgium and the Netherlands, potential victims (or anyone else) can submit complaints to the labour inspectorate or report a suspected situation of human trafficking for the purpose of labour exploitation. In both countries, **such complaints are treated confidentially**, and migrant workers in an irregular situation do not face the risk of being reported to immigration authorities when submitting a complaint. In practice, however, **most potential victims** who are in a very exploitative situation that may amount to trafficking in human beings, **appear not to file complaints proactively**. Rather they are detected through inspections [12]. If the complaint presents indicators of trafficking, potential victims are referred to the NRM.

In both countries, **it makes a great difference for a migrant worker in an irregular situation as to whether a complaint is made proactively or whether the labour inspector comes across a worker in an irregular**

situation during an inspection. In the former case complaints are treated confidentially (regardless of residence status of the worker), whereas in the latter, if the inspector notes no indicators of trafficking, Belgian inspectors are obliged to report migrant workers in an irregular situation to immigration authorities. In the Netherlands, migrant workers in an irregular situation may also come to the attention of immigration authorities following workplace inspections.

Anonymous complaint to SZW Inspectorate leads to detection of human trafficking victim

In 2019, the SZW labour inspectorate reported a case, where an anonymous complaint was made concerning potential labour exploitation in a Chinese restaurant. The complaint did not include sufficient elements to launch a criminal investigation. However, it was possible to follow it up under administrative law. A workplace inspection was carried out, during which, a cook was detected who had a work permit, but was made to work 7 days per week. Furthermore, his passport had been confiscated and his salary was paid to the bank, but he had to return parts of it in cash. After the intake interview, he was offered the reflection and recovery period for victims of trafficking [13].


► Inspection report

Furthermore, **the quality of information and the level of detail included in the inspection report are crucial elements for the prosecutor's decision to launch a criminal investigation**. This has a huge impact on a (potential) victims' access to support and remedy, in particular for those without residence status. Such information ranges from seemingly trivial issues such as including the workers' correct contact details, to describing the workplace and the working conditions (e.g. temperature, state of sanitary facilities), the period the (potential) victim worked for the employer and the tasks

he or she carried out. The latter is important as the estimated back wage is calculated based on the job role.

The role of the Belgian Social Legislation Inspectorate in calculating back wages

In Belgium, only inspectors of the Social Legislation Inspectorate (*Contrôle des Lois Sociales*) are competent to calculate back wages and this information is passed on to the labour prosecutor. As inspectors from this service are not present during all workplace inspections, they rely on colleagues in other inspection services to gather this information and share it with them. Inspectors from this inspection service can also order 'on the spot payments' of unpaid wages during inspections (see below).

 *[I]n order to qualify a case of labour exploitation as a human trafficking case, we always mention that the report of the inspection services should be as detailed as possible, because sometimes they will see that there's a lot of offences against social law, but in order to go further and to have more evidence for the employee, it's very important to be as detailed as possible.*

► Myria, Belgium

► Duty to inform

In Belgium and the Netherlands, labour inspectors have a duty to inform potential human trafficking victims about their rights. In Belgium, potential victims receive this information via a multilingual brochure that is available in

28 different languages [14]. The research findings reveal that the application of this duty needs to be more consistent in both countries.

Q: What are reported obstacles that prevent labour inspectors from detecting and referring potential victims to the NRM?

Labour inspectors in both countries reported that in their experience, potential victims are often **unwilling to self-identify or share important information on their working and living conditions**, that would allow labour inspectors to detect them. Some of the reasons that were mentioned include:

- unwillingness of victims to be referred to one of the three shelters, due to the fact that these shelters may be far away from where the potential victim has been living and working;
- fear of losing the little income they may have and trust in the employer to ultimately pay the wage as promised;
- fear of losing housing. In particular in some sectors in the Netherlands housing appears to often be tied to the employer;
- fear of being deported;
- distrust in authorities;
- lack of awareness of their rights and entitlements.

Investigating suspected cases of human trafficking requires **both time and resources** (financial and human resources). Both requirements are not abundantly available to labour inspectors.

► *Proving exploitation, it's a long process, it asks a lot of investment, a lot of working hours, interviewing documents, other measures.*

► **ONSS-RSZ Labour Inspectorate, Belgium**

In addition, there are indications that during the current COVID-19 pandemic resources of labour inspectors have been directed towards ensuring compliance of employers with COVID-19 measures.

Labour inspectors highlighted that there are **numerous workers whose working and living conditions might not fully amount to the crime of human trafficking but are in situations that are much more serious than mere labour law violations**. For migrant workers in an irregular situation exist no formal support structures or access to shelters. This appears to be a key obstacle for potential victims sharing information about their situation, as workers have limited prospects to gain anything, but bear a huge risk of losing their income, accommodation and potentially being deported if they are not identified as human trafficking victims.

► *[...] the victims in Holland don't declare because I can't offer them another job [or access to shelter- not for one day, they are homeless [...]] [I cannot] help them to get compensation*

► **SZW Labour Inspectorate, The Netherlands**

Q: How do labour inspectors facilitate access to remedy for (potential) victims?

In both countries, labour inspectors can have an important role in facilitating access to remedy, in particular in assisting potential victims to recuperate outstanding back wages.

► **Information included in the inspection report**

As referred to above the information that inspectors collate in their inspection report appears to be a crucial element in the decision of the prosecutor to take a case forward and hence indirectly shape whether a victim retains his/her status and associated rights, including the possibility of claiming compensation and back wages in criminal proceedings.

► **Ensuring employers pay back wages**

Notwithstanding a possible referral of a potential human trafficking victim to the NRM, a tool the **Belgian labour inspectorate applies** in practice is to recover unpaid wages via “**on the spot payments**”. Formally, the Belgian legal framework prohibits cash payments [15], however, the labour inspectors from the Social Legislation Inspectorate can order an employer to pay wages on the spot when the inspector comes across unpaid workers during inspections.

The payment can be requested where the employer is present during the inspection, subject to the following conditions: everybody (including the employer) agrees, there is a witness, it is written down in the formal interview and the employer is also issued with a formal warning [16].

When calculating the back wages labour inspectors can apply a **presumption of a three months' employment relationship** [17] when the employer cannot demonstrate otherwise. For many (potential) victims receiving their back wages appears to be of vital importance. Hence from a victim perspective, “on the spot payments” are an important element for remedy, all the more because it is not uncommon for victims to refuse to be referred to the NRM.

►► *If we can, and if it's possible, we make them pay at that moment [during an inspection]. So, if it's a Saturday night in a bar, we order the employer to immediately pay the 3 months wages. If it's not possible, we write to them and we say you have to pay.*

► **Labour Inspectorate, Belgium**

In the **Netherlands**, labour inspectors can impose an administrative fine for **underpayment of wages on the employer** under the Minimum Wage and Minimum Holiday Allowance Act. In order to achieve compliance of the employer, the labour inspector can order the employer to pay 500 EUR per employee for every day this employee is not paid (up to a maximum of 40.000 EUR per employee). This possibility seems to be underused in practice. Interviewees remarked that in practice when labour inspectors come across such situations, they will instigate administrative proceedings on the employer, that will lead to a fine, leaving the worker without any recompense.

►► *In this country we have the minimum wage law, and the inspection has the option, theoretically, to claim underpayment, but what we often see in practice is that the inspection only puts a fine on the employer for underpayment. This way the money does not benefit the worker at all.*

► **FairWork, The Netherlands**

However, there is a commitment for the SZW inspectorate that, from 2021, inspectors will refer workers who receive

a very low salary to lawyers to facilitate their claims to receive their full wages.

► **Retroactive formalisation of an employment relationship as an outcome of a complaint.**

In **Belgium**, labour inspectors can facilitate the recuperation of back wages and social security contributions as a result of a complaint. Depending on the severity of the situation, the **labour inspector might seek to engage with the employer** to resolve the complaint or resolve the non-payment of wages and any other alleged violations of the worker's labour and social security rights. The labour inspector can ask the employer to **formalise the employment situation of the worker for the period he or she was employed**. Ensuring that the worker is granted his or her entitlements is an important outcome as it gives them access to the social security system including pension rights and health insurance.

►► *With the regularisation [of employment], if the work is not too long ago, you can, for a certain period, get access to those [...] pillars of the social security.*

► **FAIRWORK Belgium**

Q: How could labour inspectors' role in providing access to protection for potential victims be strengthened?

There are a number of ways labour inspectors' role in supporting access to protection can be strengthened.

While both countries already have specialised labour inspectors, interviewees stressed that it is important to continue to invest in **continued training and awareness raising** of labour inspectors in the different inspection services to increase detection rates. On a positive note,

an experienced Belgian labour inspector noted that there is now an increased awareness for the need of training to a degree he had never experienced in his 20 years of service.

In the Netherlands, labour inspectors should apply the ‘slightest indication criteria’ for the detection of potential human trafficking victims more consistently. In particular, **investigative considerations should be decoupled from granting the (unconditional) reflection and recovery period.**

Furthermore, as investigating potential human trafficking cases requires time and resources, it is important to **adequately fund inspection services.** This is all the more so, as for instance in Belgium, it has been reported that in the current pandemic focus of labour inspectors has shifted to compliance with COVID-19 measures (see question below) [18]. It is positive in this regard that in the Netherlands, in 2017, an additional 50 million EUR was made available for the SZW Inspectorate by the Dutch Government, to recruit some 300 more staff members and expand its operations. Approximately 75% of the additional funding was used to expand labour inspections and criminal investigations [19].

Furthermore, the approach of the Dutch labour inspectorate of **working together with a variety of actors** such as municipalities to carry out joint inspections is positive to better detect potential victims in high-risk sectors and helps raise awareness amongst those actors, too (e.g., construction and agriculture).

In both countries, **awareness should be raised amongst inspectors on the importance of submitting comprehensive inspection reports** that include contact details of the workers (taking into consideration their potential mobility). In Belgium, more attention should be paid that detected cases of unpaid or underpaid workers as well as a description of the work they were carrying out, reach the Social Legislation Inspectorate.

In both countries there appears to be a need to **expand safe mechanisms for migrant workers in an irregular situation to report exploitative situations.** While in both countries potential victims can file complaints to the inspectorate that are treated confidentially, in practice only a small number of workers appear to make use of possibility. If migrants without residence status do file a complaint, they usually rely on the support of a civil society support organisation or a union. Labour inspectors should take such complaints seriously. In both countries, the labour inspectorate could reflect with trade unions and civil society support organisations on **how such safe mechanisms for in particular migrant workers in an irregular situation could be created and expanded.**

Furthermore, in Belgium, labour inspectors have the formal obligation to report migrant workers in an irregular situation (if they present no indicators of trafficking) to immigration authorities if they come across them during workfloor inspections. In this context, it is worth noting that the independent ILO Committee of Experts on the Application of Conventions and Recommendations monitoring the application of labour standards has repeatedly expressed concern over labour inspectors being mandated to tackle undeclared work. The Committee has observed that *“the main objective of the labour inspection system is to protect the rights and interests of all workers and to improve their working conditions rather than the enforcement of immigration law”* [20].

Such reporting obligation does not exist in the Netherlands. However, in the Netherlands, workers in an irregular situation appear to come to the attention of authorities when labour inspectors undertake joint inspections with a specialised police unit that is competent on trafficking but also immigration matters (*Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel* (AVIM)). Such joint inspections are for instance organised to verify whether employers comply with the law of not hiring migrant workers in an irregular situation. As labour

inspectors are not competent to verify the identity of workers, they rely on the AVIM police to do so.

However, an interviewee in the Netherlands indicated that **there appears to be another possibility for labour inspectors to verify the identity of workers that does not require the presence of the AVIM police unit.** The employer's liability (*Werkgeversverplichting*) under Art 15a of the Aliens Employment Act (*Wet Arbeid Vreemdelingen (WAV)*) obliges the employer to establish the identity of the third country nationals s/he employs within 48 hours by providing a copy of any of the documents referred to in Art 1 (1-3) of the Compulsory Identification Act (*Wet op de Identificatieplicht*) [21]. **This alternative could be used more in practice.**

At a minimum, workers found to be working in exploitative working conditions should be informed of their rights and be given the opportunity to file a complaint.

Q: How could labour inspectors' role in providing access to remedy for (potential) victims be further strengthened?

In both countries, labour inspectors could apply more consistently the tools at their disposal to facilitate access to remedy for potential victims.

In **Belgium**, this includes continuing to apply the “**on the spot**” payments. **Labour inspectors could also more frequently aim to achieve as an outcome of a complaint the retroactive formalisation of the employment relationship for the period services were rendered.** For instance, in 2018, FairWork Belgium had noted a significant increase of this tool as an outcome following complaints (they were involved submitting) by the labour inspectorate (14% of all complaints had this outcome) that however in 2019 fell again to 5%) [22].

In the **Netherlands**, labour inspectors could fine employers, where applicable, more consistently for

underpayment and ensure the outstanding wages are paid, **by making use of the provisions in the Minimum Wage and Minimum Holiday Allowance Act (*Wet minimumloon en minimumvakantiebijslag*).** The SZW inspectors could explore **how to better make use of the possibility of applying a (legally possible) six-month presumption of an employment relationship** in cases where the duration of the employment relationship cannot be proven [23]. It is positive that the SZW Inspectorate committed from 2021 to refer underpaid workers to lawyers to facilitate them receiving their back wages. In the Netherlands, the inspection service could also start a reflection on whether a mechanism such as “on the spot” payments, could be possible in the Dutch legal and policy framework as well. In this context, it would also be important that workers who do not have a bank account, can effectively receive any outstanding wages. The Belgian Deposit and Consignment Fund (DCK-CDC) could serve as inspiration [24].

Interviewees reported that if labour inspectors come across employers who do not comply with applicable laws, the ‘go to’ solution appears to be the imposition of a fine. However, with the exceptions mentioned above, this usually does not materially benefit the worker in any way. The inspection services in **both countries could reflect further on administrative fines that could (at least in part) be used to benefit workers** who have not been paid or had to endure exploitative working conditions.

Q: How did COVID-19 affect the work of labour inspectors in providing access to protection and remedy to (potential) victims?

The bulk of the research was carried out before the COVID-19 pandemic occurred. However, the mechanisms and avenues that were examined have not changed. Follow up conversations with interviewees have shown that there is anecdotal evidence of a shift in priorities and resources of government anti-trafficking actors, making

access to protection and remedy more difficult. In Belgium, there are already indications that fewer persons are being referred to the NRM and/or registered as human trafficking victims. A key priority for labour inspectors and police appears to be the enforcement of compliance of employers with the COVID-19 measures and appears to leave less room to carry out regular inspections [25]. FairWork Netherlands reported that, in their experience, labour inspectors have been very cooperative during the pandemic and sought to facilitate recuperation of wages for potential victims. However, the above points are only preliminary indications that need to be corroborated by further research.

References

[1] The reflection and recovery period refers to the time period given to a (potential) human trafficking victim to recover and reflect on whether he or she would like to cooperate with authorities - see Section 4.2 of the overall study *infra* [2].

[2] ILO (2021), *Access to protection and remedy for human trafficking victims for the purpose of labour exploitation in Belgium and the Netherlands*. Wintermayr Irene, Weatherburn Amy, International Labour Office (2021).

[3] In this study “victim” refers to those persons who have been identified through the National Referral Mechanism (NRM) and have been granted access to protection and remedy through the anti-trafficking law and policy framework. “(Potential) victim” refers to those persons who refuse to cooperate with authorities and therefore are not given victim status and those who have their victim status withdrawn, (e.g. case is dismissed for procedural issues, has been dismissed, or proceedings have started but prosecutor decides to prosecute for other offences than human trafficking).

[4] ILO Labour Inspection Convention, 1947 (No 81).

[5] SZW Inspectie (2020), *SZW Inspectie Jaarplan 2021*, p.8; Service d'information et de recherche sociale (SIRS) (2020), *Plan d'action Lutte contre la fraude sociale*.

[6] SZW Inspectie (2020), *SZW Inspectie Jaarplan 2021*, p.47-48.

[7] ONSS-RSZ (2019), [Rapport Annuel 2019. Lutte Contre la Fraude Sociale - Détecter et gérer les risques](#).

[8] Myria - Federal Migration Centre (2019) [Rapport annuel traite et trafic des êtres humains 2019: de la force d'action pour les victimes](#).

[9] Council of Europe, Group of Experts in Trafficking in Human Beings (GRETA) (2018) [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands. Second Evaluation Round](#), GRETA (2018) 19, para 160.

[10] SZW Inspectie (2019), *Jaarplan Inspectie SZW 2020*.

[11] SZW Inspectie (2020), *SZW Inspectie Jaarplan 2021*, p. 50.

[12] See also European Migration Network (2017), *EMN Annual Report - Belgium* p. 37; The Belgian report, the comparative EU Synthesis Report and the EMN Inform (which summarizes the main findings of the EU Synthesis Report) are available on the website of the Belgian Contact Point of the EMN.

[13] Inspectie SZW (2020), [Inspectie SZW Jaarsverlag 2019](#), p. 77.

[14] Myria - Federal Migration Centre (2018), [Multilingual brochure for victims of human trafficking](#).

[15] Law of 23 August 2015 modifying the law of 12 April 1965 on the protection of the salaries of workers regarding the payment of the salaries (*la loi du 23 août 2015 modifiant la loi du 12 avril 1965 concernant la protection de la rémunération des travailleurs en ce qui concerne le paiement de la rémunération*) Published in the Belgian Official Gazette 1 October 2015.

[16] Written correspondence on file with authors.

[17] Article 6(3) Employers Sanctions Directive 2009/52/EC.

[18] Myria - Federal Migration Centre (2019), [*Rapport annuel traite et trafic des êtres humains 2019: de la force d'action pour les victimes.*](#)

[19] Council of Europe, Group of Experts in Trafficking in Human Beings (GRETA) (2020), [*Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation*](#), p. 15.

[20] ILO (2006), [*General Survey Labour Inspection*](#), paras 78 & 161.

[21] Documents referred to in Art 1 (1)-(3) of the Compulsory Identification Act include a valid travel document, documents that an alien must possess

pursuant to the Aliens Act 2000 in order to establish his identity, nationality and residence status.

[22] See FAIRWORK (2019) ,*Travailleurs sans Papiers; Rapport Annuel 2018*, p. 7.

[23] While Art 6(3) Article 6(3) Employers Sanctions Directive 2009/52/EC stipulates the presumption of an employment relationship of three months for back wages if the employer cannot prove the duration of the employment relationship, in the Netherlands this presumption was extended to six months

[24]. See more information on the Deposit and Consignment Fund (*Deposito en Consignatiekas - DCK/ Caisse des Dépôts et Consignations - CDC DCK-CDD*) in Box 14 of the overall study *supra* [2].

[25] Written correspondence on file with authors.

Contact details

International Labour Organization
Office for the EU and the Benelux
countries
37-40 Regentlaan/Boulevard du Régent
B-1000 Bruxelles
Belgium

T: + 32 (0)2 737 93 82
E: wintermayr@ilo.org