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20 February 2020

Addressing labour exploitation and trafficking: uncovering the complexities

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THE EUROPEAN INSTITUTE FOR CRIME PREVENTION
AND CONTROL, AFFILIATED WITH THE UN

*Our vision is to identify **evidence-based** criminal justice and crime prevention practices in Europe, and share these within Europe and beyond, in order to advance more **effective, rational and humane** criminal justice systems.*

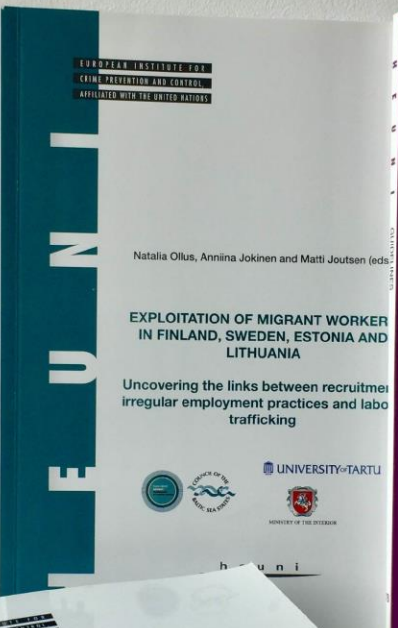
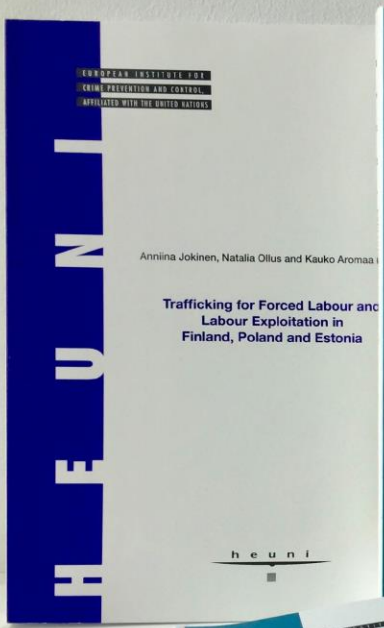


HEUNI functions under the auspices of the Finnish Ministry of Justice as an independent research and policy-making institute.

HEUNI) is the European regional institute in the United Nations Criminal Justice and Crime Prevention programme network.

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FOCUS OF OUR WORK ON TACKLING LABOUR EXPLOITATION

Exploitation

An infringement of the rights of the individual – labour exploitation, extortionate work discrimination, ultimately trafficking.

Corporate crime

Exploitation as a structural problem, focus on restaurant and cleaning sectors.

Corporate social responsibility

Including the prevention of trafficking and exploitation into corporate social responsibility policies.

TERMINOLOGY

Labour exploitation

a set of abusive conducts where the worker is subjected to poor terms of employment, long hours with wages below the national limits, in poor or even unsafe conditions.

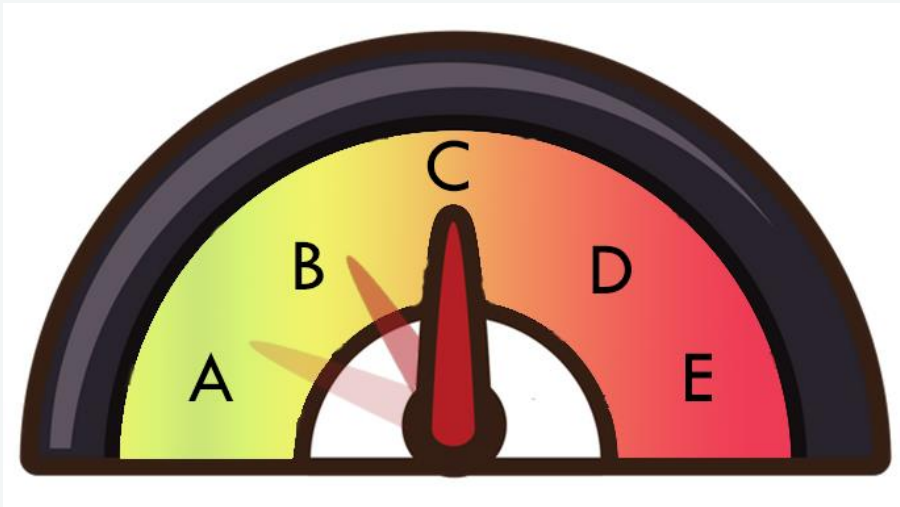
Forced labour

any work or service which people are forced to do against their will, under threat of punishment.

Labour trafficking

exploitation of a person for economic gain, fulfilling the 3 elements of THB: the act, the means and the purpose = trafficking for forced labour

Continuum of exploitation



Less severe forms of labour exploitation can create breeding ground for more serious forms and thus must be addressed

*No extra pay for overtime,
shifts or weekend work*

Pressure related to
working conditions

Withholding pay

Overlong working hours

Underpayment

Sexual violence or
the threat thereof

**Forbidding
social
interaction**

Unreasonable or unlawful recruitment fees

Confiscation of ID

**Restriction of
movement**

Unreasonable transport fees

Physical violence or the threat thereof

News 24.7.2012 20:24 | updated 25.7.2012 6:20

Managers accused of exploiting foreign cleaners

Executives of a custodial firm in Helsinki face charges including aggravated extortion.

Recommend Be the first of your friends to recommend this.



The foreign cleaners worked at bus depots in the Helsinki area. The management of a cleaning firm operating in the area is believed to employ as many as 30 foreign workers. The company is believed to pay less than the minimum wage, among other offences, often in the evening or overnight without the extra pay.

News 17.4.2015 18:05 | updated 17.4.2015 18:05

Suspended sentences and compensation ordered in human trafficking case

The owners of the Kaavya Kitchen restaurant in Kokkola have been handed seven-month suspended sentences and ordered to pay close to 35,000 euros to a former employee who worked under conditions that the court said amounted to forced labour.

Recommend Be the first of your friends to recommend this.

Current issues Projects and legislation Publications Ministry

Human trafficking is a human rights challenge

Human trafficking and other comparable abuse and exploitation are considered one of the greatest human rights challenges of today. In human trafficking, victims are subjugated usually for the purpose of commercial exploitation. As a result of such subjugation, the victims are unable to exercise their free will. Human trafficking has also been described as modern-day slavery.

Finland is bound by numerous international conventions and obligations related to human trafficking, such as the Additional Protocol supplementing the UN Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings.

Cases of work-related exploitation have been exposed in Finland

In Finland, the human trafficking offences that include

PAM Palveluolajien ammattiliitto

FRONTPAGE MEMBERSHIP

FRONTPAGE / ALL NEWS / NEWS / DA

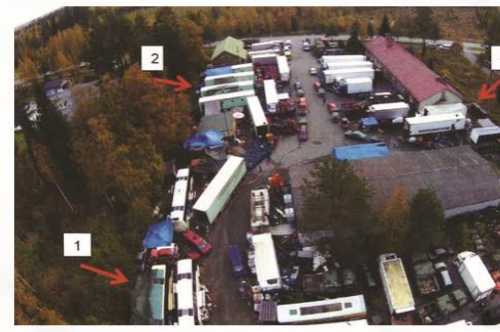
NEWS - 05.10.2018 KLO 10:00 Work conditions

News 19.1.2018 16:30 | updated 19.1.2018 16:30

Berry firm boss convicted of trafficking 26 Thais

The owner of a berry company in central Finland was slapped with a 20-month suspended prison sentence and ordered to pay a total of more than 300,000 euros in damages and legal costs.

Recommend 173 people recommend this. Be the first of your friends.



The camp that accommodated the pickers in the case. Image: Poliisi

News 6.5.2011 12:05 | updated 6.6.2012 20:05

Exploitation of Foreign Workers on the Rise

Foreign workers are meeting with growing levels of exploitation in Finland. Particularly in the cleaning and household services sectors, many cases of exploitation have the hallmarks of human trafficking.

Recommend Be the first of your friends to recommend this.



Aamulehti: Three Tampere restaurants suspected of human trafficking

FINLAND / 27 JANUARY 2012

DOMESTIC

TOOLS

PRINT

TYPOGRAPHY

MEDIUM

DEFAULT

READING MODE

SHARE THIS

Two people will appear before Pirkanmaan District Court this morning on suspicion of human trafficking, the regional paper Aamulehti reported today. The two suspects are restaurateurs of Vietnamese background, but both have Finnish nationality.

According to the paper, police closed three Golden Rose restaurants on Monday and Tuesday of this week. Two of the restaurants are in Tampere, in the Koskikeskus shopping centre and on Hämeenkatu, and the third is in the Ideapark shopping centre in Lempäälä.

This is the second suspected case of human trafficking in the Pirkanmaa region within a year.

Decent work conditions are not self-evident in Finland – service sectors prone to exploitation



European Institute for Crime Prevention and Control,
affiliated with the United Nations (HEUNI)

GUIDELINES FOR BUSINESSES AND EMPLOYERS FOR RISK MANAGEMENT IN SUBCONTRACTING CHAINS



PREVENTING LABOUR EXPLOITATION AND HUMAN
TRAFFICKING IN FINLAND

Nordic CSR project (2017-2018)

- HEUNI organised a series of workshops with businesses to tailor measures to address risk of labour exploitation
- Risks are higher if the company:
 - Uses non-skilled, temporary or seasonal workers e.g. in construction, cleaning or agriculture
 - Uses sub-contracting, esp. long chains
 - Outsources tasks to employees who are working outside the normal business hours are thus not directly visible to rest of the staff

Checklists for businesses and employers

01 Overall risk assessment

- Does the company use migrant workers who lack knowledge of labour rights in Finland?
- Does it use subcontracting; is it engaged in risk sectors?

02 Recruitment and payment practices

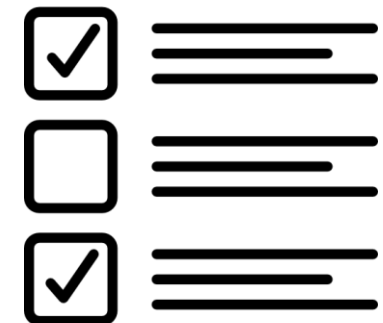
- Are all potential employees met in person and the terms of employment presented in a language that the employee can understand;?
- Are there written employment contracts; ensuring the validity of personal documents?

03 The use of subcontractors

- Is the use of sub-contractors limited?
- Are the subcontractors vetted?
- Are there contractual clauses that foresee contract termination in case of detection of exploitation?

04 Indicators of exploitation

- Do employees know what constitutes exploitation and what are the red flags?
- Does your company have a mechanisms for reporting possible suspicions?



FLOW project (2018-2020)

**EU-FUNDED, FOCUS
ON LINKS BETWEEN
LABOUR
EXPLOITATION AND
ECONOMIC CRIMES**

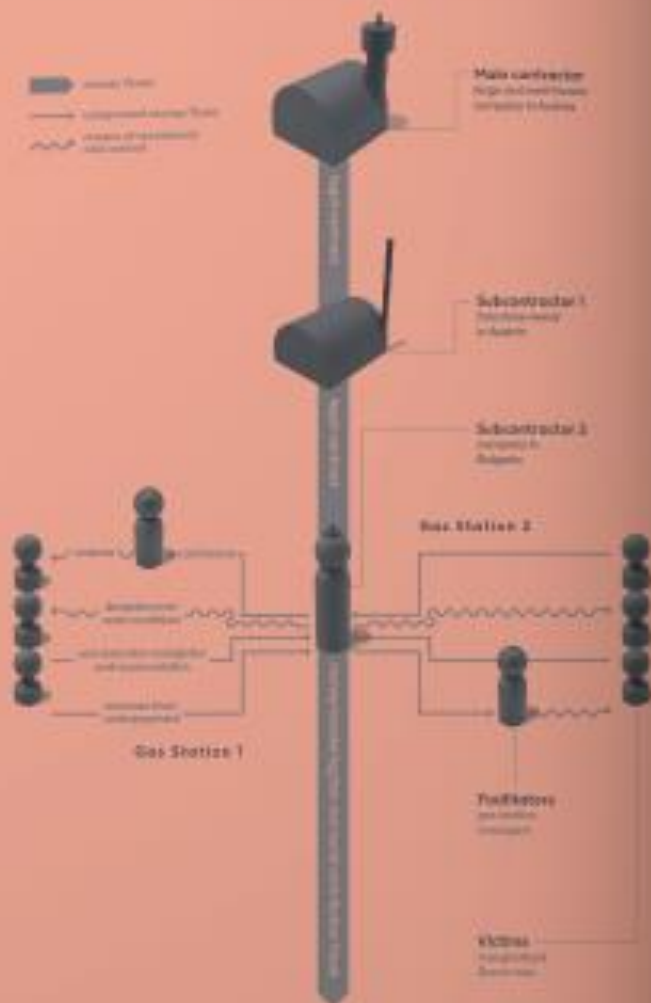
Finland, Estonia,
Latvia, Bulgaria +
study trip in Brussels



RESULTS

- Improved capacity of law enforcement to investigate human trafficking and to identify victims
- Improved cooperation between police and labour inspectors
- **Businesses understand risks of trafficking in supply chains**
- **Businesses include prevention of trafficking in CSR policies**
- Better **victim identification**

Shady business



Crimes related to labour exploitation

Based on our findings from Bulgaria, Estonia, Finland and Latvia, several types of related economic crimes and other offences are commonly encountered in connection with labour trafficking and labour exploitation.

In many instances, only some of the related crimes and/or violations of the labour law are identified by authorities, and relevant cases might never be investigated and/or qualified as trafficking. Investigation of such cases is often very labour intensive and requires specialised expertise in labour crimes, economic crimes as well as human trafficking and use of instruments.

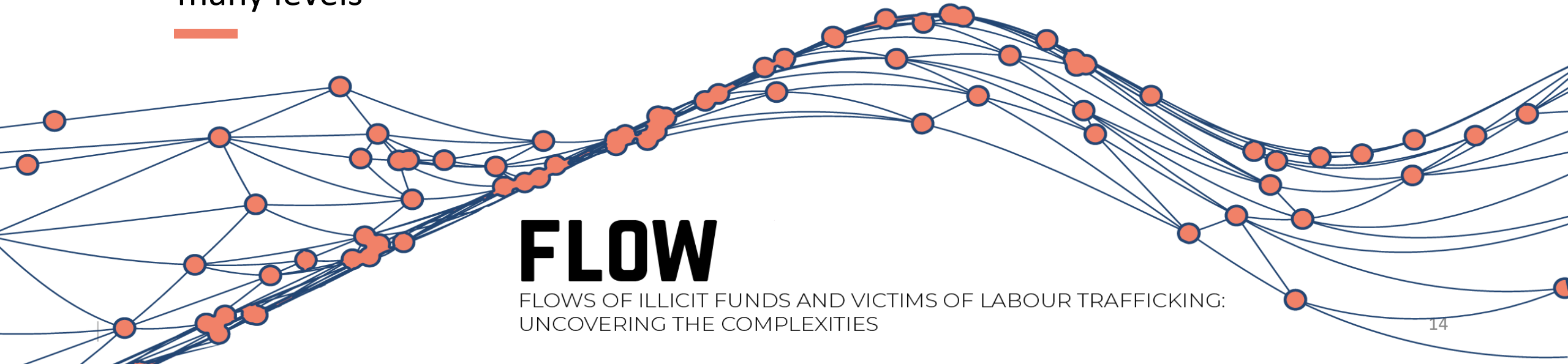
Scenario crime	Document offences	Health threat	The most involved countries
Human trafficking	Document fraud	Drugs	Estonia
Labour law violations	Work safety violations	Alcohol	Changing the legal employer might help

Setting the scene

Labour exploitation and trafficking are driven by the possibility to make profit on many levels

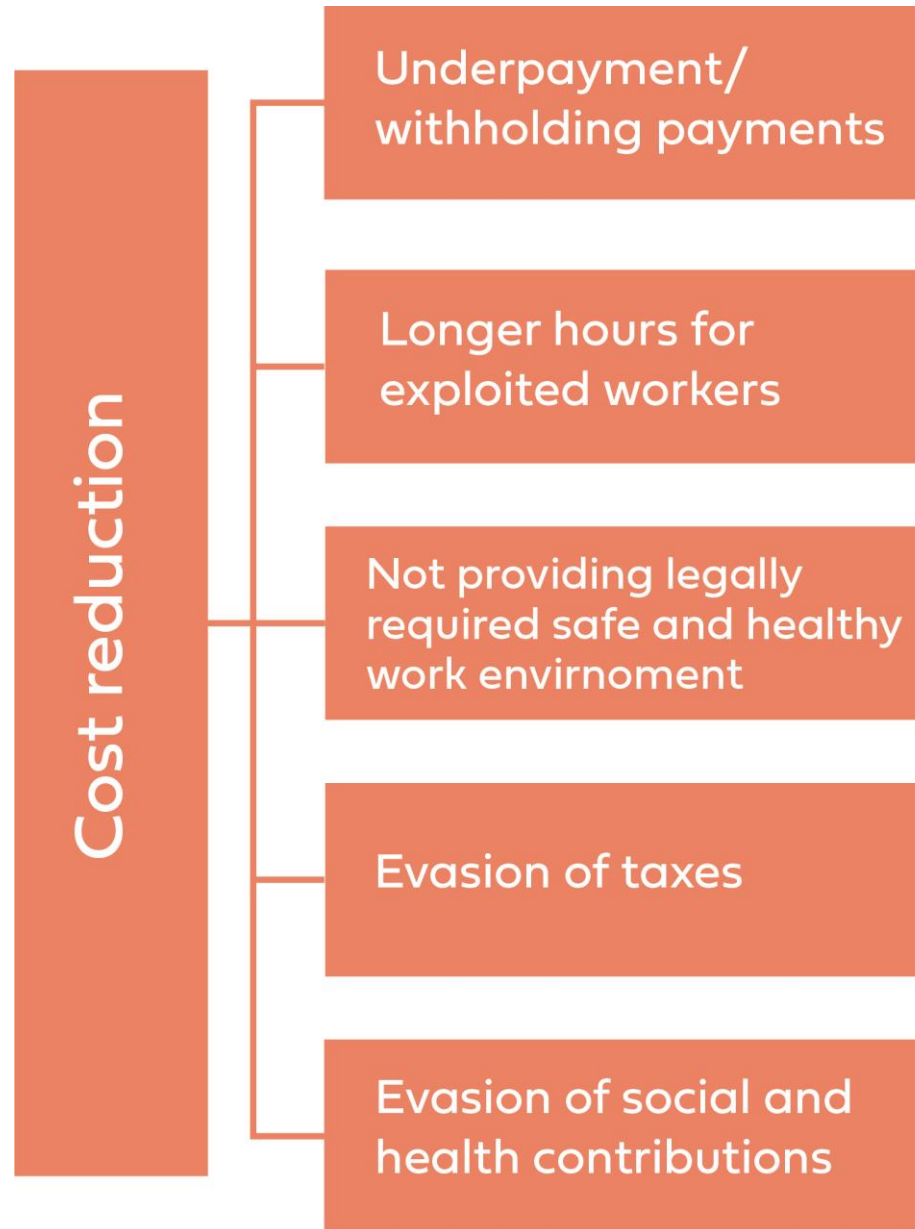
Businesses benefiting from labour exploitation are not restricted to criminal organisations -> fully legitimate businesses can be linked to exploitation

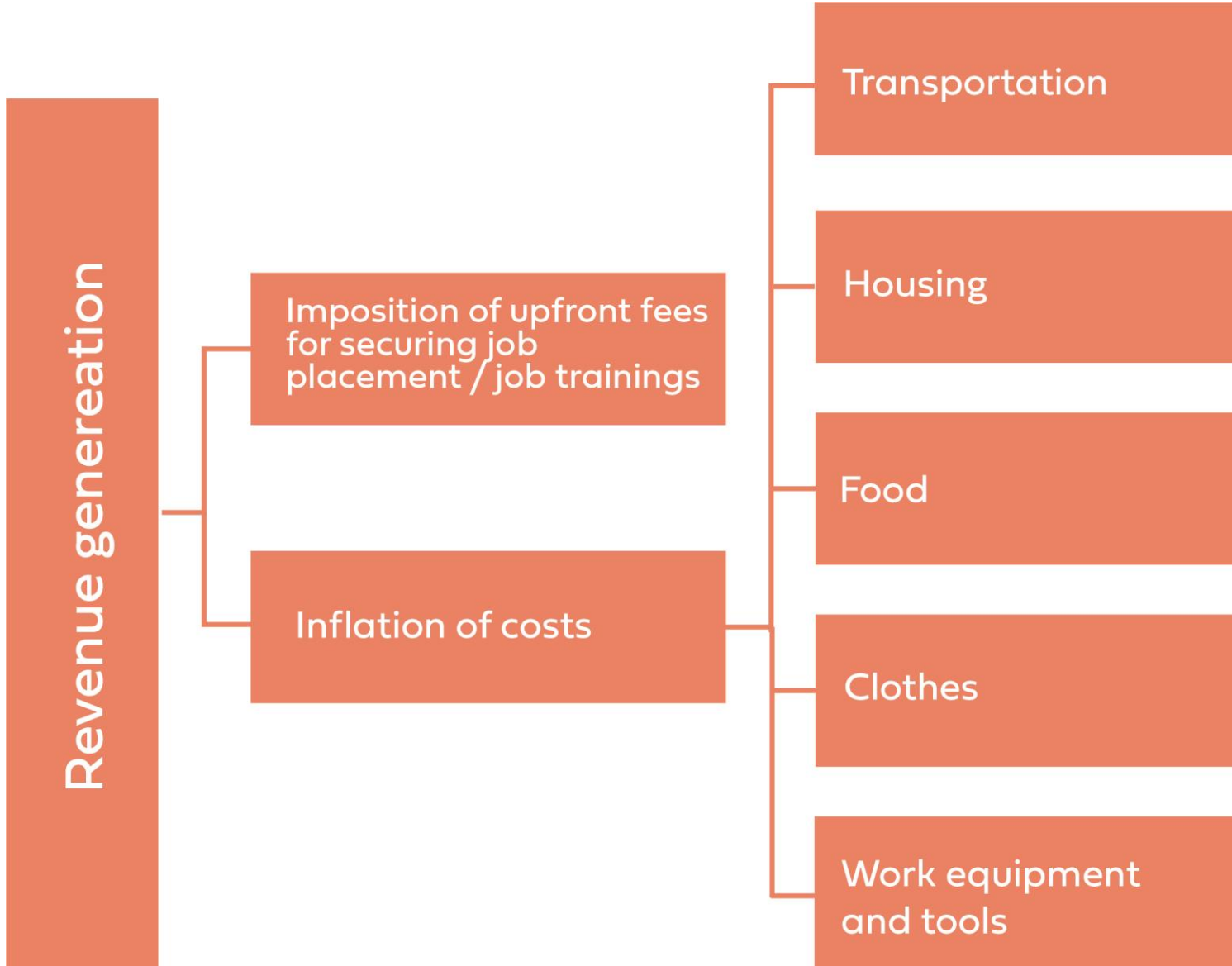
The borderline between legal, grey and illegal forms of business activities is not always evident

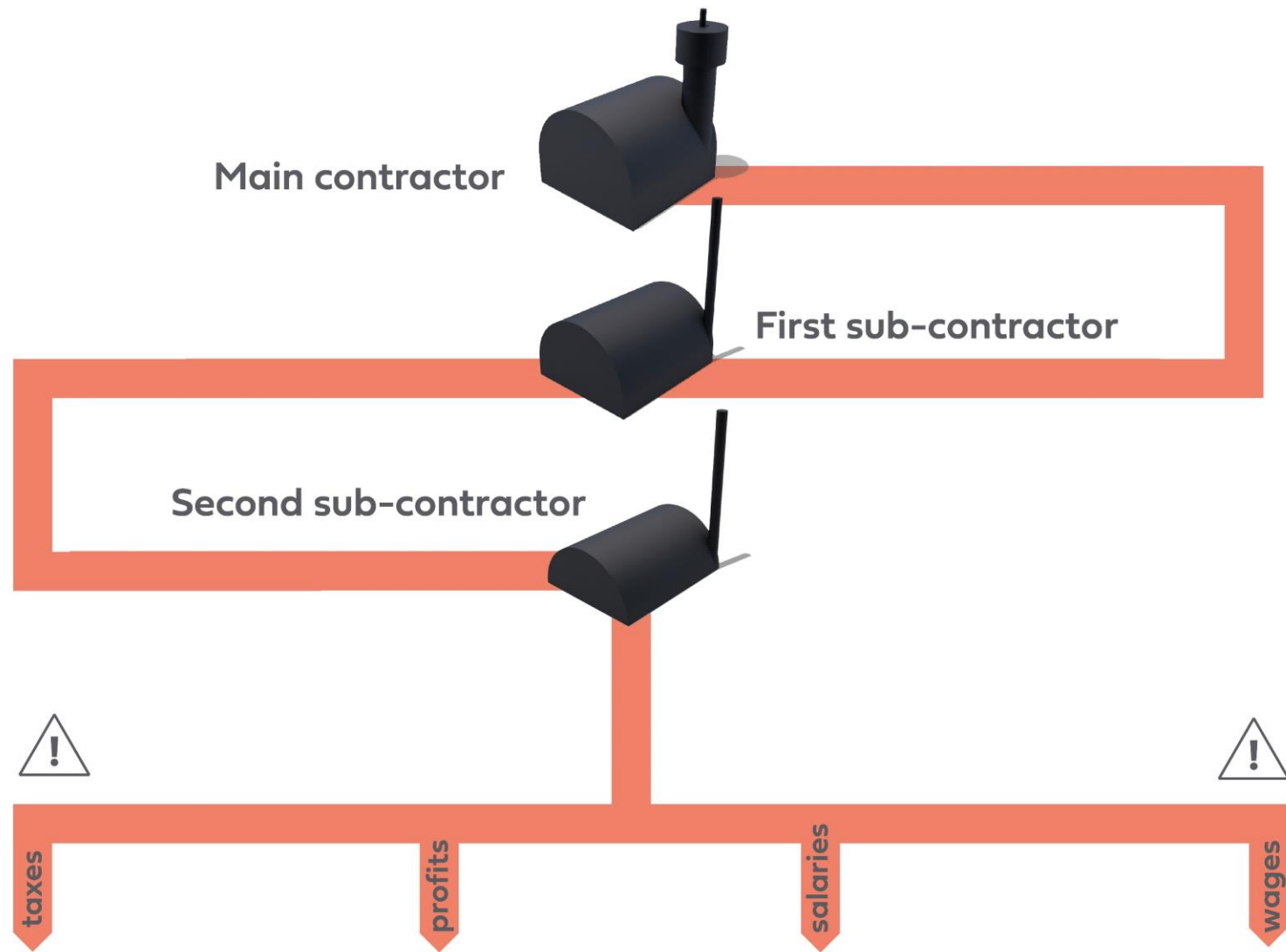


FLOW

FLAWS OF ILLICIT FUNDS AND VICTIMS OF LABOUR TRAFFICKING:
UNCOVERING THE COMPLEXITIES







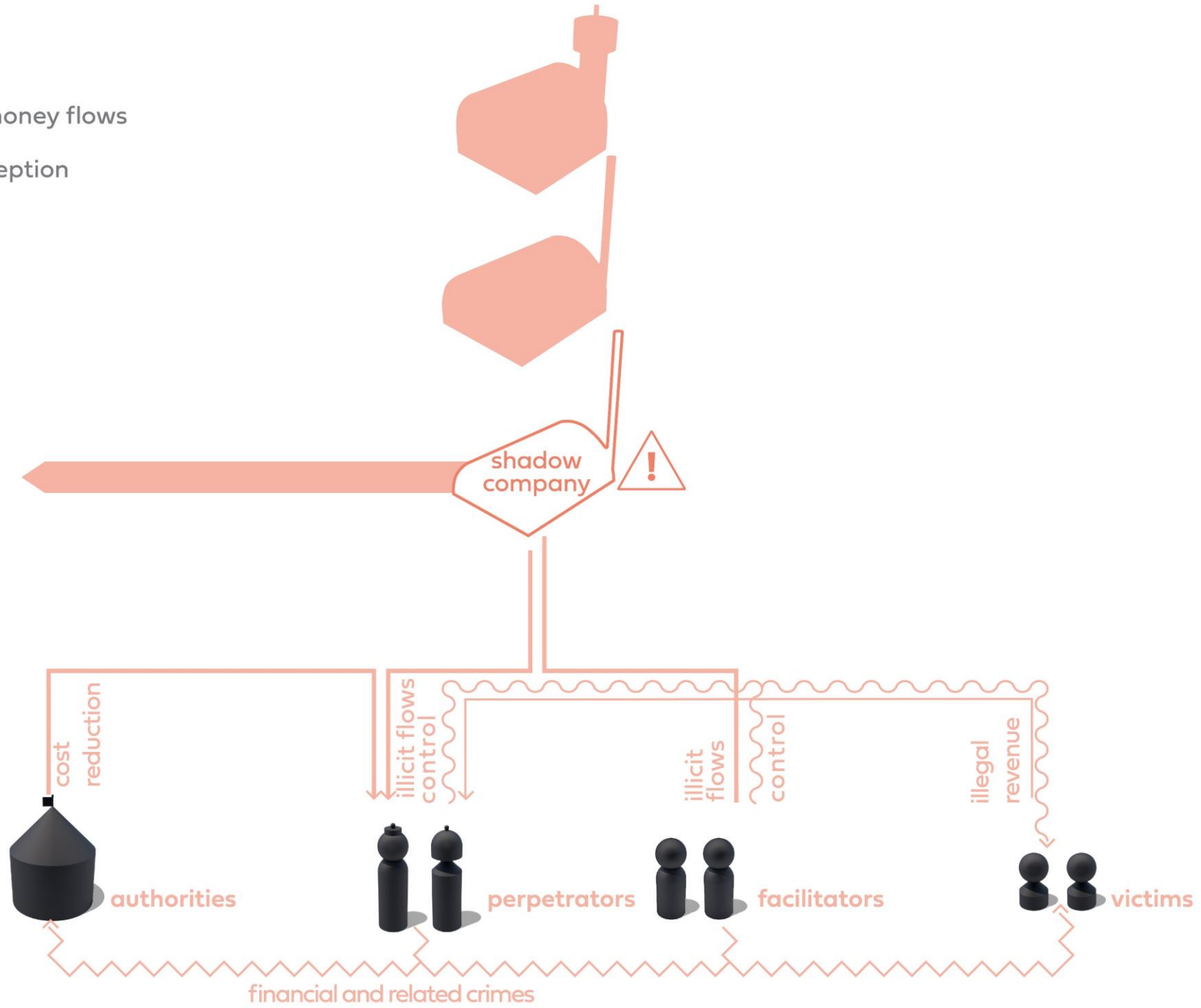
Authorities

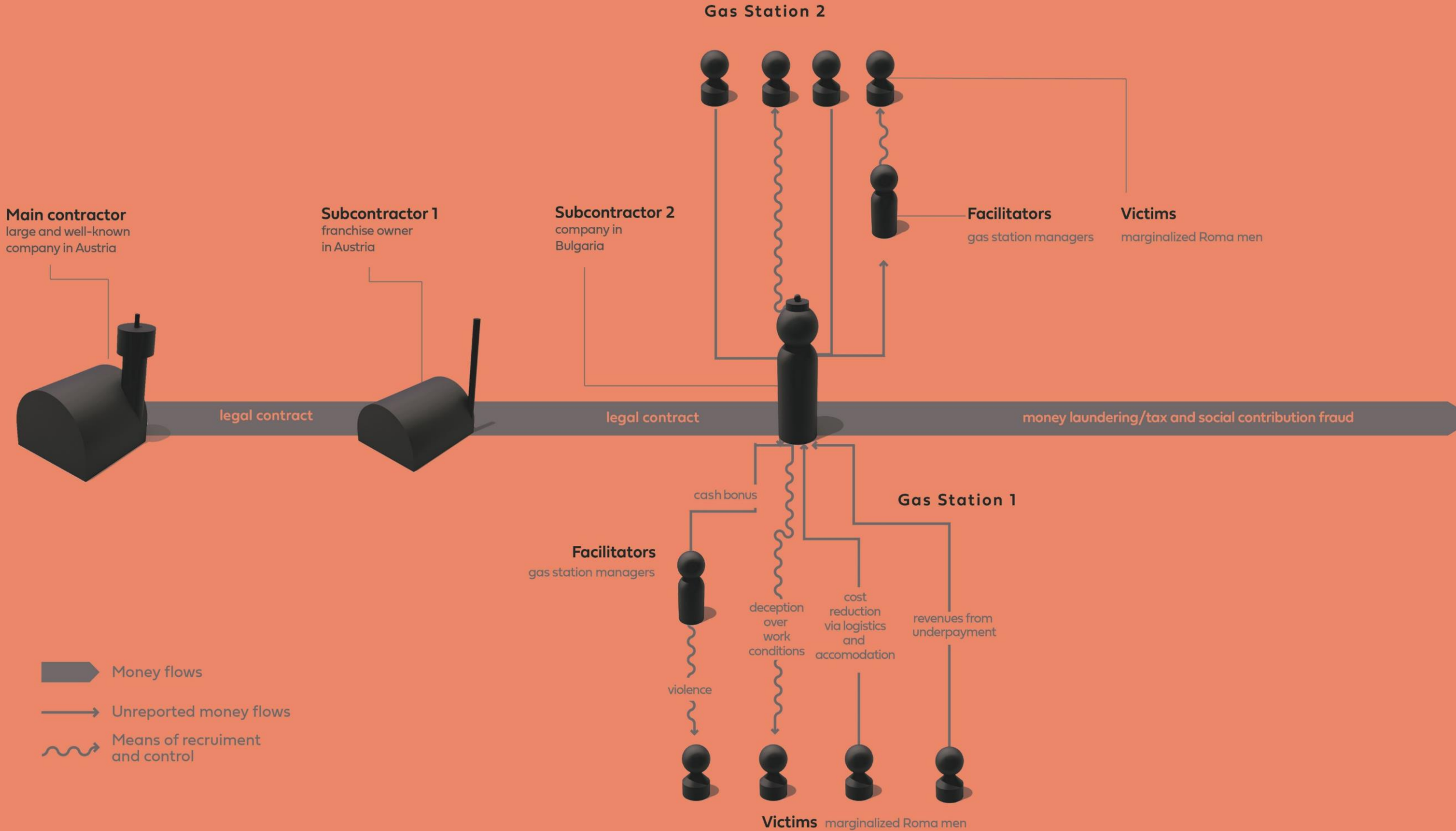
Owners

Managers

Employees

- Money flows
- Unreported money flows
- ~ Means of deception
- ~ Crimes





CONCLUSIONS

- Labour exploitation is a low-risk high gain form of corporate crime due to insufficient regulation, resources and monitoring
- Legal structures are used to hide grey and illegal activities
- Complexity of (local) subcontracting chains e.g. in construction and in public procurement facilitates exploitation at lower levels of the chain
- Tackling labour exploitation is hindered by different structural barriers e.g. need to outsource services and saving from labour rather than material costs
- There is a principle level reluctance of states to regulate businesses when economic growth is seen dependent on their success

Forthcoming FLOW- project reports in 2020

- Investigation aid for police and checklist for labour inspectors
- Risk management tool for businesses



**Shady
business**

For additional information



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