

20 May 2021, Thursday 13:10-14:00 CET / 14:10-15:00 UTC +3, EEST

The route to a successful investigation of labour exploitation and trafficking for forced labour: guidelines and recommendations for labour inspectors and police

Moderator: Natalia Ollus, HEUNI

The FLOW investigation tool for labour inspectors and police

Anniina Jokinen, Senior Programme Officer, HEUNI

The role of labour inspectors in detecting and preventing labour exploitation and trafficking

Katja-Pia Jenu, Labour inspector, Labour inspectorate of Southern Finland

Prevention of labour exploitation in the shipyard industry in Norway

Marius Martinsen, Detective Superintendent, Møre and Romsdal police district, Norway

Commentary

Silke Albert, Crime Prevention Expert, Human Trafficking and Migrant Smuggling Section UNODC

Discussion

#CCPCJ30
#HEUNI40
#FLOW_THB
#LabourExploitation



UNODC

United Nations Office on Drugs and Crime



HEUNI

The European Institute for
Crime Prevention and Control,
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Permanent Mission of Finland
Vienna



Welcome to the event!

To improve the audio and video quality, please keep your microphones **muted** and **cameras switched off** unless you are taking the floor

When the floor is open for the **questions and comments**, please flag your interest in the **chatbox**

Please note that the event would be **recorded**

Share your thoughts also in the **social media** tagging @HEUNI_institute and using these hashtags:

#CCPCJ30 #HEUNI40 #FLOW_THB #LabourExploitation



FLOW Investigation tool for labour inspectors and police

Anniina Jokinen, HEUNI

CCPCJ Side event 20 May 2021

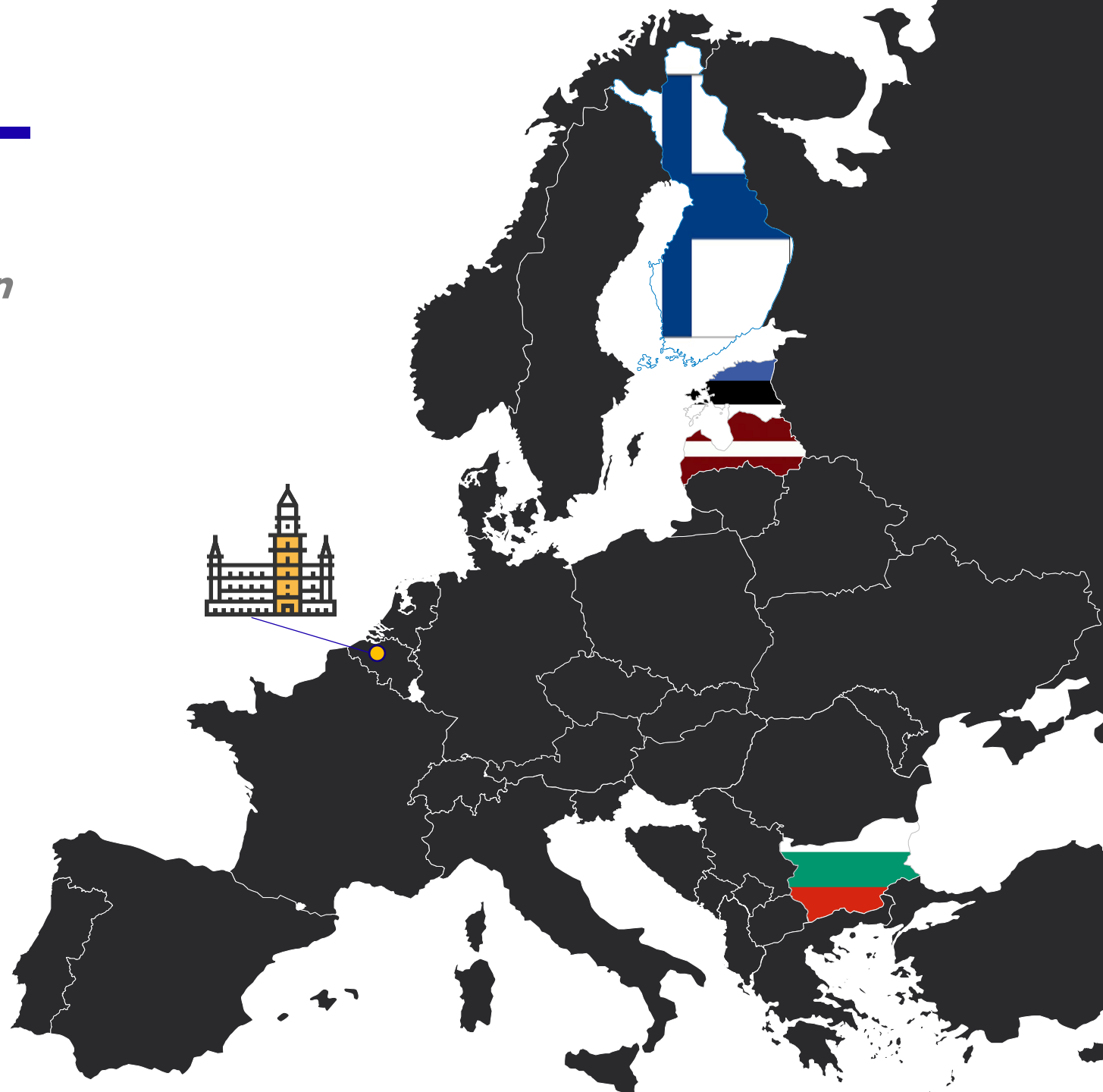


FLOW project (2018–2020)

"Flows of illicit funds and victims of human trafficking: uncovering the complexities"

- EU- ISFP-funded, focus on links between labour exploitation and financial crimes
- Finland, Estonia, Latvia, Bulgaria + study trip in Brussels

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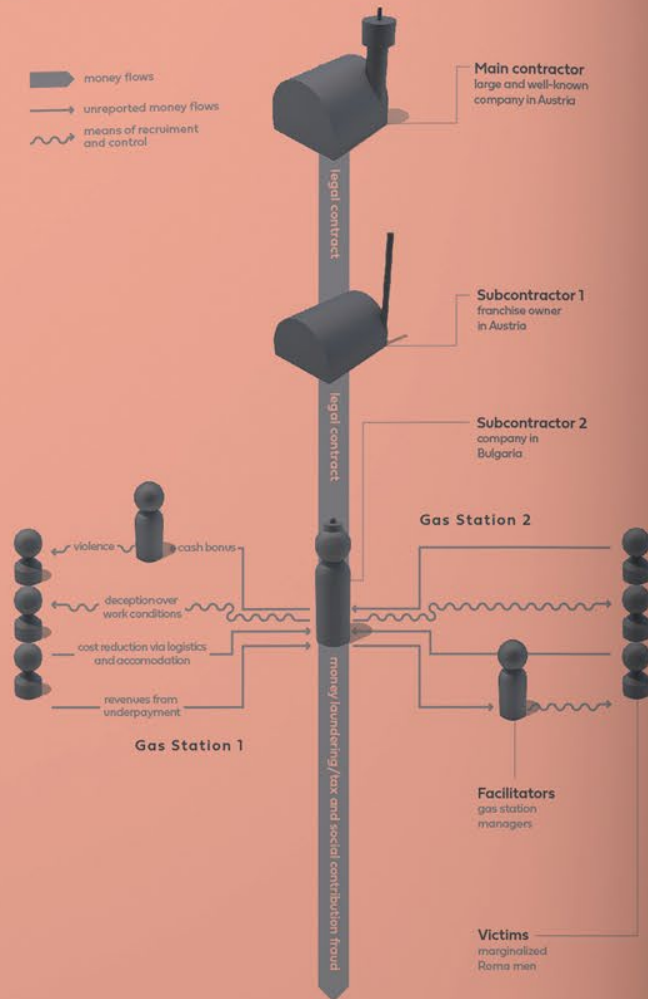


Setting the scene

- More cases of labour trafficking and exploitation have been uncovered in Europe in risk sectors such as construction, restaurants, cleaning and agriculture.
- Everything may seem legal on paper but in reality, exploited migrant workers work long hours in poor conditions and lack any real access to remedies



Shady business



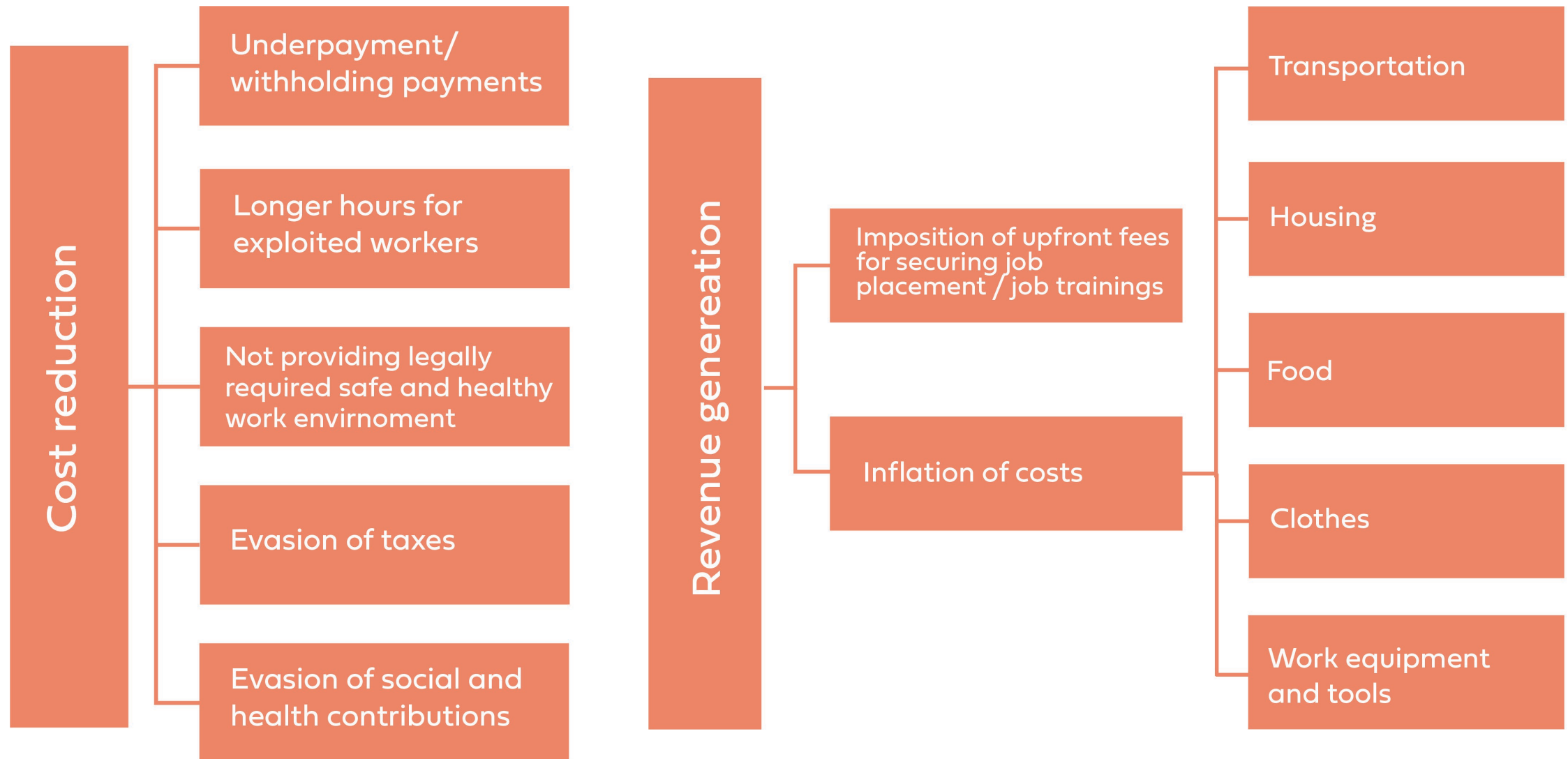
Crimes related to labour exploitation

Based on our findings from Bulgaria, Estonia, Finland and Latvia, several types of related economic crimes and other offences are commonly committed 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 intense and requires specialised expertise in labour crimes, economic crimes as well as human trafficking and use of interpreters.

Economic crime	Document offenses	Benefit fraud	Tax, social and health-care dues evasion
Money laundering	Online card fraud	Bribery	Extortion
Labour law violations	Work safety violations	Fraud	Charging illegal recruitment fees

The business model of labour exploitation





Structural issue

- Labour exploitation is a low-risk high gain form of corporate crime motivated by profit-making
- Legal structures are used to hide grey and illegal activities & illicit flows, e.g.
 - Cascade subcontracting
 - Posting of workers
 - Bogus self-employment
 - Use of fronts & straw mem
- Complexity of subcontracting chains facilitates exploitation at lower levels of the chain





Uncovering labour trafficking

Investigation tool for law enforcement and checklist for labour inspectors

Pekka Ylinen
Anniina Jokinen
Anna-Greta Pekkarinen
Natalia Ollus
Katja-Pia Jenu

Checklist 1. Identification of labour exploitation for labour inspectors and other authorities

Labour inspectors are uniquely placed to identify features of human trafficking or labour exploitation in the course of their inspections. In addition, tax, fire, health, food safety and other inspection authorities are also in a position where they can uncover potential cases. An informed inspector may notice details which individually are not incriminating but when taken together may lead to a suspicion of criminal activity. Details that may be noted in a labour inspection include the following:

- ☐ The employer forbids the inspector from talking to the employees
- ☐ The employer answers all questions on behalf of the employees
- ☐ An employee is unwilling to answer any questions and tells the inspector to ask the employer
- ☐ When an employee is asked for an ID, it turns out that it is in the employer's possession and/or the employer brings it out for the inspector to see
- ☐ An employee is unable to say how much he/she is paid
- ☐ An employee reports, when asked, that he/she has paid to get the job
- ☐ The payslips indicate that the wages of all workers are paid into the same bank account
- ☐ The work contracts are in a language that the worker does not understand
- ☐ There are many persons in the workplace whose shift has already ended according to the shift roster or who should be on a day off
- ☐ An official shift roster is displayed at the workplace, but there is a roster of actual working hours in another room (e.g. a roster for chefs in the restaurant kitchen)
- ☐ Employees are required to work without adequate protective equipment, or the working conditions are substandard
- ☐ It looks like people are being accommodated at the workplace, e.g. there is a bed/mattress, a suitcase and/or many personal items in a storeroom or a similar room
- ☐ An employee lives with the employer
- ☐ Employees show signs of abuse or malnutrition and/or other symptoms
- ☐ An employee reports that he/she has no days off or no holidays
- ☐ An employee reports that he/she works overly long days or that there are problems with wage payments
- ☐ At a farm or other location where workers are provided with accommodation near the workplace, the living conditions are substandard
- ☐ Employees do not have the required work permit, rendering them vulnerable to abuse
- ☐ An employee does not know where in Finland he/she is living and working
- ☐ An employee reports that transport provided by the employer is the only way to get to/from work
- ☐ There are discrepancies between the details submitted by the employer to the income register and the payroll accounting



Victim sensitive investigation

- Successful investigation into labour trafficking requires a comprehensive approach and careful planning & intelligence gathering.
- The victim is of crucial importance to the case: if the offender has a chance to put pressure on the victim, they may be at serious risk.
- Victim-centered and victim sensitive approach is needed to form of full picture of the situation





Financial investigation

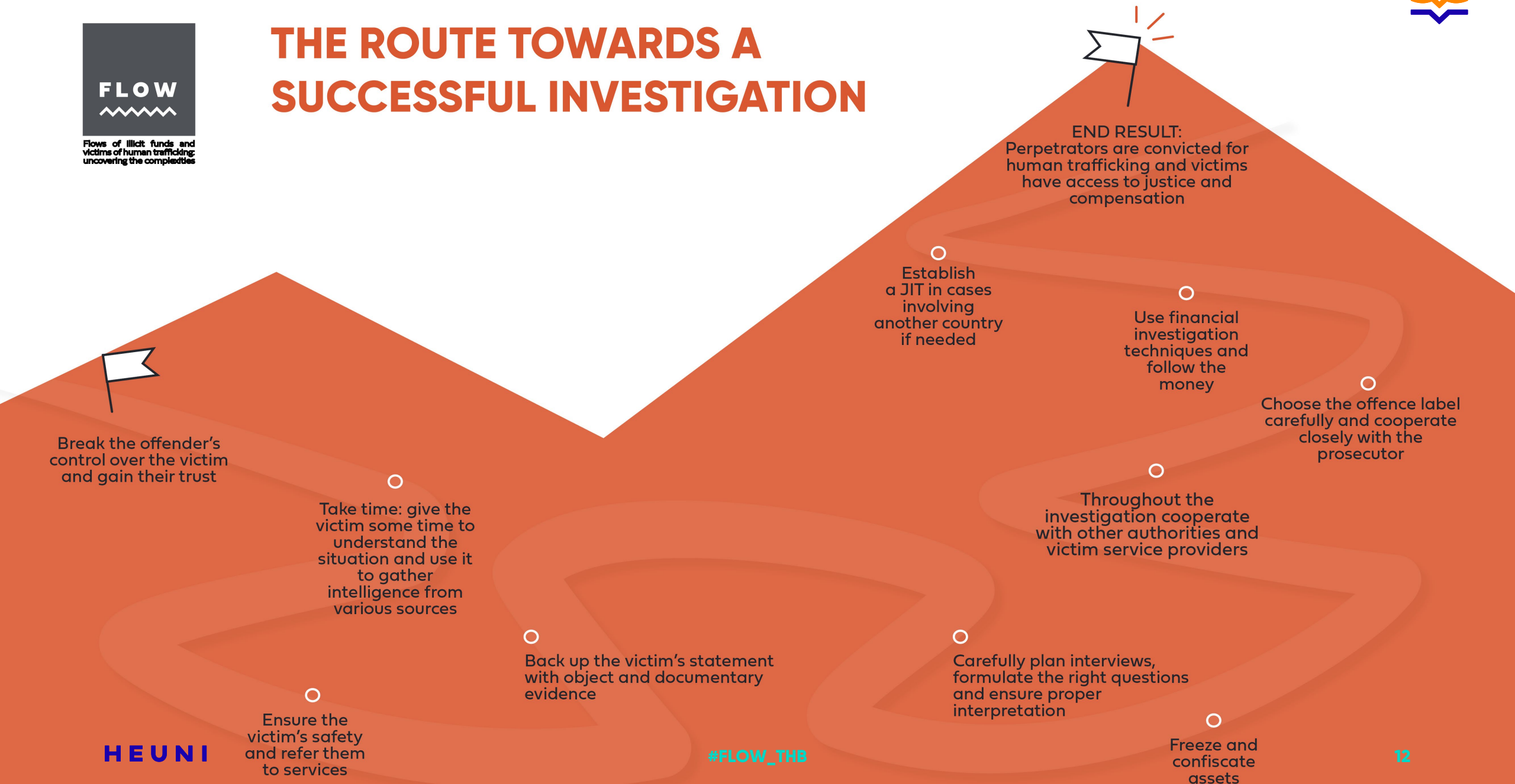
- Financial investigation techniques help find evidence of THB → tracking financial transactions and assets of both the suspects and the victims can reveal e.g.
 - Transfers or deposits by offenders to victims' accounts, and further transfers to abroad or into other assets
 - Evidence of kickbacks where victims pay back their wages or no normal transactions in their accounts
- Immediate confiscation of proceeds of crime essential for further steps





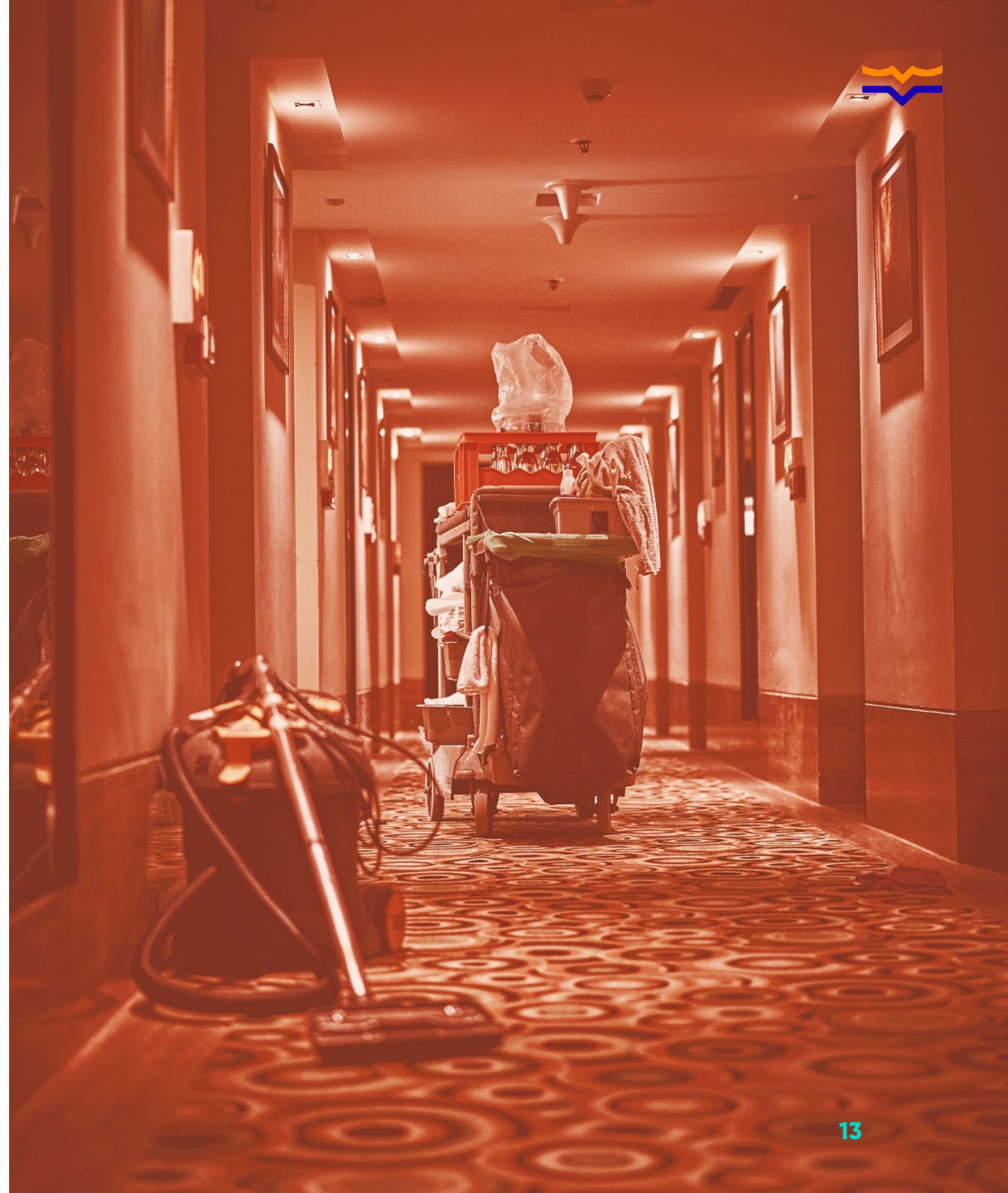
Flows of illicit funds and
victims of human trafficking:
uncovering the complexities

THE ROUTE TOWARDS A SUCCESSFUL INVESTIGATION



Checklist for labour inspectors

- Comprehensive approach, including best practices and issues to be considered/observed during inspections
 - The employer forbids the inspector from talking to the employees or answers all questions on their behalf
 - Employee is unwilling to answer any questions and tells the inspector to ask the employer
 - Employee's ID is in the employer's possession
 - Employee is unable to say how much he/she is paid or tells they have no days off or no holidays
 - There are many persons in the workplace whose shift has already ended according to the shift roster or who should be on a day off





Checklist 2.

Questions for speaking with the victims

The following list of questions is based on examples from a study on labour exploitation (Jokinen et al. 2011) and can be used as a starting point when discussing with the victim. It is important to ask questions which are easy to understand and concise especially if the victim is not willing or able to tell the full story about what has happened.

Recruitment

How did you hear about the job? How did you end up working there?

Did you get the job through an employment agency or mediation company?

Did you have to pay something (e.g. a mediation fee) to get the job? How much did you pay and to whom?

How did you get a work permit? Who obtained it for you? Did you pay for it?

How did you travel to [destination country]? Did you buy the tickets yourself?

Did you have to borrow money to be able to travel to [destination country]? How much? Where did you borrow the money?

Did someone meet you at the airport/railway station/harbour etc? Who?

Work

What kind of work did you do? Where?

Did the work/employment correspond to what you were promised?

What were your working hours? What time of the day and how many hours per day? How many days per month?

Were you informed of your working hours in a timely manner? Were the working hours listed in a shift schedule that is up-to-date, accessible and comprehensible?

How many employees were there in the same work place?

What were the working conditions like?

What was your employer like? How did you communicate with him (especially if no common language)?

Were you threatened (with violence, deportation, police, losing the job, etc.)?

Did the employer use violence against you?

Were you able to quit the job at will? Were you forced to keep working? How?

Did you have your passport/identification papers with you at all times?

Did you tell anyone about the situation?

Housing

Where did you stay/live? How many of you lived there?

How was the housing arranged?

How much did you pay for the housing?

Were you satisfied with the living conditions?

Did you think you had to pay too much for living there?

How did you go to work?

[Shady business \(2019\)](#)

[Uncovering labour trafficking \(2020\)](#)

[Toolkit for businesses on the prevention of labour exploitation and trafficking \(2020\)](#)

[Normative Guide \(2020\)](#)

[Policy Briefs](#)

[Guidelines for businesses for risk management in supply chains \(2018\)](#)





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The role of labour inspectors in detecting and preventing labour exploitation and trafficking

UN Side event 20.5.2021

Senior inspector Katja-Pia Jenu



Aluehallintovirasto
Työsuoja



@tervettatyota





Labour inspectors play a vital role in detecting labour exploitation

- One of the few authorities who do workplace inspections regularly, also unannounced
- Right to talk to employees without the presence of employer
- Prevention: giving out information also to the employers about the legal provisions concerning working hours and salaries



Labour inspection in Finland

- In the legislation the mandate and duty to monitor Working Hours Act and Employment Contracts Act (i.e. working hours and salaries according to universally binding collective agreements)
- Mandate to monitor Non-discrimination Act in working life
- Includes posting companies
- Specialised inspectors for monitoring foreign labour (identified in Finland as the risk sector for labour exploitation)
- Clear mandate and duty in the Ministry guidelines to refer victims of THB to the national assistance system



Multi-agency co-operation

- The use of interpreters during inspections – important to get the employee's side of the story
- Handing out leaflets to employees
 - contact details of the assistance system and NGOs (in many different languages)
 - salary scales from collective agreements
- Co-operation with NGO's (esp. Victim Support Finland)
- Exchange of information with other officials
- Joint inspections with other officials



Reporting duty to the police

- OSH Authorities are required by law to report cases of work discrimination and extortionate work discrimination (and other work crimes) to the police
- Human trafficking will be included in the list in the next amendment
- Co-operation with the police during the investigation



Aluehallintovirasto
Työsuojelu

Prevention of labour exploitation in the shipyard industry

Project Shipyard

Project Shipyard

Inter-agency project

Control of subcontractors at 4 shipyards during January and February 2020

Number of enterprises controlled 41

Conducted interviews with 247 employees in total



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The shipyard industry in Møre og Romsdal

15 000 workers

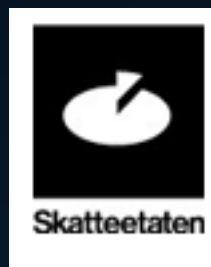
Primary employers
in small districts

Anonymous
tips

How to find and
help potential
victims?



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Shady business

Uncovering the business model of labour exploitation

Editors:
Annina Jokinen
Natalia Ollus

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

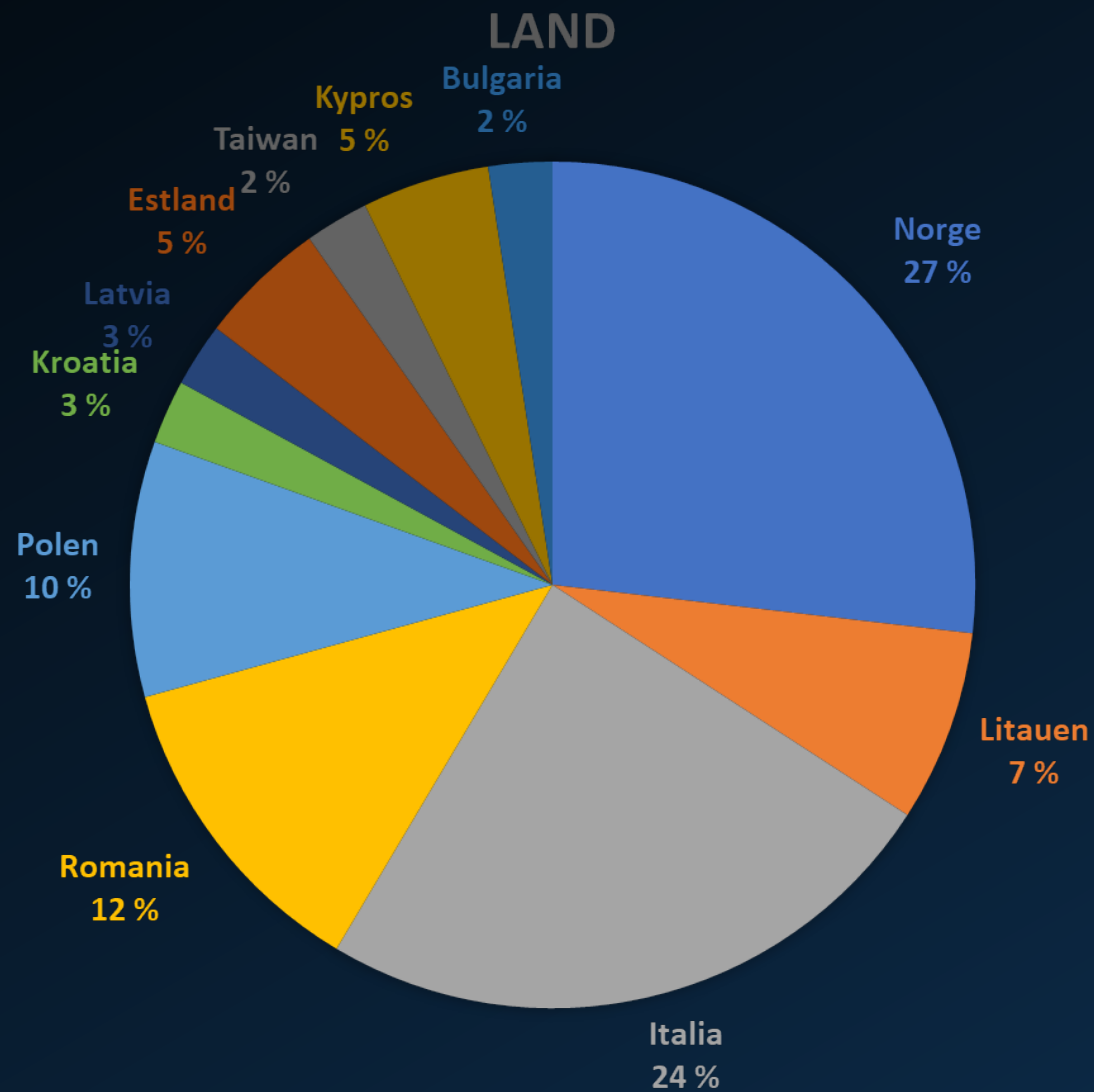
Uncovering labour trafficking

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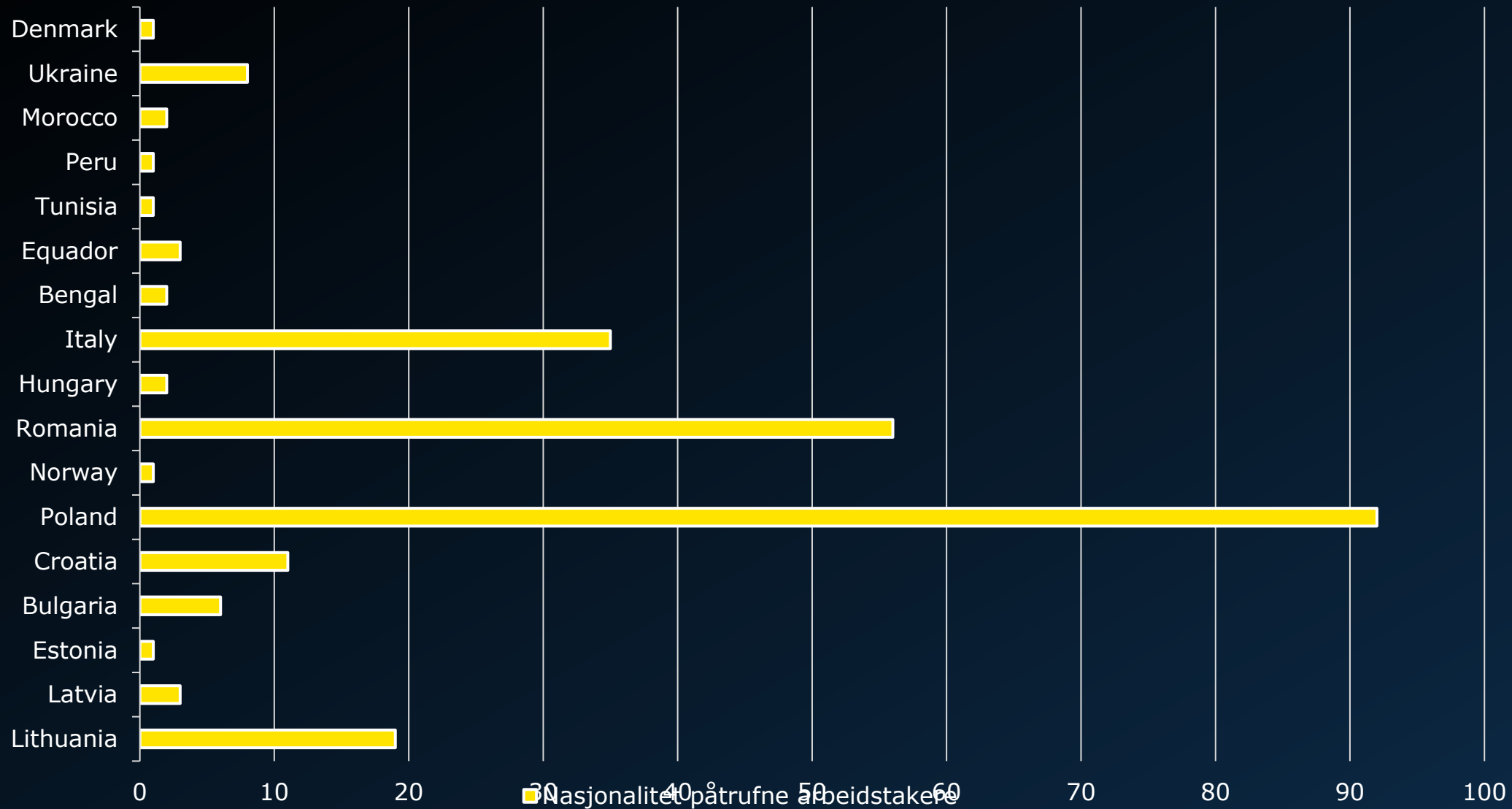
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Companies nationality

**POLITIET**

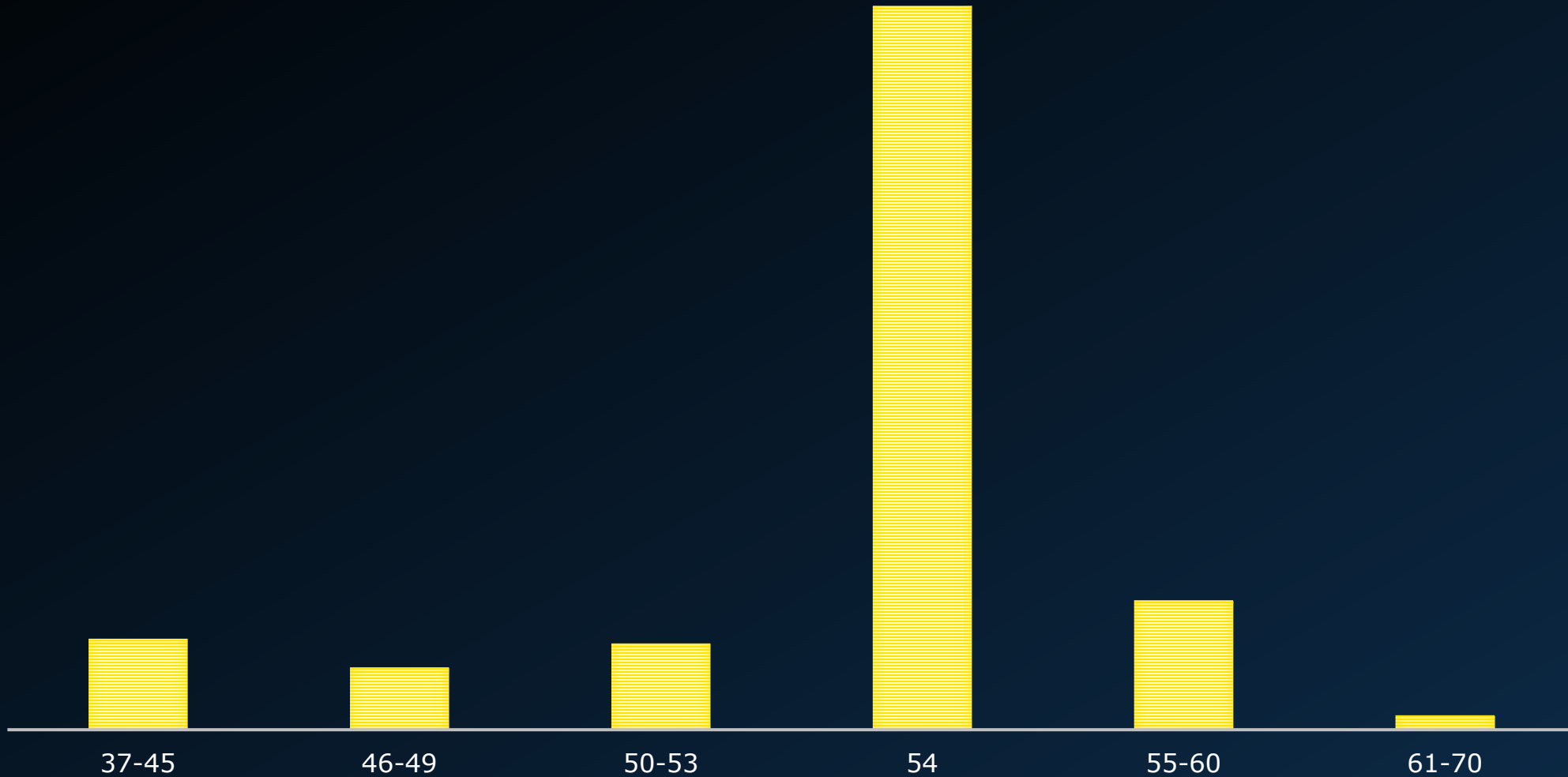


Nationality of workers



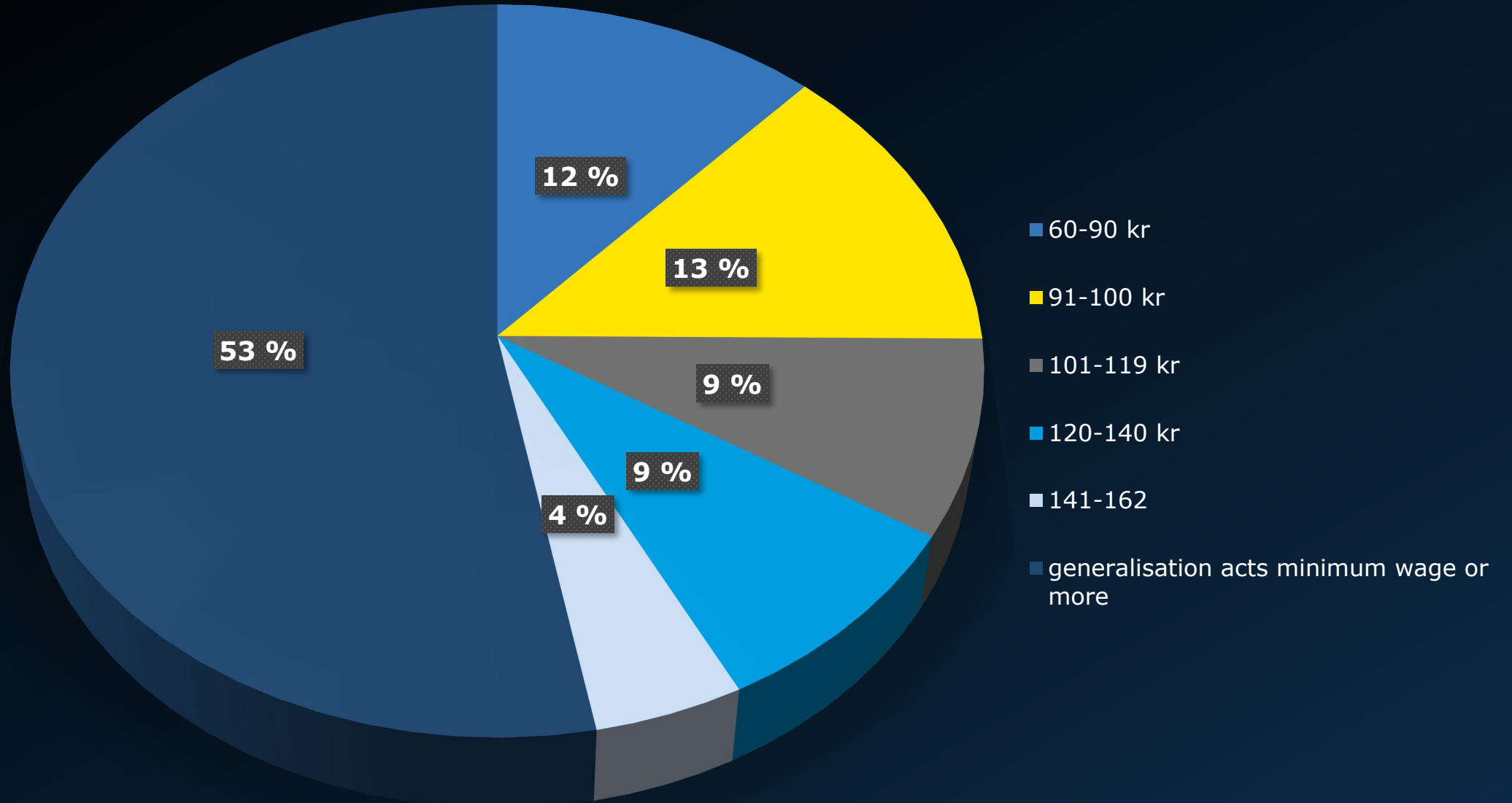


STATED WORKING HOURS PER WEEK





Stated hourly wage



Employer's and employees' perspectives



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Employer

- Payment
- Working time
- Break

Employee

- Payment
- Working time
- Break

?



Challenges



- Timesheets / Portlists
 - Affects salary, working hours, average calculation (balance work / leisure)
- Number of employees present at the shipyards
- Many and confusing links in the supply chain
- Covid19



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UNODC

United Nations Office on Drugs and Crime

Reflections on “Uncovering labour trafficking - Investigation tool for law enforcement and checklist for labour inspectors” by HEUNI

30th Commission on Crime Prevention and Criminal Justice 17-21 May 2021 | Side Events

20 May 2021, Thursday 13:10-14:00 CET / 14:10-15:00 UTC +3, EEST

The route to a successful investigation of labour exploitation and trafficking for forced labour: guidelines and recommendations for labour inspectors and police



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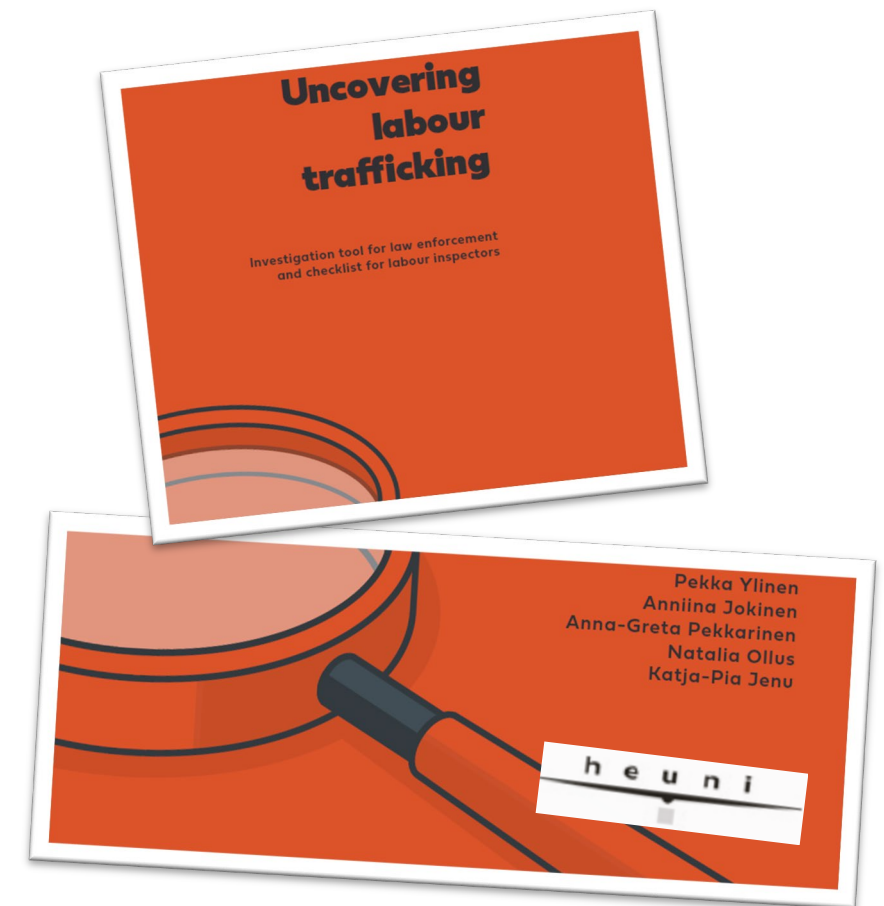


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Uncovering labour trafficking – multidisciplinary cooperation

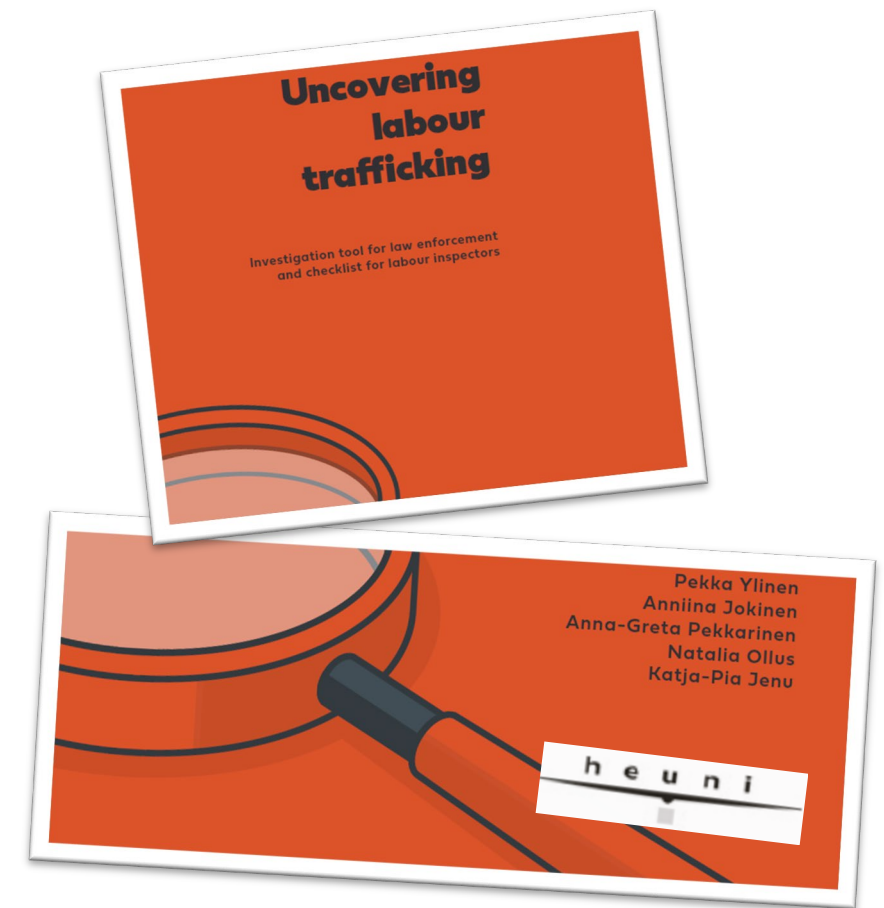
- Added value - tool highlights the need to
 - Understand the nature of the crime
 - Know which sectors might be prone to labour exploitation and recognize at-risk groups (both victims and offenders)
 - Cooperate among actors that may be able to encounter and discover cases of exploitation
 - Create networks





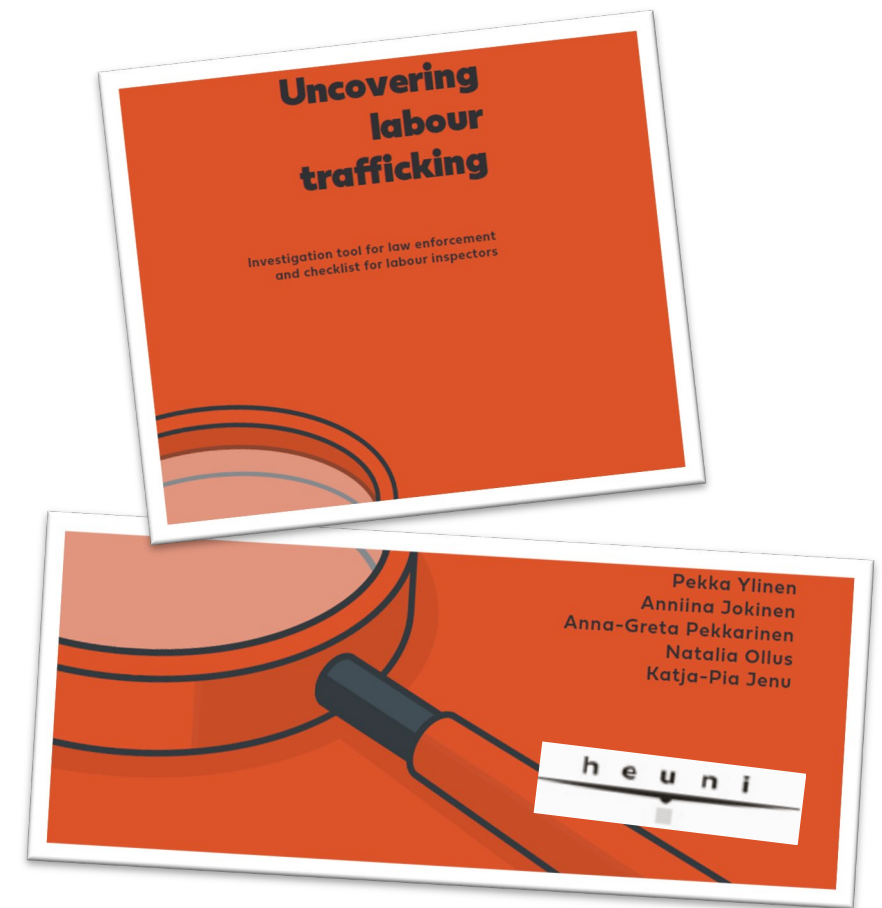
Uncovering labour trafficking – the role of labour inspectors

- Monitor conditions of work and protection of workers (working hours, wages, safety, health and welfare, employment of children and young persons, etc.)
- Recognize irregularities and patterns thereof
- Share experience and analysis with police authorities
- Liaise with other competent authorities – conduct joint inspections with police and tax authorities
- Build up trust of the workers
- Study the indicators of trafficking in persons and become skilled in identifying victims and cases



Uncovering labour trafficking – the role of police

- Front line and specialized police forces
- Be familiar with indicators of trafficking and look deeper
- Protect and preserve crime scenes, preserve evidence
- Establish trust with possible victims
- Anticipate victim reactions
- Prepare and take care of victim referrals
- Proactive investigations – financial investigations





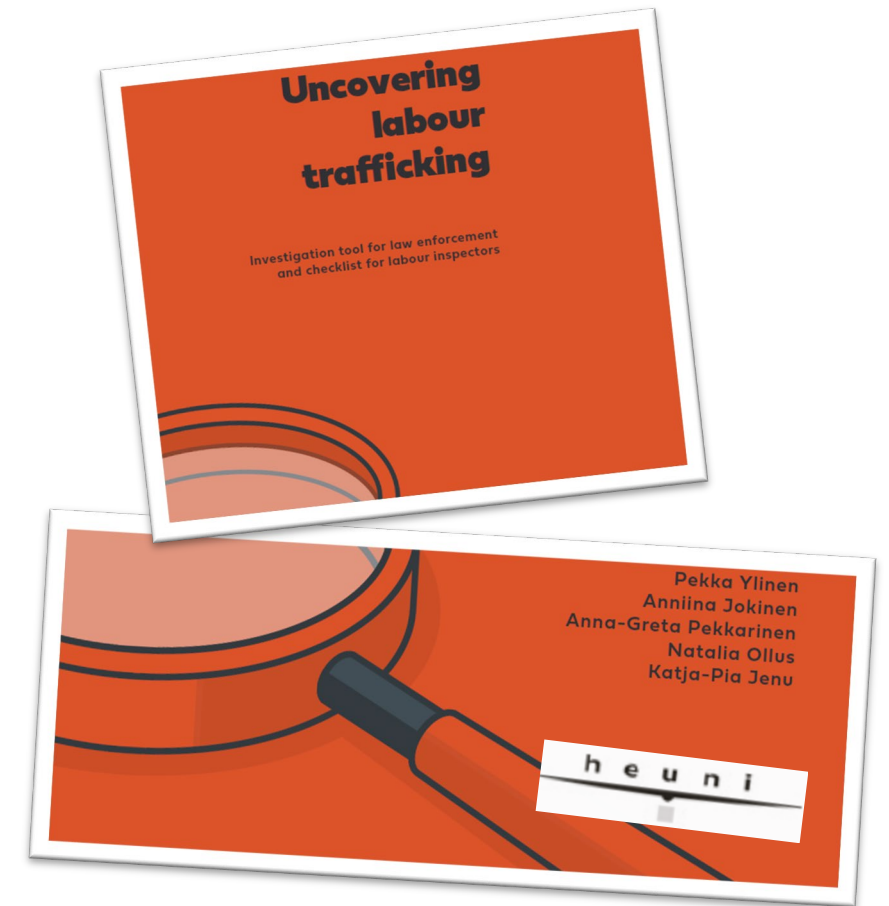
Uncovering labour trafficking – additional thoughts

Opportunities for joint promotion of the tool

Dissemination of the tool during technical cooperation

Data on cases identified

Maintenance of expert network(s)





DISCUSSION

Share your thoughts and questions!