



FLOW project webinar: Uncovering and Investigating Labour Trafficking - Strengthening Multidisciplinary Cooperation

Webex | 04.12.2020





Programme:

11:45 CET Online coffee and testing the connection

12:00 Opening of the event and introduction to the FLOW-project and its achievements, Senior Programme Officer Anniina Jokinen, HEUNI

12:20 FLOW Investigation tool, Detective Senior Sergeant Pekka Ylinen, Central Finland Police

Questions and comments

12:30 International examples on innovative work tackling labour exploitation, chair Director Natalia Ollus, HEUNI

- **Belgian multidisciplinary model for tackling labour trafficking, Director Peter Van Hauwermeiren, Anti-trafficking Unit, National Social Security Office, Belgium**
- **Prevention of labor exploitation in the shipyard industry, Detective Superintendent Marius Martinsen, Møre and Romsdal police district, Norway**
- **Taking a victim centred approach in prosecution strategies, Senior Policy Advisor Pam Bowen, Crown Prosecution Service, UK**

13:00 Questions and comments



Programme:

13:15 Panel discussion moderated by Anniina Jokinen

- **Labour inspector Katja-Pia Jenu, Labour Inspectorate of Southern Finland**
- **Chief Lawyer Liis Naaber-Kalm, Labour Inspectorate, Estonia**
- **Chief State Inspector Baiba Pukukalne, State Labour Inspectorate, Latvia**
- **Prosecutor Vladimir Nikolov, Regional Prosecutor's Office, Bulgaria**

13:45 Discussion and questions

13:55 Concluding remarks, Director Natalia Ollus, HEUNI

14:00 Closing of the event

Practical issues:



- **Please use the chat to ask questions from the presenters and panellists and to post comments etc.**

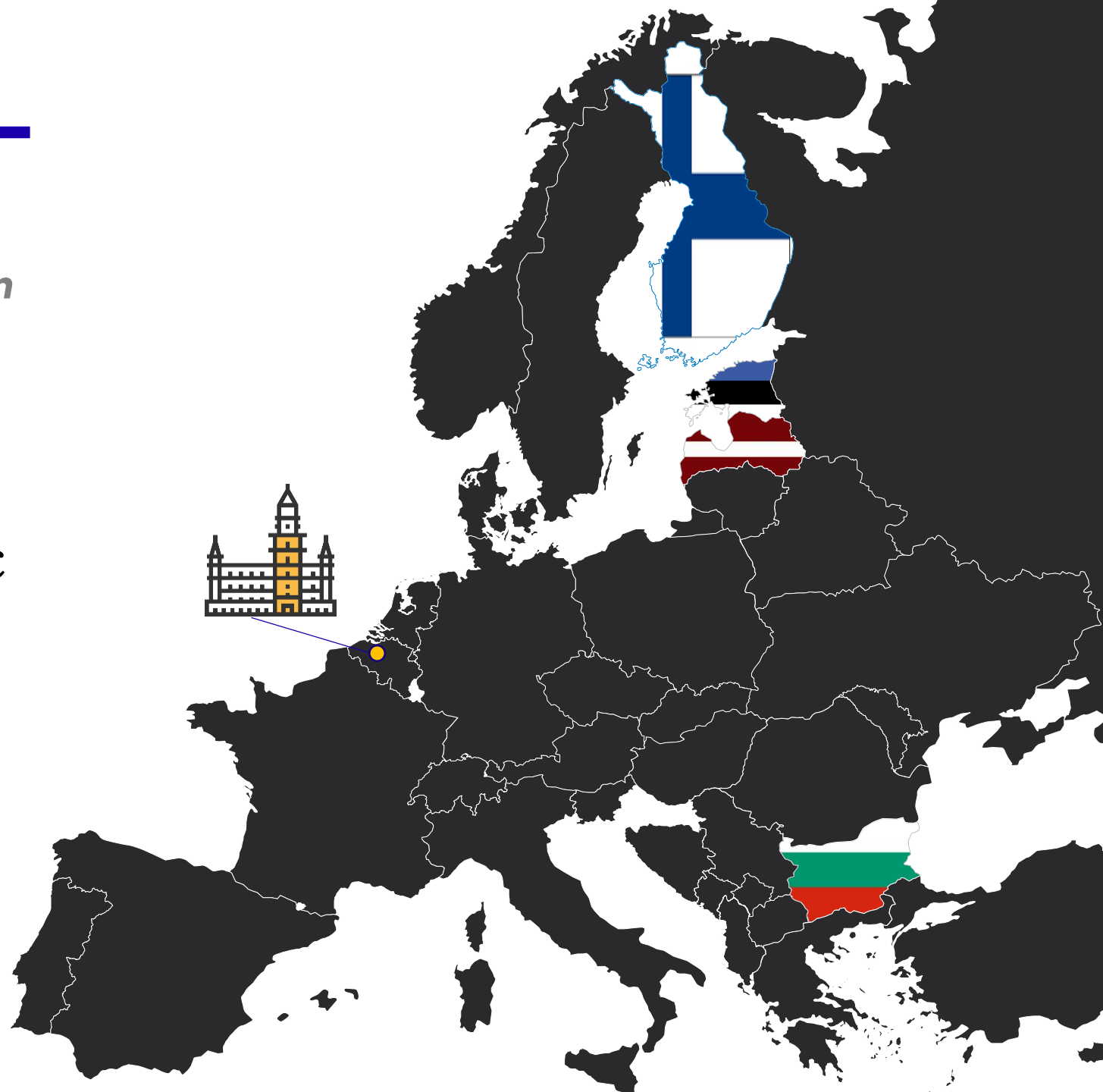
You can test the chat function now by saying Hello and/or by sharing your expectations from this webinar!

- **We will share the slides after the webinar, including links to all the FLOW project materials which are freely available in 5 languages**
- **Please use the project hashtag #FLOW_THB in social media**
- **We have a poll at the end of the webinar to collect your feedback**

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 economic crimes & illicit funds
- Finland, Estonia, Latvia, Bulgaria + study trip in Brussels





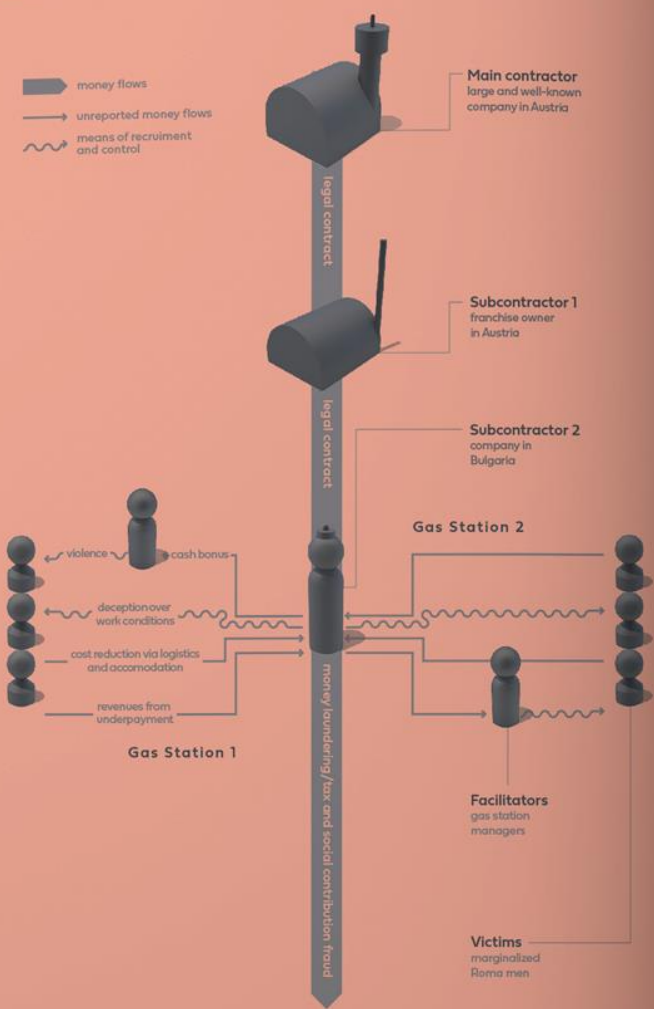
Setting the scene

- 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 |

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
- Tackling labour exploitation is hindered by insufficient regulation, resources & monitoring
- Structural barriers include e.g. need to outsource services and saving from labour rather than material costs





Project publications

- All materials are available on our website www.heuni.fi
- **Investigation tool and checklists:** [ENG; FI; LV; EE; BG](#)
- **Business Toolkit:** [ENG, LV, EE, BG, FI](#)
- **Normative Framework and examples of contractual clauses** [Normative Guide 2020](#)
- **Easy to read** [policy briefs](#)



Presentation of the FLOW Investigation tool

Pekka Ylinen
Detective Senior Sergeant,
Central Finland Police



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

Investigation

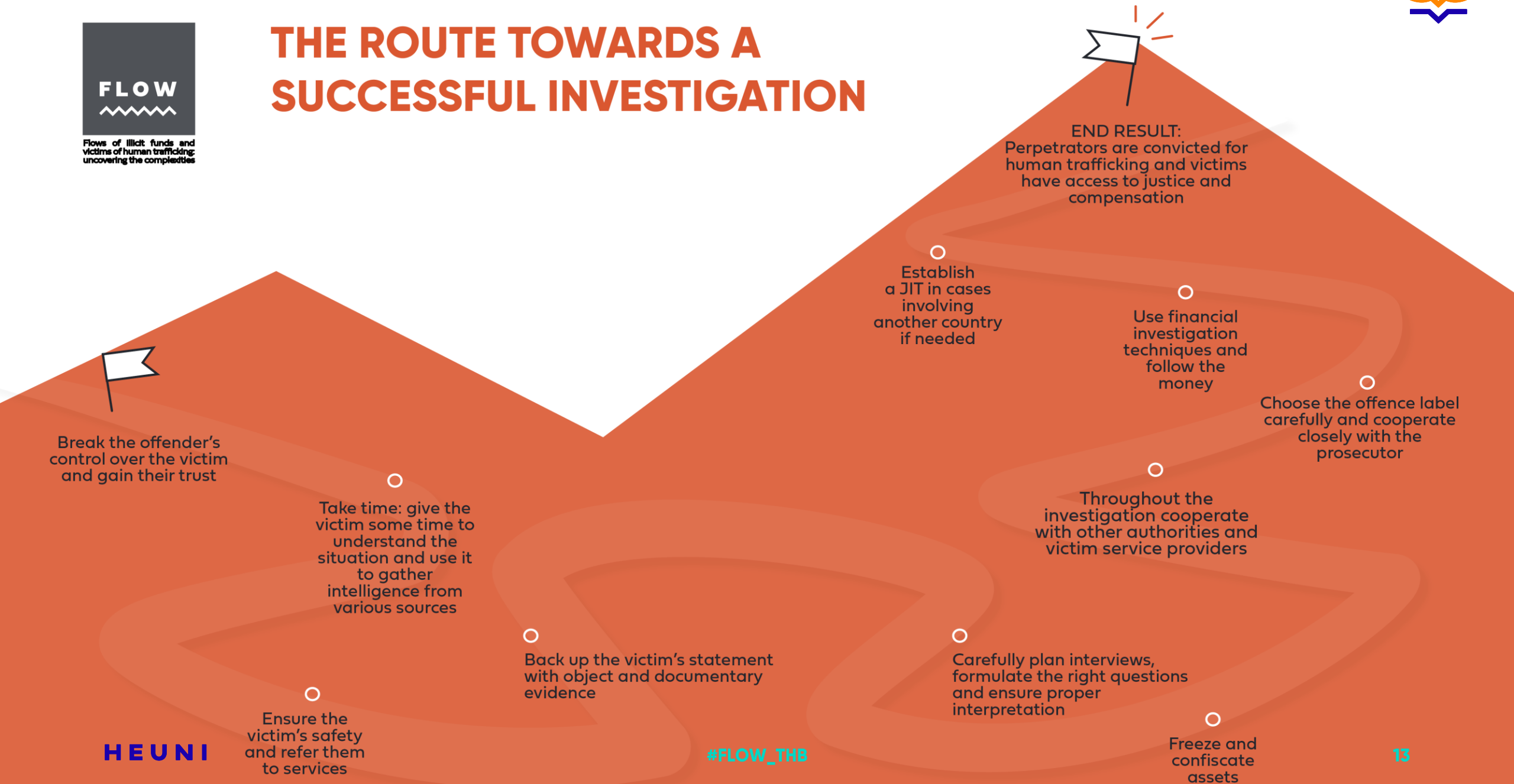
- Successful investigation into labour trafficking requires a comprehensive approach and careful planning & intelligence gathering.
- The victim is of crucial importance to the case: if the offender has a chance to put pressure on the victim, they may be at serious risk.
- Victim-centered and victim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





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

THE ROUTE TOWARDS A SUCCESSFUL INVESTIGATION





Belgian multidisciplinary model for tackling labour trafficking

**Director Peter Van Hauwermeiren,
Anti-trafficking Unit,
National Social Security Office, Belgium**

FLOW - Flows of illicit funds and victims of labour trafficking: uncovering the complexities

Webinar 4th December 2020:

Uncovering and investigating labour trafficking – strengthening multidisciplinary cooperation

The Belgian multidisciplinary model and the role of labour inspectors in tackling labour trafficking

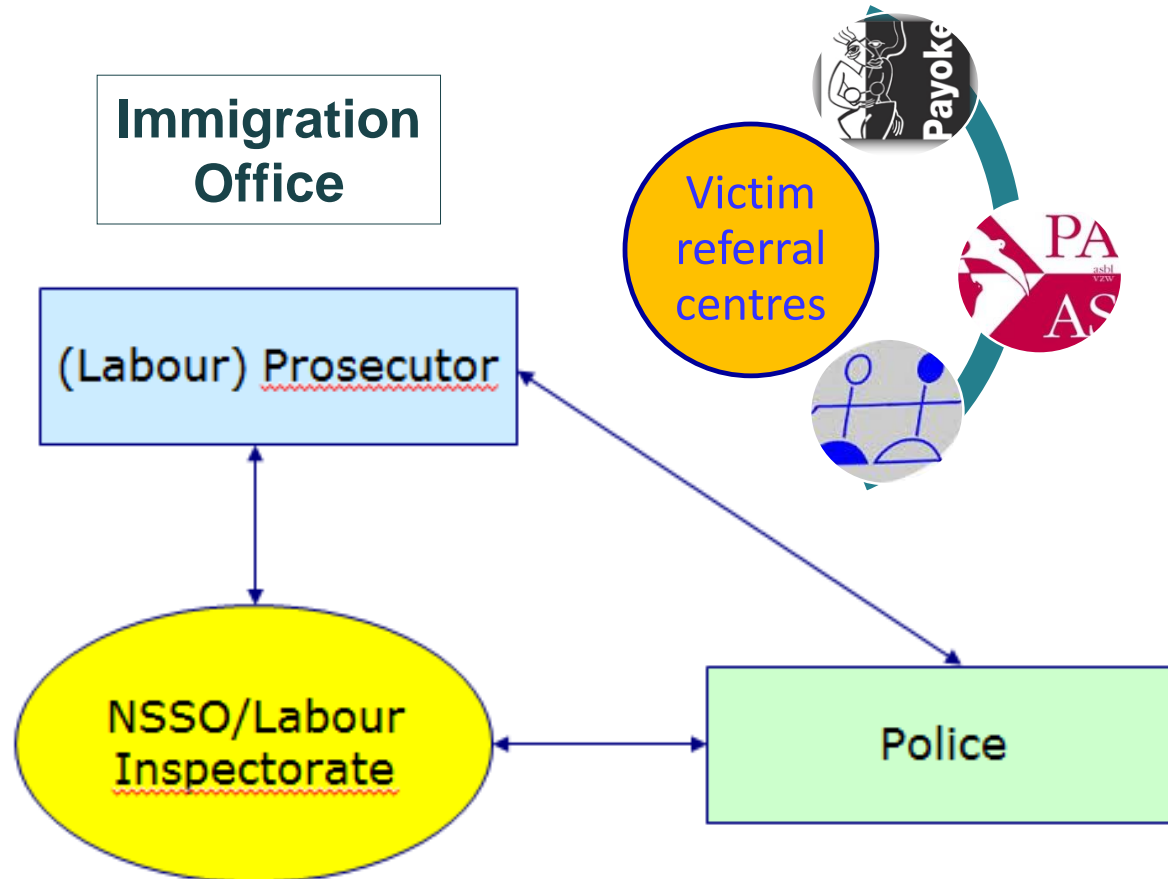


*Peter Van Hauwermeiren
Belgian NSSO Inspectorate
Anti-trafficking directorate*



Trafficking in human beings

THE BELGIAN COUNTER-TRAFFICKING MODEL : COOPERATION BETWEEN KEY PARTNERS



! NETWORK OF SPECIALIZED KEY PARTNERS !

- fighting THB = a **FOCUS** for all
- **SPECIALIZED** units
- policemen, inspectors, prosecutor, NGOs know each other and each other's competences
- **ACCESSIBILITY** and **COMMUNICATION**
- mutual **TRAININGS** (centralized + local initiatives)



Trafficking in human beings

THE BELGIAN COUNTER-TRAFFICKING MODEL : THE ROLE OF LABOUR INSPECTORS

– LABOUR INSPECTORS HAVE AN ESSENTIAL ROLE TO PLAY AS FRONTLINE ACTORS

- widely present on the field (NSSO = 400 inspectors)
- extensive investigating powers
- know about labour standards

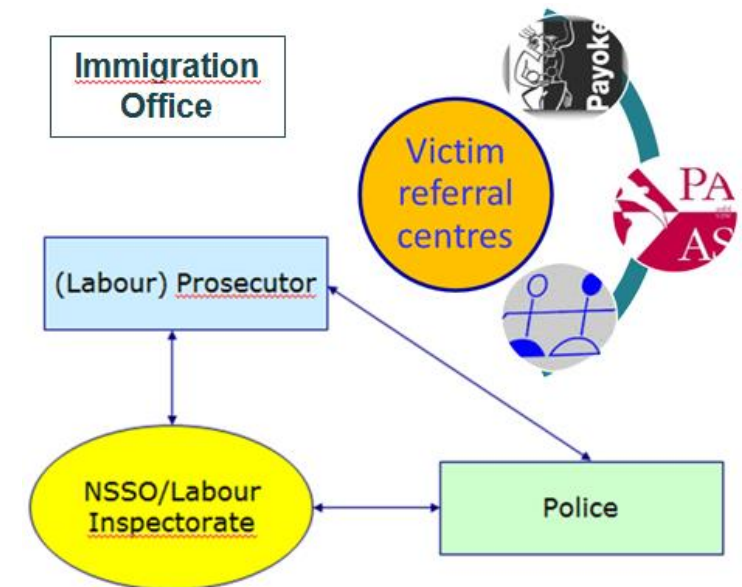


detection ! = taking action

– DETECTION : WHAT TO DO? WHO TO CONTACT?

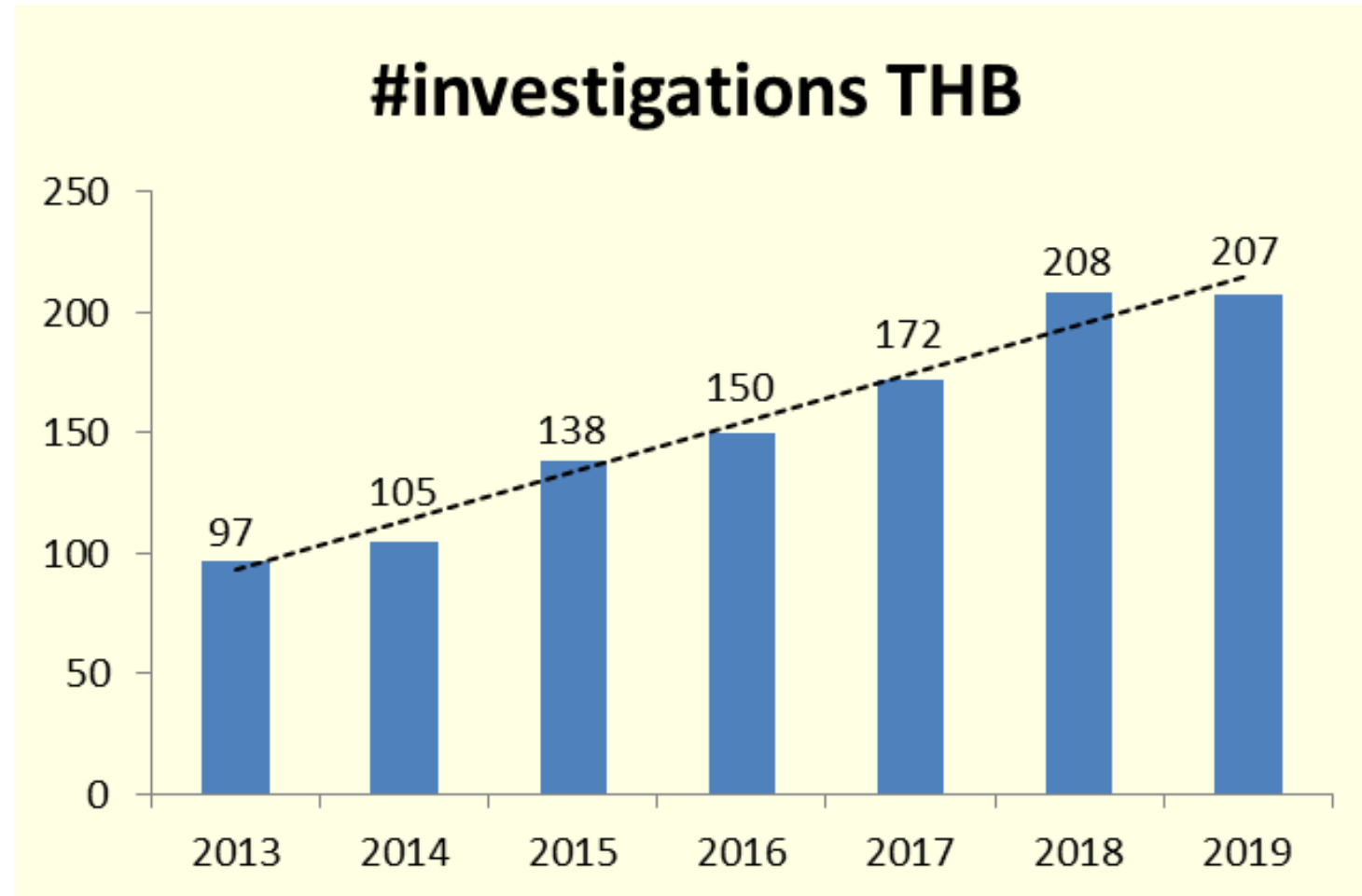
- **INDICATORS** : acceptable working and living conditions?
 - awareness and alertness upon each inspection visit
 - gather any signs of exploitation
- **INFORM THE PRESUMED VICTIM**
- **CONTACT PROSECUTOR asap** : report about the situation
- **CONTACT SHELTER asap** : refer the presumed victim
- **CONTACT IMMIGRATION OFFICE asap**

! Do not “lose” a presumed victim → only one chance! !



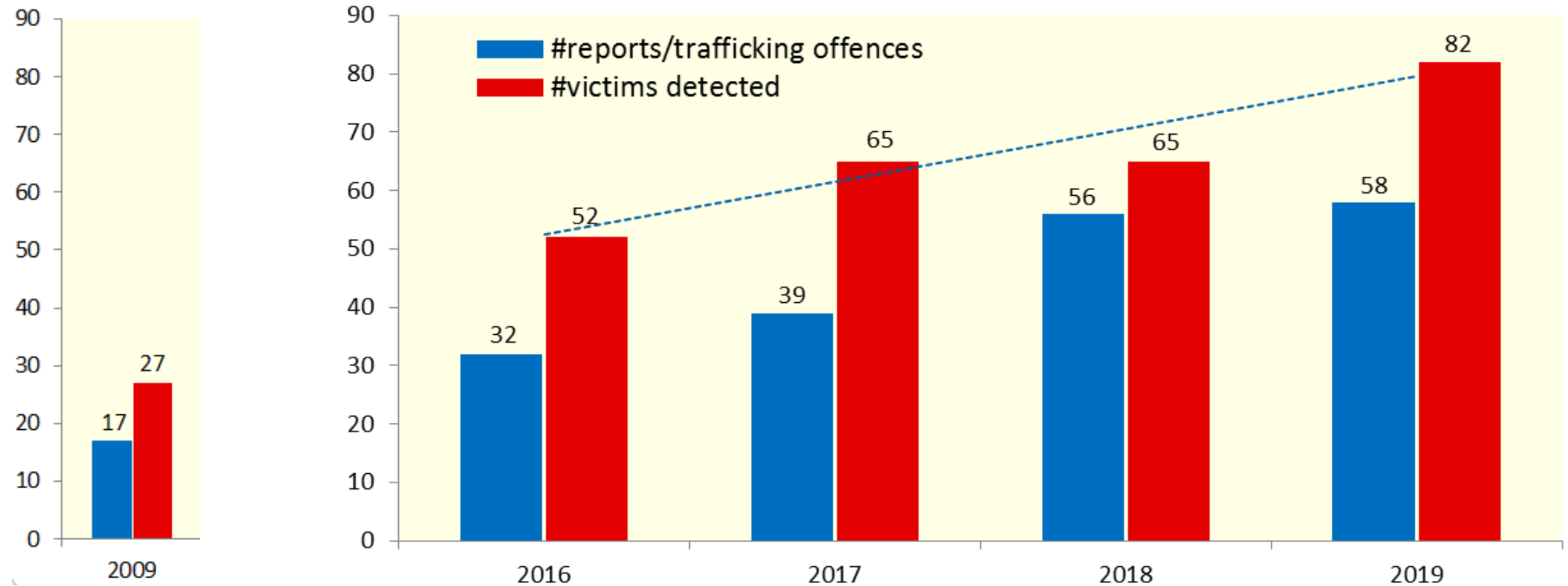
Combating human trafficking in Belgium – some figures

INVESTIGATIONS CARRIED OUT BY THE NSSO INSPECTORATE



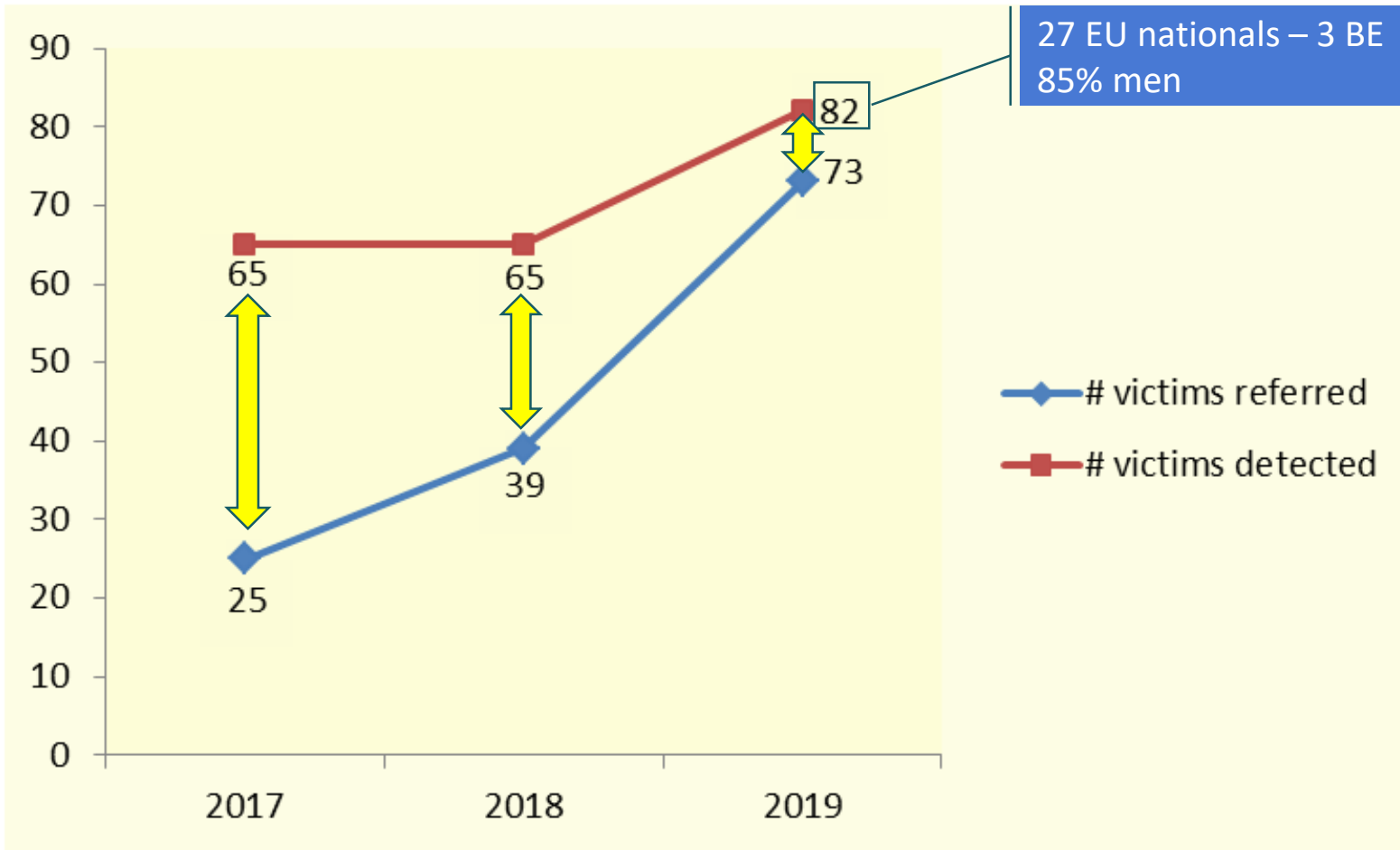
Combating human trafficking in Belgium – some figures

TRAFFICKING OFFENCES / VICTIMS REPORTED BY THE NSSO INSPECTORATE



Combating human trafficking in Belgium – some figures

VICTIMS DETECTED / # VICTIMS REFERRED BY THE NSSO INSPECTORATE

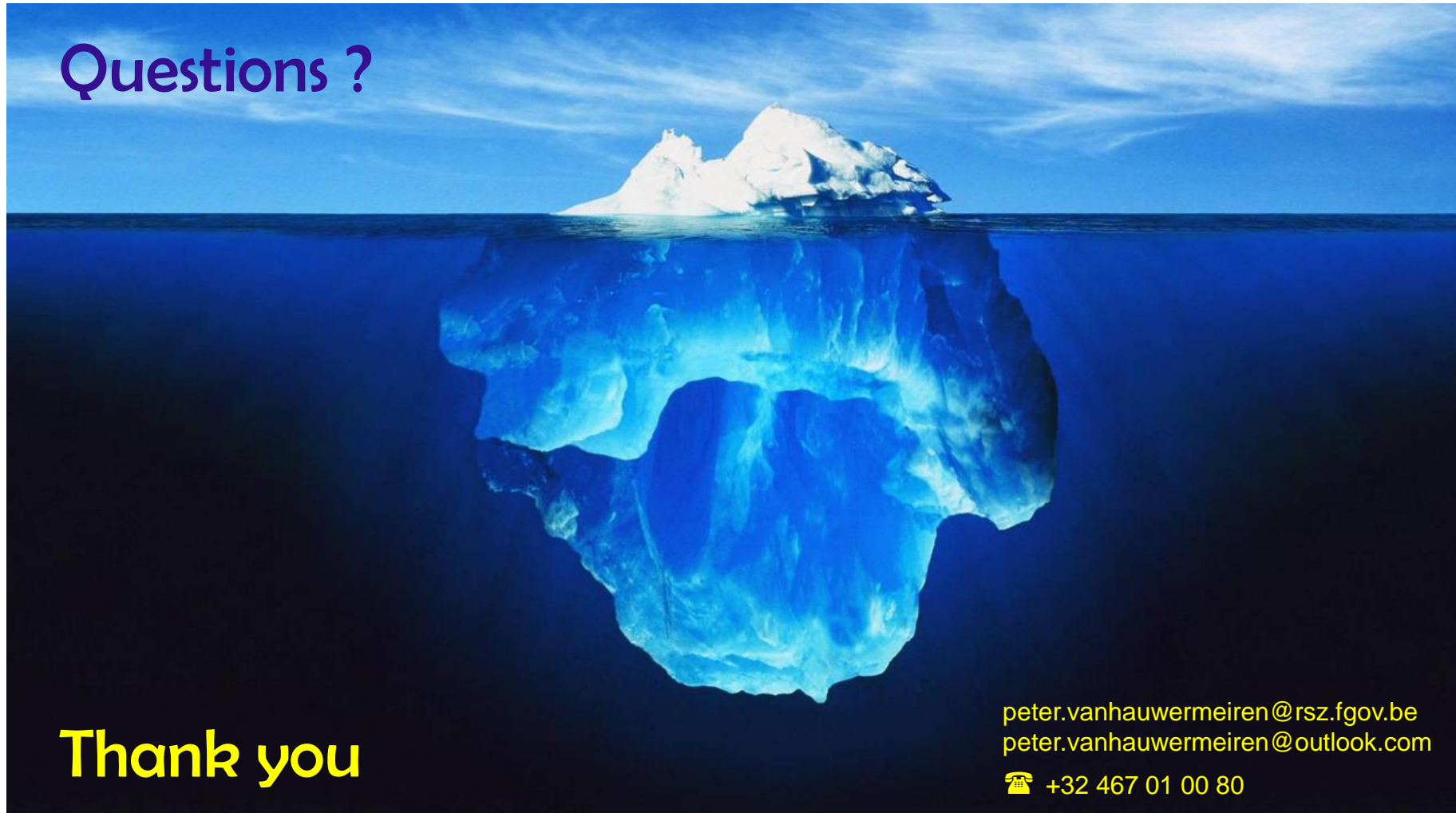


To be noted 2018-2019 :
initiatives for training and awareness raising among labour inspectors
(*indicators + what to do*)
to step up detection and referral of victims



The Belgian multidisciplinary anti-trafficking model

the role of labour inspectors





Prevention of labor exploitation in the shipyard industry

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

Prevention of labour exploitation in the shipyard industry

Project Shipyard



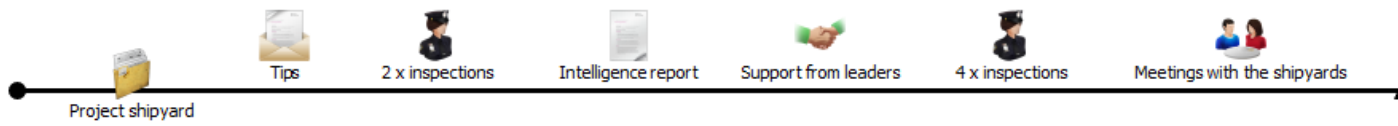
Inter-agency project in the work related crime collaboration in Møre og Romsdal

Control of subcontractors at 4 shipyards during January and February
2020

Number of enterprises controlled 41

Conversation with 247 employees in total





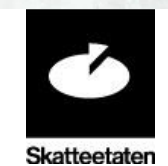
European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)

GUIDELINES FOR BUSINESSES AND EMPLOYERS FOR RISK MANAGEMENT IN SUBCONTRACTING CHAINS

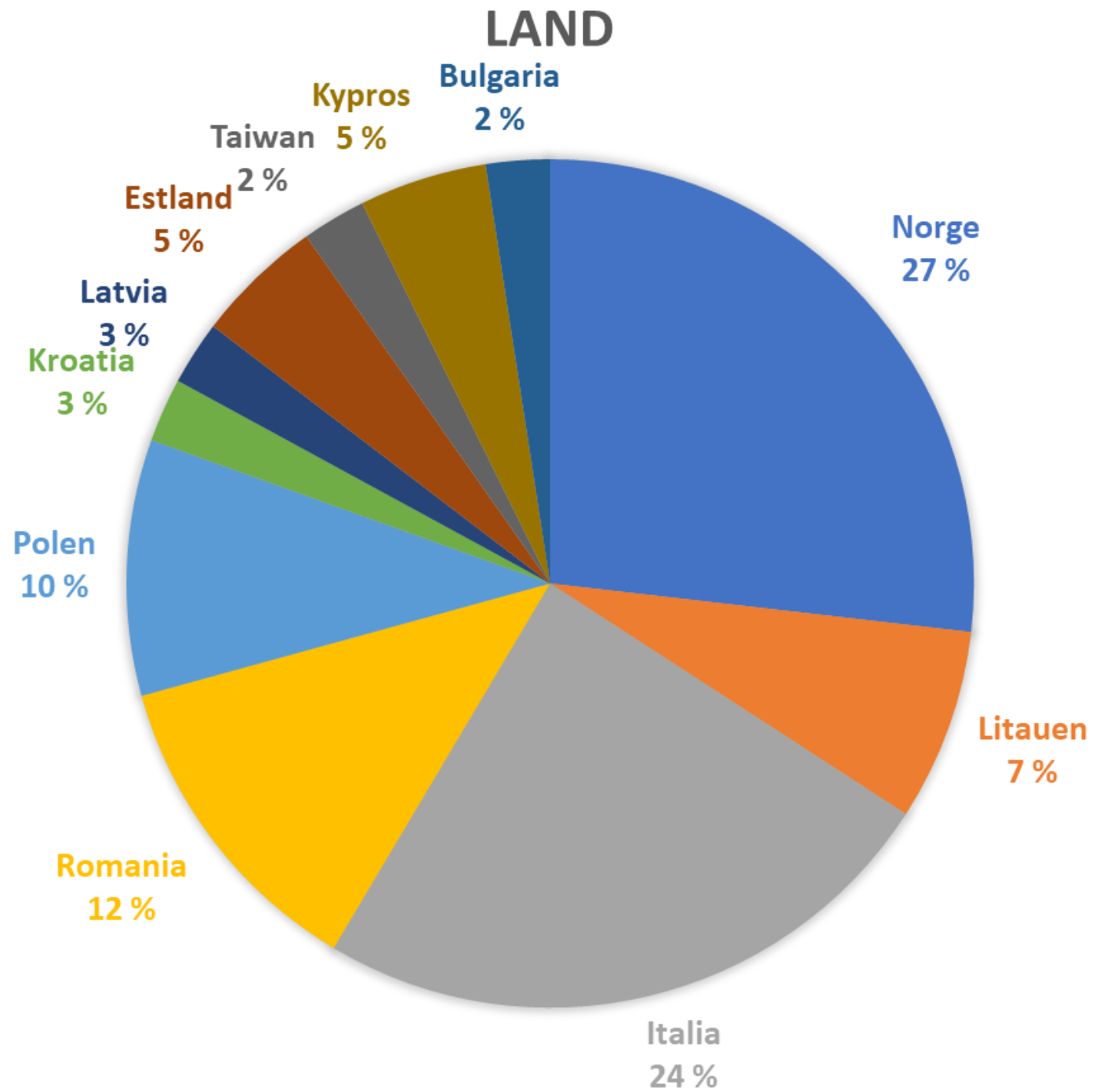


PREVENTING LABOUR EXPLOITATION AND HUMAN TRAFFICKING IN FINLAND

| Åktiv | Navn virksomhet | utsatte ykesgrupper | arbeidsavtale | kjennskap til norsk regelverk | Ykesskade meldt NAV siste år? | Sykefravær siste år | Hvilket ledd leverandør-kjede | Språk- kompetanse | Oppinnelses- land arbeidsstokk | Oppinnelses- land virksomhet | Org form | Tips og/eller tidligere erfaring | Rapportering oppdrag |
|-------|---------------------|---------------------------|--|-------------------------------|--|---------------------------|--|---|--------------------------------------|--------------------------------------|--|--|-------------------------------|
| Ja | TEST FIRMA | 1- Nei 2- Ja 3- Beg | 1- Ja 2- Midlertidig 3- Nei 4- Ukjent | 1- Ja 2- Nei 3- Beg | 1- Mulig arbeidsst. & 2- Ekte over 1 år 3- Beg | 1- Ja 2- Beg 3- Beg | 1- Koordinator 2- LE1 3- LE2 4- LE3 | 1- Norsk 2- Engelsk 3- Litt engelsk 4- Mer enn 0 | 1- Norsk 2- EU/ EØS 3- 3. land | 1- Norsk 2- EU/ EØS 3- 3. land | 1- AS/EDK 2- NBK 3- Ukjg/Annet 4- LE3 | 1- Begn utvokk 2- Begn utvokk 3- Grønneste | 1- Ja 2- Delvis 3- Begn |
| Ha | Sett inn linje over | | | | | | | | | | | | |
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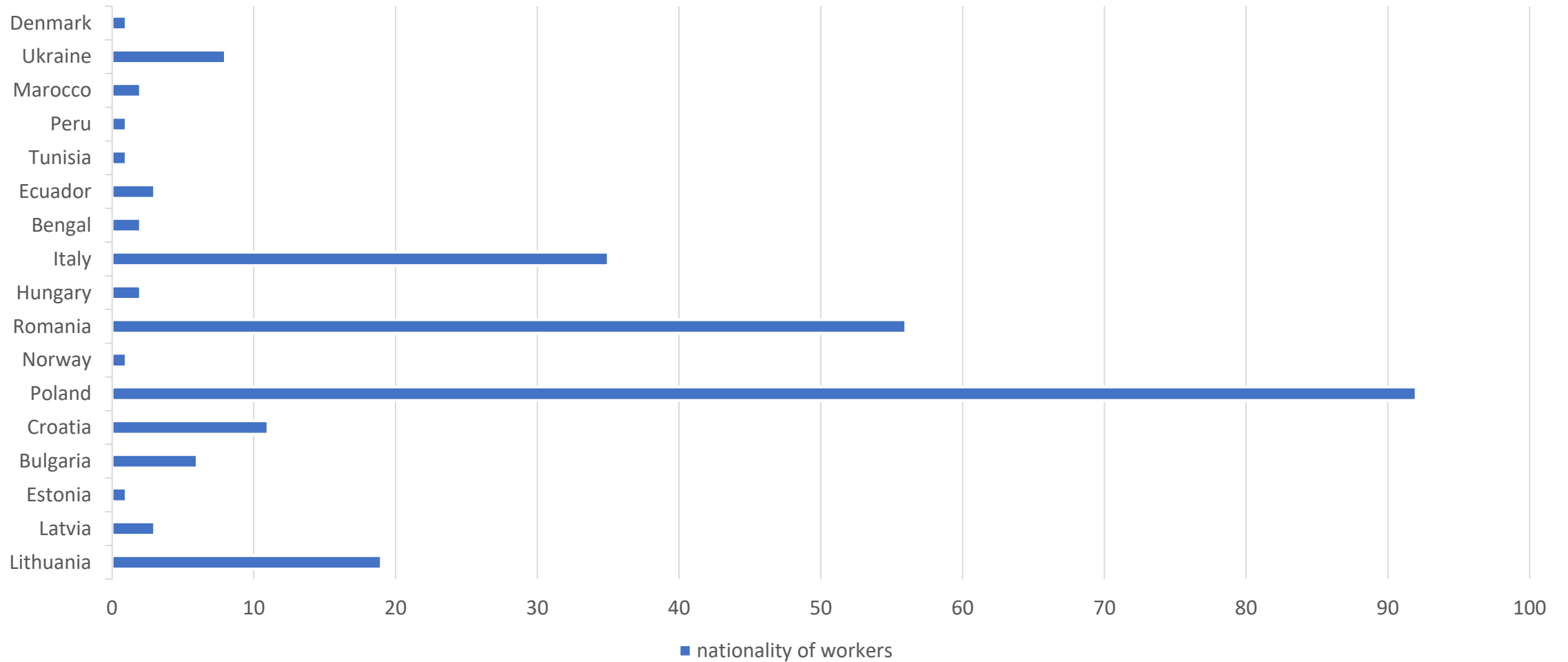


- Companies - Registered nationality



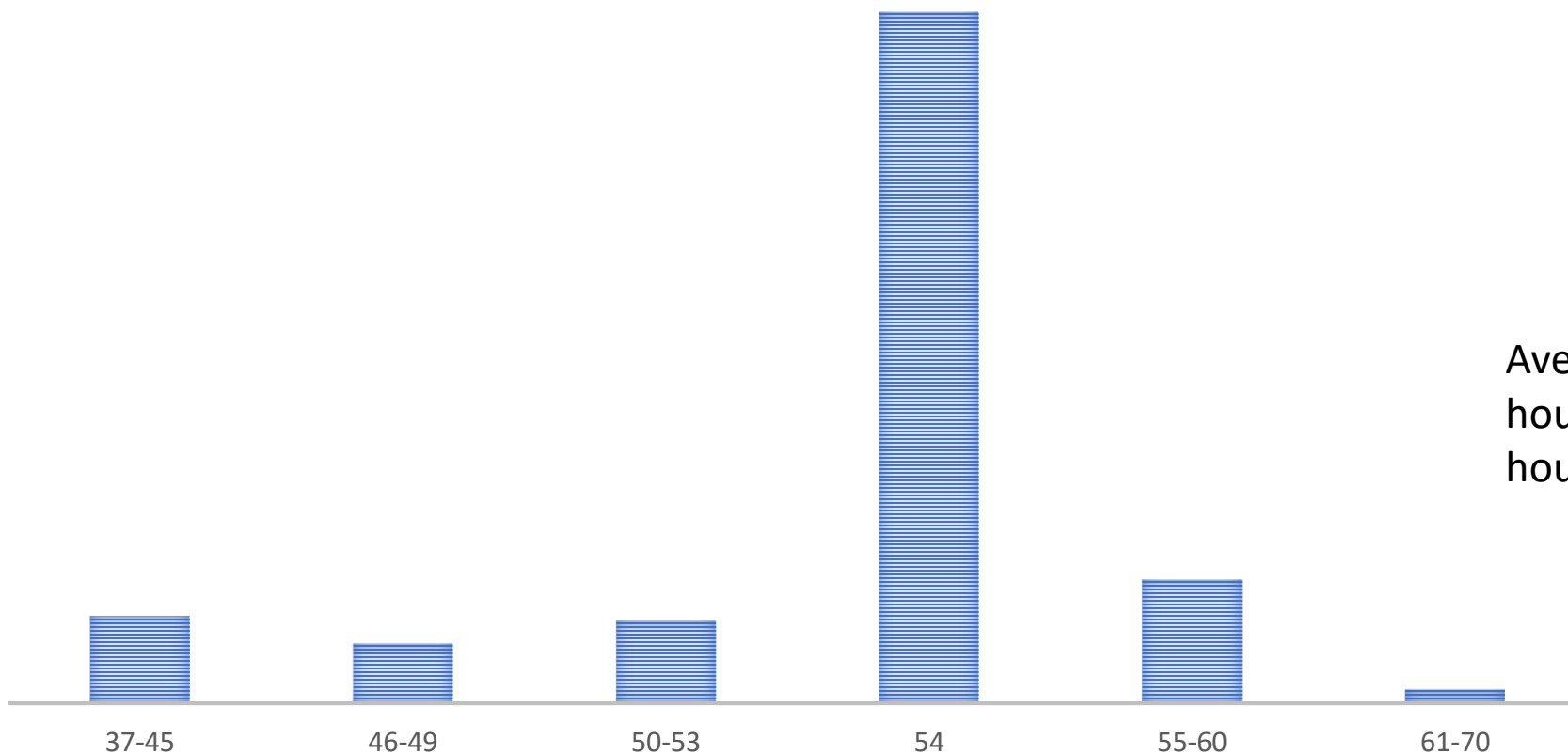
Nationality of workers in total

Nationality of workers



STATED WORKING HOURS PER WEEK

■ Oppgitt arbeidstid per uke



90% state that they work 6 days a week

Most state a break of 1-1.5 hours per day

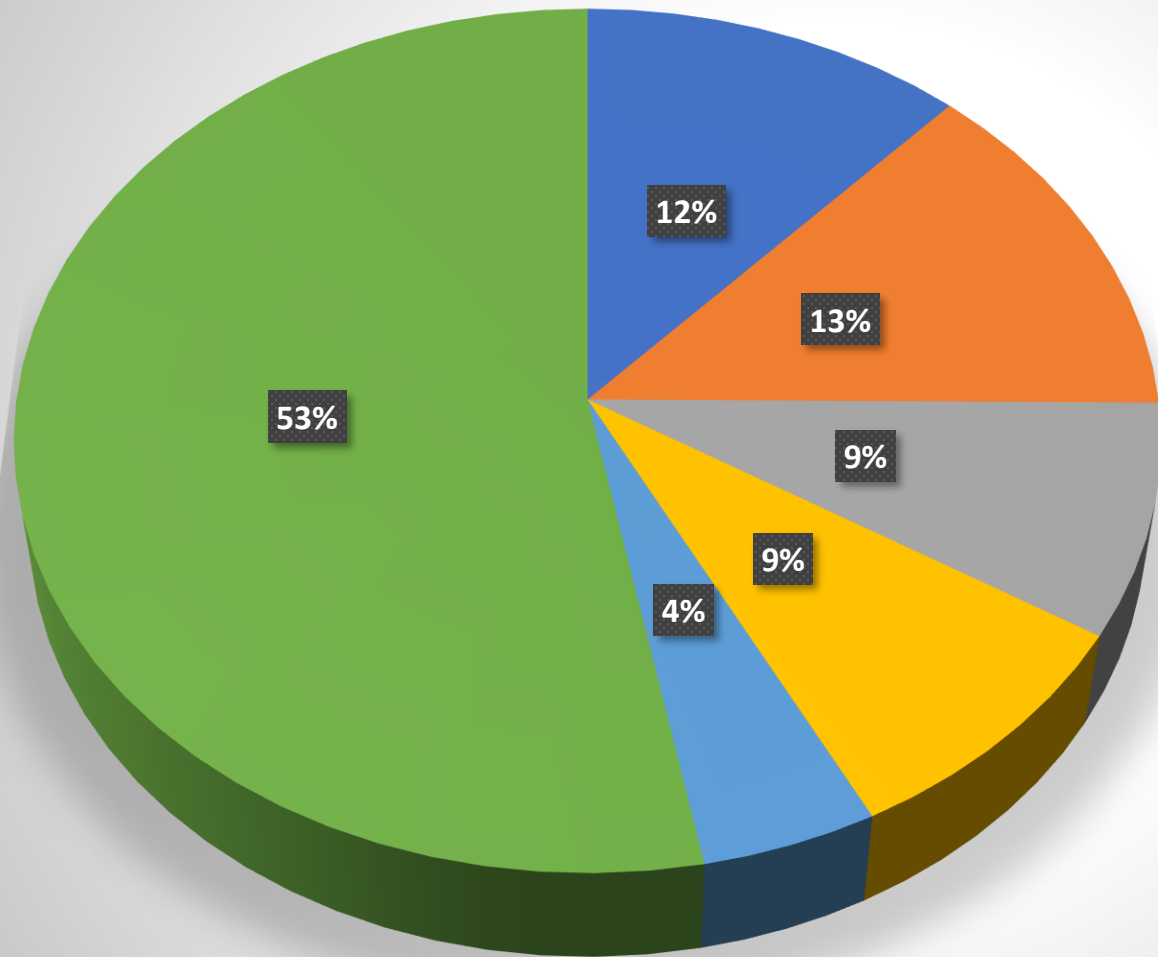
Average stated working hours per week: 52.67 hours



On average,
employees state
NOK 150 per
hour in salary

Minimum wage: 162,6 kr

Oppgitt lønn per time



- 60-90 kr
- 91-100 kr
- 101-119 kr
- 120-140 kr
- 141-162
- Allmenngjort minstelønn og mer



Employer's and employees' perspectives

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





Taking a victim centred approach in prosecution strategies

Senior Policy Advisor Pam Bowen,
Crown Prosecution Service, UK

Labour Trafficking and Exploitation

Taking a victim centred approach in prosecution strategies

Pam Bowen

Crown Prosecution Service UK

There are 2 offences in the UK for which we can prosecute forced labour and exploitation under the Modern Slavery Act 2015 :

- **Human trafficking for the purposes of slavery, servitude, forced and compulsory labour (Art 4 ECHR); and**
- **A stand-alone offence of slavery, servitude, forced and compulsory labour.**

Labour Exploitation in the UK (1)

- **Trafficking and exploitation of migrant labour**
- **Predominantly from Eastern EU countries**
- **Agriculture, recycling centres, factories, food packaging industries**
- **Wages withheld, squalid accommodation, threats and violence**

Migrant Labour



Labour Exploitation in the UK (2)

- **Vulnerable men held in slavery for decades**
- **British male victims: homeless, chaotic, mental health issues/ learning difficulties, drug and alcohol addiction**
- **Domestic building, roofing and paving driveways, recycling centres**
- **Live in squalid dilapidated caravans, used as slaves, paid in alcohol, become institutionalised.**

Slavery



Victim centred approach:

- **Pro-active investigation to gather independent evidence: reduces / removes need for victim testimony**
- **Compelling visual evidence**
- **Pre-recorded evidence and x-examination of victims**
- **Special Measures: remote live link from another building / another country**
- **Interpreters, Intermediaries (and ground rules hearings)**

.....and in investigations

- **Covert surveillance**
- **Digital devices, financial investigation, CCTV**
- **Support of other law enforcement agencies**
- **Expert evidence**
- **Reception centres on day of police action to triage victims**
- **Referral through NRM to tailored support**

Data Trends: Offences charged

| | Year ending Sept 2017 | Year ending Sept 2018 | Year ending Sept 2019 |
|--|-----------------------|-----------------------|-----------------------|
| Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 { 4 } | 27 | 21 | 19 |
| Coroners and Justice Act 2009 { 1 } | 16 | 16 | 8 |
| Modern Slavery Act 2015 { 1 } | 45 | 80 | 158 |
| Modern Slavery Act 2015 { 2 } | 116 | 200 | 163 |
| Modern Slavery Act 2015 { 4 } | 1 | 1 | 9 |
| Sexual Offences Act 2003 { 5 } | 6 | 2 | 3 |
| Sexual Offences Act 2003 { 5 } | 58 | 61 | 42 |
| Sexual Offences Act 2003 { 5 } | 11 | 0 | 5 |
| Sexual Offences Act 2003 { 5 } | 15 | 10 | 8 |
| TOTAL | 295 | 391 | 415 |



Thank you



Panel discussion

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

Chief Lawyer Liis Naaber-Kalm, Labour Inspectorate, Estonia

Chief State Inspector Baiba Pukukalne, State Labour Inspectorate, Latvia

Prosecutor Vladimir Nikolov, Regional Prosecutor's Office, Bulgaria

Moderator: Anniina Jokinen (HEUNI)



Concluding remarks

Director Natalia Ollus, HEUNI

The interpersonal and structural dimensions of exploitation

- **Interpersonal dimension:** comprehensive infringement of the rights of individuals.
- **Structural dimension:** a manifestation of state-corporate crime, i.e. lack of adequate enforcement of the provisions prohibiting exploitation and insufficient regulation of the factors and conditions that enable such exploitation.
- Need a comprehensive approaches to effectively address exploitation: safeguarding the **rights of victims** while addressing the **economic and regulatory structures** that facilitate exploitation.





HEUNI

The European Institute for
Crime Prevention and Control,
affiliated with the United Nations

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