ILO’s Special Action Programme to Combat Forced Labour
In January 2003, the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL), in consultation with the Bureau for Workers’ Activities (ACT/TRAV), convened a programme consultation with representatives of workers organizations and academic resource persons on the issues of forced labour, irregular migration and human trafficking in Europe.

The aim was to examine the state of knowledge and research on the situation of men and women potentially subject to coercive working conditions in the three sectors of agriculture, construction and building trades, and textiles and garments in destination countries; and to reach agreement on workers’ priorities for follow-up research and action on the issues, and on the mechanisms for involving workers’ organizations.

The consultation is one of the first public activities of SAP-FL, a new programme created by the Governing Body to give greater coherence and visibility to the ILO’s work against forced labour, including the forced labour outcomes of human trafficking. The programme is global in its coverage, aiming to increase awareness on forced labour concerns, and to enable ILO Member States and constituents to eradicate structural problems of forced labour with the help of the ILO’s technical assistance.

Since its inception, however, SAP-FL has also given attention to problems of forced labour in industrialized countries. While there has been much concern with trafficking for sexual exploitation in Europe, there is a growing realization that aspirant migrants can also be trafficked across borders for various forms of labour exploitation. Workers’ organizations can have a particular role and responsibility in exposing and combating the abuses, first out of solidarity with the victims subject to this form of exploitation, and second in order to protect the basic rights of all workers.

The consultation was financed by the Government of the Netherlands. This formed part of a broad package of support to SAP-FL, to facilitate a better understanding of the demand aspects of forced labour and trafficking in destination countries, and to seek the greater involvement of employers’ and workers’ organizations in action against it.

The meeting has provided a substantive basis for the SAP-FL’s technical and advisory activities in Europe, which will gradually expand over the next few years. The following report is based on the presentations and discussions during the consultation meeting, as well as on papers submitted to the meeting.

Roger Plant
Head, Special Action Programme to Combat Forced Labour
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Irregular Migration and Human Trafficking in Europe

INTRODUCTION

Smuggling and trafficking of migrants is now high on the agenda of European governments. Trafficking, especially for sexual exploitation, is depicted as a trans-national crime with increasing turnovers, and with close links to the arms and drug trade as well as to money laundering. The emphasis on crime prevention and security has, however, obscured the fact that trafficking is also related to labour market failures in the countries of destination and origin of the trafficked workers. This may be one reason why most trade unions have so far paid little attention to the issue. Only recently has there been increasing awareness of the gravity of trafficking and smuggling for labour exploitation, and the coercive conditions to which migrants - men as well as women - can be exposed in various economic sectors. Irregular migrants are often the most severely exploited workers, without any rights in the country of destination. But even with legal contracts, migrant workers can be subjected to various forms of exploitation and coercion.

Despite limited public sympathy for the plight of irregular migrant workers, some trade unions have addressed the issue. They have become increasingly active, collecting and disseminating information, providing services to illegal migrants, and mobilising their members. To draw on this experience, the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL) convened a meeting with representatives of workers’ organizations as well as academic resource persons on the issues of forced labour, irregular migration and human trafficking in Europe. This meeting took place on 8th - 9th January 2003 in consultation with the Bureau for Workers’ Activities (ACTRAV).

The meeting focused on unprotected labour markets in the construction, agriculture, textile and garment sectors where migrants are predominantly trapped in coercive working conditions. Participants stressed that exploitation or even forced labour in the countries of destination begins with the recruitment process and the way people are lured into employment abroad by advertisements in the local media, travel agencies or other intermediaries. Some of these intermediaries have close links to employers, and both may conduct business in a grey area between legality and illegality.

For other migrants, desperation in their country of origin is pushing them to accept harsh treatment in the country of destination. They may arrive without the help of an intermediary or via well-established smuggling routes, but the forced labour outcomes are similar to those who are victims of trafficking.

During the working sessions of the meeting, aspects of demand for migrant labour, structural changes in certain sectors, mechanisms of control and exploitation as well as the role of governments were discussed. The final session aimed to highlight best practices of workers’ organisations and to identify future action for migrant victims of trafficking. Victims need protection, but at the same time they have to be empowered by increasing their awareness of labour rights. Trade unions can play an important role in this.
Economic analysis of labour migration has traditionally focused on "push and pull" factors such as poverty and unemployment in the sending countries, and demand for migrant labour in the receiving countries. This does not explain the migrant's choice of destination, nor the patterns of gender and age. Wage differentials and the existence of trafficking and smuggling networks are an important driving force in migration. Two parallel causes are mainly responsible for the increase of illegal migration: first, economic crisis in countries of origin due to economic transformation and the effects of structural adjustment programs; second, the restriction of entry in to Western European countries. Trafficking and smuggling networks responded to this bottleneck by providing the means to enter illegally. Contrary to the general perception, most of these networks are rather small, often organised by one family or group of people on both sides of a border. In terms of a cost-benefit analysis, trafficking of human beings, when compared to say tobacco or drug smuggling, can be the best return for the lowest risk.

Trafficking is also related to increasing international competition and the tendency towards informal employment through the deregulation of labour standards. From this perspective, exploited migrant labour helps to keep alive those industries that are no longer competitive. This is especially true for industries that can be relocated, such as agriculture or garments. But there also is a downward pressure on wages and labour standards in industries that cannot be relocated, such as domestic help and restaurants, as well as the construction industry. Here, out-sourcing and informal employment have created conditions that seem no longer to be attractive for the national workforce. ¹

CONSTRUCTION SECTOR

At the global level, approximately two-dozen large international contractors are dominant in the construction industry, along with some small and medium sized companies. Local construction enterprises still exist, but generally the sector has developed into a complex system of international contractors and sub-contractors employing an increasingly global workforce. Employment relationships have become increasingly informal due to the project-based and highly flexible nature of the construction industry. This has made both the recruitment of workers by unions, and the prosecution for labour rights violations, very difficult.

Work in the construction sector is still characterized by the dirty, dangerous and degrading (3D) nature of the jobs. According to the International Federation of Building and Wood Workers (IFBWW), technological developments do not result in better pay or status for construction workers. Therefore, local workers with more choices are not interested in this work. So migrants are replacing the local workforce, thereby increasing the
pressure on wages and decreasing labour standards.

In developing countries, around two thirds of the sector is organised along informal lines. Within the European Union, the freedom of movement of goods and services since 1992, together with a range of bilateral agreements in order to eliminate visa requirements, has fundamentally altered the system of employment. It has encouraged the employment of flexible migrant workers, many of them undocumented. Migration between Eastern European countries is causing even more concern, as it is largely unregulated. The General Agreement on Trade and Services as well as the enlargement of the European Union will further increase the mobility of services and people. Trade unions are apprehensive that this will undermine their attempts to organise migrant labour and to fight bad labour practices. 2

AGRICULTURE SECTOR

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Farmers were always dependent on seasonal workers hired mainly for the harvest. Many European countries have bilateral agreements to regulate seasonal work. But even under these legal arrangements, migrant workers are exploited through very low pay, unreasonable wage deductions and unacceptable living conditions. Furthermore, farmers are increasingly relying on seasonal workers through chain contracts. Undocumented migrants are clearly the most vulnerable members of this flexible labour force. New migrant workers, especially from Eastern Europe and North Africa, continuously replenish the pool. Female workers are often paid less than men and are exposed to sexual harassment.

TEXTILE AND GARMENT SECTOR

The textile sector was one of the first to globalise. Some 130 countries are in competition for 30 or 35 national markets worldwide. Most of the industry is small or medium sized. The US based company NIKE is an example of the current structure of the sector: Whereas research and development, as well as marketing, are still located in the USA, production is organised on a global scale. Under these circumstances, work-
ing conditions have steadily worsened in the sector. In Bangladesh, for example, salaries have gone down 30% from the previous standard. After the collapse of communism, cheap labour also became available in Eastern Europe.

According to the International Textile Garment Leather Worker’s Federation (ITGLWF), over 500,000 subcontractors and 150,000 undocumented workers (about 25% of the total workforce) are employed in the garments and textile sector in Europe. 15,000 of them are working in the Benelux countries alone. In France, an average sized textile company can make up to half a million USD profit per year, provided that the salaries they pay their workers are only about one third of official wage levels. The textile sector is one of the lowest paid in Europe. Forms of bonded Chinese migrant labour have been found in the textile sector of Southern Italy. In Paris, textile workshops and prostitution are located in the same district of Sentiers, where police reports have indicated that 40% of undocumented foreign workers are employed.
2. Forms of exploitation and control: Country case studies

RUSSIA

It is estimated that Russia has several million migrant workers, most of them working in the construction sector. Moscow alone attracts about half a million migrants. They are either employed by big construction firms over a longer period of time, or wander around in search for work on smaller construction sites. These workers are dismissed as soon as the project is finished. Corruption in the sector is a major problem, and employers find it easy to cover up illegal practices. Migrants from the Ukraine, Belarus or Moldavia are more often recruited by regular recruiting agencies. They are more qualified, better paid and enjoy more rights than migrants from Central Asian countries such as Tajikistan or Uzbekistan. The latter are hired as a group, stay together on the construction site and are controlled by somebody who remains unknown. It is possible that they are controlled by a gang master system, but information on these structures is difficult to obtain. They are very often irregular migrants and therefore dependent on their employer or recruiter. Their transportation and housing conditions are very bad.

In contrast, migrants from the first group of countries are mainly employed in the formal sector. They are normally recruited in the first instance by an agency. Employers record the details of qualified migrant workers in a database and call upon them when needed again. After the first time working abroad, these migrants arrange their future travel themselves. Their salaries can be 50% lower than those of local workers, but at least their wages are paid on a regular basis. Tax evasion is widespread, since workers reportedly accept wage slips stating less money than they actually receive. Health and safety standards are generally less rigidly enforced for migrant workers. There is no compensation scheme in case of accident since migrant workers do not receive an official contract (sometimes, they only sign an empty sheet of paper). Association with a trade union would mean immediate deportation.

GERMANY

The construction sector employs around 800,000 workers with formal contracts (including contract workers from abroad), and between 300,000 and 400,000 undocumented migrant workers. Nearly half of Berlin's workforce is undocumented or
working under precarious conditions. The availability of undocumented migrant workers has firstly caused unemployment among migrants with a legal status. Their unemployment rate has increased from 12.3% before 1992 to 15.3% in 1993, and is currently at 20.2%. German workers are also affected by unemployment, yet foreign workers with a legal status are the first to be replaced by a rotating work force. There are five or six general contractors in Germany. The head contractor purchases one labour hour from his sub-contractor at 40-60 (of this, up to 25 are social contributions). Of the amount paid to the sub-contractor who actually hires the migrant worker, the worker receives just 1-4. The various sub-contractors in the employment chain take the rest as profit. When the contractors are making such high profits, a fine of 20,000 does not constitute a major deterrent.

Migrant workers with a work permit limited to a single company are extremely dependent on their employer. Employers and recruiters have even included clauses in the contracts of legal migrant workers that prevented them from claiming their rights. Sometimes workers have to pay a deposit that is held back in case they cause trouble to their employer; sometimes they are fined by the company after claiming their rights and then sent back to their home country. During a strike in 2002, migrant workers were sent back after using their right of freedom of association. Polish migrant workers' contracts signed by the employer or recruiting agencies have to pass governmental authorities. Despite this regulation, clauses in contracts that violate labour law are still common practice. Unions have heard of cases where the contractor called the police when the job was nearly finished in order to have his undocumented migrant workers deported. Since they have no legal rights, they could not collect their wages.

The agriculture sector employs around 200,000 seasonal workers who come mainly from Poland and stay for a period of three months. Those work permits cannot be extended for the individual worker, but a company is permitted to employ seasonal workers over a period of seven months per year. Companies that work in vegetable, fruit, wine, hops or tobacco growing can employ seasonal workers for up to one year. Some farmers rely only on seasonal workers by splitting regular work into "seasonal" work. Seasonal workers are not integrated into the labour market system and depend very much on their employer. They are not informed about their labour rights, nor are they professionally trained. Health and safety coverage is not usually guaranteed.

The German trade union, IG BAU, estimates the number of illegal seasonal workers at 150,000. Unannounced visits by inspection teams of the IG BAU revealed appalling working conditions in some of the plantations or fields: salaries 50% below the minimum wage and paid by piece rate, as well as high wage deductions for poor housing. Some migrants work (often illegally) as day labourers and are called upon when retailers request additional supplies.

UNITED KINGDOM

The labour market of the United Kingdom is highly attractive for migrants due to its deregulated nature. Jobs are easily available in the shadow economy and a variety of

4 \textit{Industriegewerkschaft Bauern-Agrar-Umwelt - IG BAU -} (2001)
languages are spoken. Despite the fact that the British government has never passed an amnesty law (unlike Italy, France or Portugal), the market is attractive for traffickers and migrants alike.

So-called gang masters hire workers in the agriculture sector. The gang master system originated in the 19th century. Over the last twenty years, gang masters have developed into big business, with an estimated profit of £50 million per year. However, the undeclared turnover may be much higher. Farmers or pack houses recruit workers through the gang master company, yet the latter is the official employer. The enforcement of labour standards is thus made more difficult. The pressure to produce at low costs is passed on to the gang master who will pay workers very low salaries.

It is estimated that one third of the British food industry relies on gang masters. Hence, gang labour has become essential for the survival of the food industry. Around 50% of the workers are migrants, some of them undocumented or with forged documents. Some gang masters have close links to Eastern European mafia networks. But gang labour is also recruited among the Asian population within the United Kingdom. The use of migrant labour seems to be increasing in the Midlands as well as along the South and East coasts of the United Kingdom, as unemployment is low in these areas and the concentration of 3D industries very high.

Abuses affect all gang labour but are more severe in the case of migrants. Workers are generally paid below the national minimum wage and the agriculture salary scale. Wage deductions are common practice. For example, workers have to pay for their transport, equipment or housing, whether they have used this or not. Often an arbitrary administration fee is imposed. Almost none of the workers receive wage slips. Those who are employed “off-the-books” receive lower wages but have no deductions. Health and safety regulations are also neglected, and employers never pay the proper taxes. All of this is possible because migrants are deceived by recruiters or media advertisements in their country of origin and because many of them come without valid documents. Unions have had only limited success in organizing people employed by gang masters, especially if they are not from the EU.

SPAIN

The production of fruit and vegetables for export is concentrated in the regions of Almeria and Andulucia. The Almeria region produces annually around 2.8 million tonnes of fruit and vegetables, of which half are exported to North European countries, principally Germany. More than 90% of the workers are immigrants, coming mainly from Morocco and Eastern Europe. A road accident near Mucia in January 2001, in which 12 illegal labourers from Ecuador were killed, led to the discovery that there were some 150,000 clandestine immigrants from Ecuador in Spain.

It has been estimated that half the Moroccan young people want to leave their coun-

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5 Pollard (2000).

6 The following is based on Bell (2002) and a study of the European Civic Forum.
try under any circumstances. They know about the appalling working conditions in Western European countries, but despite this they are ready to work there. Once they have crossed the border they will find a job quickly, even if it means to endure heat of up to 50°C in the glasshouses and contact with huge amounts of pesticides. An inquiry of the European Civic Forum in the municipality of El Ejido has disclosed deplorable living conditions of the migrant workers: They live in old shacks abandoned by the rural population, 55% of them have no drinking water, 57% no washing or toilet facilities and 31% no electricity.

The municipality of El Ejido made headlines when riots with a racist undertone broke out in February 2000. According to the European Civic Forum, the riots were the consequence of a deliberate policy of segregation between the local population and immigrants. Cases are also known where local authorities and employers play one immigrant group off against another. For example, some 10,000 mostly undocumented immigrants from Morocco worked in the strawberry harvest in the Andalusian province of Huelva. Following a regularisation campaign, 5,000 undocumented Moroccan migrants, received a work permit restricted to the 2002 strawberry harvest. But before they even started to work, they had been replaced by thousands of young Polish and Romanian women who were perceived as more docile.

SWITZERLAND

The Swiss agriculture sector employs around 40,000 people. Since July 2002, temporary restrictions for workers from EU and EFTA countries have been abolished. With the abolition of the seasonal contract scheme, non-EU workers have been deprived of any possibility to enter the Swiss labour market legally (with few exceptions). It is however estimated that there are 8000 "sans papiers" working in agriculture alone. Most of them come from Eastern Europe and former Yugoslavia. Exploitation, primarily of clandestine migrants, became public through various scandals over recent years, which revealed inhuman housing conditions and very low wages. Some of these cases were dealt with in the courts.

The Swiss parliament is currently discussing a new alien law that will open the labour market to seasonal workers from the ten EU accession countries. This will be restricted to agriculture, hotels and restaurants and does not entail full freedom of movement, despite the accession of these countries in 2004.

NETHERLANDS

There are about 200,000 people working in the agriculture sector and paying their social contributions. At peak times, between 100,000 and 150,000 additional workers are hired, especially by greenhouse farmers. Most them are undocumented migrants. Recruitment is organised by temporary agencies, which can be set up with-
out a licence. This was different fifteen years ago when licences (including a criminal check) were obligatory. These agencies are very small and almost always owned by Moroccan or Turkish immigrants who work strictly separated from each other. In addition, day labourers are hired at certain locations early in the morning. Abuses are widespread although trade unions have no evidence on the incidence of forced labour.

FRANCE

In France there are two different types of labour contract: an unlimited part time contract for nationals only, and a simplified work permit valid for a maximum of 20 days for agricultural workers who come only for the harvest. Migrants usually remain in the country once the contract has expired. There are about 910,000 seasonal workers, of which 1% are migrants. A social registration number is obligatory before the worker begins to work. Migrant workers from Poland and North African countries have replaced Portuguese workers. There are a variety of ways to exploit these people through legal means. For many years, thousands of migrant workers came to France through OMI (Office des Migrations Internationales - a French public institution), yet they have no accumulated rights in France. For example, pensions rights are calculated according to a Moroccan standard, if this is the country of permanent residence. Between 50% and 70% of the seasonal workers pay bribes of about 1,500 to get their contract renewed. There is no possibility to bring over their family, or to sue the employer, because of their limited stay. It is very difficult to organize OMI workers as there is a blacklist for the renewal of contracts. The legal situation is very similar to that of bonded labour. 7

ROMANIA

There is a difficult economic situation in the country since the collapse of communism. Unemployment, which has mainly affected women, unskilled labour and young people, is one of the leading causes of emigration. At the same time, Romania has become a country of destination as well as transit, in recent years, for migrants from Asia. It is also a country where mafia networks from Russia or other countries operate. There are three broad categories of emigration: (1) Migration by deceit (e.g. women into prostitution), (2) illegal migration through smuggling networks into the construction and agriculture sector (e.g. to Israel or Spain), and (3) legal migration by placement agencies that nevertheless involves badly paid and hard work.

According to Kav LaOved 8, an Israeli NGO, an estimated 50,000 Romanian migrants are working in construction (90%) or domestic service (10%) in Israel. They are recruited though local agents and the Romanian National Office for Recruitment and Employment Abroad. In February 2002, this office had signed with the Israeli Association of Builders and Contractors a contract that violates several workers’ rights.
For example, workers are required to mortgage their homes as a collateral security in case they do not fulfil their contract. They are charged mediation fees of up to USD 3,500 as well as inflated fees for medical tests. Many of these migrant workers experience infringements on their freedom of movement as their passports have been confiscated and their work permit is tied to one specific employer. The employer has to request the renewal of work permits from the Israeli Labour Ministry. Hence he or she has the power to terminate a contract in the case of illness, injury, and complaints against him or for other reasons. Migrants who have become illegal face deportation, and many are imprisoned until their deportation.

TURKEY

Over the last years, Turkey has developed into a sending, receiving and transit country. Every year, between 250,000 and 500,000 people are being trafficked through the country. Turkey’s role as a sending country is linked to the guest-worker schemes of the 1960s. After the restriction of immigration in Western European countries, migration has become irregular and often goes hand in hand with the asylum-seeking process. After the rejection of their case, asylum seekers remain in the country and enter the labour market. Families, friends and trans-national networks foster this form of migration. It is estimated that around 25% of the people who moved from Turkey to Europe over the last ten years simply overstayed their visa. Turkey is the main transit route for asylum seekers from countries such as Afghanistan, Iraq or Kurdish people from Turkey and Northern Iraq. Turkey is also a receiving country for migrants from CIS countries. Domestic servants in Turkey are mostly Moldavian women who overstay their visa. These movements are organised through agents or personal arrangements. Female migrants can also be found in the entertainment and sex industry. Romanian and Moldavian men are working in the construction sector. The police have documented between 90,000 and 100,000 cases of irregular migration to Turkey.9
Governments of European countries tend to treat trafficking as a security and border control issue. Public discussion centres very much on trafficking for sexual exploitation. It is only in prostitution that victim protection programs have been developed in some countries. While there are indications of cooperation between criminal networks and employers in certain countries and across sectors, the focus should be on the victims as well as on effective protection schemes.

The emphasis on security and control of migration has lead to a general shift of jurisdiction from labour ministries to ministries of the interior. Germany and Russia are two cases in point. These shifts of jurisdiction are deliberate and coordinated. In 2002, however, there was a first meeting between various governments and unions from Eastern Europe to jointly discuss strategies to combat trafficking.

Bad practice such as tax evasion or the violation of labour standards has sometimes taken place with the implicit approval of governments and law enforcement agencies. Gang masters in the United Kingdom, for example, have only been prosecuted for tax evasion under the current Labour government. In other countries like Russia, even tax evasion is largely ignored because of corrupt authorities. Prosecution is also hampered by the difficulty in proving that an employer has deliberately hired undocumented migrants, especially when temporary work agencies or gang masters play an intermediary role. Where clear regulations of labour standards exist, such as for seasonal workers in Germany, the authorities rarely inspect working and living conditions. The recruitment of day labourers in the Netherlands, mostly undocumented migrants, takes place at well-known locations yet authorities deliberately turn a blind eye.

Hence, it is not primarily the lack of regulations but rather the lack of political will to enforce the existing rules, which is responsible for the ongoing violation of labour standards of legal and "illegal" migrants alike. In general, governments tend to be conservative in the sense that they do not effectively attack the root causes of trafficking and forced labour. This would first of all imply an official acknowledgement that many industries, such as the food production industry, would not survive without cheap and flexible labour. Instead, deportation of undocumented migrants, once they are not needed any more, is the rule. The Russian government has recently introduced a deportation programme that could not only endanger the economic stability of Central Asian countries, but also ignores the demand that exists for migrant workers within the Russian economy.

Another strategy proposed by governments to combat trafficking is to open the door to migrants on short-term contracts. The OMI model in France as discussed above...
could serve as the future model for EU countries. There are also various attempts by
governments to organize legal migration in response to the needs of the EU labour
market. But this would potentially create a two-tier system within the labour market,
with a category of migrant workers having no rights at all and employers who do not
want to employ nationals who are able to claim their rights.
BEST PRACTICES OF TRADE UNIONS

NETHERLANDS
Dutch unions put pressure on their government to focus on the issue of irregular migrant labour and indecent working conditions. In response, the government has authorized raids over recent years that have exposed employers and their bad practices to the public. The exposure of these practices has caused public outrage and damage to the agriculture sector. Unions are lobbying further for tighter regulation of temporary work agencies and demanding more transparency in financial record keeping. They have also supported a campaign for "ethical labelling" (e.g. for companies who pay their social contributions). At first, companies did not want to cooperate but public pressure has convinced them to change their position on the issue.

Dutch unions have also opened their membership to undocumented migrant workers and have helped in obtaining the necessary papers to legalize their status. They have set up drop-in-centres for members from the lowest employment strata. Unions have also successfully lobbied for a new law that regulates payment of undocumented migrant workers: if the police arrest an undocumented migrant then the law automatically assumes that he/she has worked for that employer for a minimum of six months and has to receive remuneration accordingly. Although the union can not prevent the deportation of undocumented migrants it nevertheless will sue the employer if necessary and send the money to the migrant’s home country.

In a special attempt to attract migrants as new members, the union employed somebody from the migrants’ community to facilitate communication. This was unfortunately only a temporary project due to a lack of financial resources.

GERMANY
German unions have developed close relationships with Polish unions from the construction and agriculture sector. They have opened an office in Warsaw through which information on working conditions and labour rights is disseminated. Polish workers are invited to join the union before going to Germany. Unions have also supported bilateral and trilateral agreements between sending and receiving countries in which common union membership is acknowledged. This has made it possible for German unions to legally assist migrant workers without demanding an immediate change of membership. Umbrella organisations of trade unions such as the International Federation of Building and Wood Workers have supported such cooperation and network building.
Similar to the practice of Dutch unions, German unions give legal assistance to migrants (including undocumented migrants) and organise the transfer of payments to the country of origin. This works well with German employers, but the globalisation of certain sectors has made it difficult to sue international employers that have violated labour rights in Germany.

**BELGIUM**

Belgian unions also promote dialogue and cooperation with unions from sending countries through workshops and drop-in-centres. Although participation of Eastern European workers is difficult to achieve, a representative within the administration council is addressing their specific needs. Leaflets are distributed to migrants in their own languages.

**FRANCE**

French unions distribute information on labour rights to seasonal workers. Instead of establishing a permanent office, they have arranged for a caravan to go to the workers. The services offered by this caravan will be extended to address migrant workers in general. Offices have also been set up in sending countries, especially where trade unions are not very effective.

**SWITZERLAND**

Swiss unions have closely cooperated with the "sans papiers" movement and in some cases managed to have undocumented migrant workers legalized. Legal assistance is also provided to migrant workers, but very often unions succeed to negotiate and settle the case with the employer beforehand.

**UNITED KINGDOM**

British unions are lobbying for more regulation of the gang master system. In 1998, the Labour government introduced "operation gang master". It has brought together several governmental departments, unions, major retailers and NGOs in order to eliminate abuses within the system. The unions have also supported the Ethical Trading Initiative of the government and distributed leaflets about the social responsibility of employers as well as labour rights.

European unions are still in the process of finding a suitable model for addressing the issue of migrant workers. One option is to strengthen outreach activities in the sending countries and to promote cooperation with trade unions of these countries. A second option would be to set up multinational trade unions for migrants from East European countries, which would be better able to address the temporary nature of most migrant work. As a third option, an international membership or affiliation to the IUF ¹⁰, is also conceivable. The ILO should facilitate a workshop on questions of organisation.

Civil society organisations such as the European Civic Forum play an indispensable role in the collection and dissemination of information in order to promote social
responsibility of employers and consumers alike. They have also an important lobbying function in regard to governments.

ILO ACTIVITIES

RESEARCH
Trafficking and forced labour outcomes are being examined in sending, transit and receiving countries. Demand factors will be analysed across different sectors. The objectives of this research are: (1) having an overall picture of labour migration in Europe, (2) recognizing the links between recruitment, final employment and debt bondage, (3) improving the research methodology, (4) making cross country comparisons possible, (5) developing a comprehensive critique on government's definitions of trafficking for sexual exploitation, (6) setting up national coordination committees on trafficking in which ILO would be included and (7) holding regular meetings with employer organisations.

ADVOCACY
The ILO promotes the ratification of Conventions 97 and 143 on migrant workers as well as the United Nations Convention on migrant workers and their families, which has been ratified by over twenty countries and has come into force recently. All the ratifying countries are sending countries. Unfortunately, there is a lack of political will among receiving countries to ratify the UN Convention. The ILO will therefore continue with its advocacy of the ratification process. Convention 143 also demands protection for undocumented migrants11. The ILO has planned different activities at the regional level to reinforce its norms with regards to migrant workers. Meetings will be held with workers groups and in a tripartite framework. Technical cooperation with governments will focus mostly on the integration of labour ministers in policy making with regards to trafficking and forced labour outcomes.

RECOMMENDATIONS

• There is a need for systematic research in order to obtain more information on working conditions of migrants in certain sectors, the specific situation of women and children as well as on the situation in the countries of origin. Research has to be carried out in such a way that cross-country and cross-sector comparisons are possible. The supply and demand side of migration should be studied. Attention should be paid to neighbouring countries such as Poland and Germany or Finland and the Baltic states.

• The organisation of migrant workers is very important. This is very difficult due to language problems, short-term contracts and the climate of fear especially among undocumented migrants. Unions have to be present at the grass roots level and address migrants in their language in order to
develop a collective strategy. Although it is difficult to convince national union members to pay for the legal support of migrants, such assistance is very important to strengthen the labour movement.

- In order to reach out to migrants and to lobby effectively at the national as well as international level, unions have to build alliances with other civil society organisations. Close cooperation with NGOs or movements such as the "sans papier" can facilitate the organisation especially of undocumented migrants. Outreach activities to unions in Eastern European countries have to be supported.

- Such alliances have to put pressure on governments to enforce effectively national as well as international legal standards, such as the ILO Conventions 97 and 143 as well as the United Nations Convention for the protection of migrant workers rights. Governments should also guarantee transparency of employers and recruiting agencies. Victim protection schemes should be extended to the workforce in general, not only to prostitutes. Health and safety regulation need special attention. Regularization of undocumented migrant workers should be promoted in all European countries. Where such regularization exists already, implementation should be guaranteed. Governments should improve legislation to protect migrants.

- An institutional framework needs to be established for consultation and coordination within and between governments, social partners and NGOs. The ILO can play an important role in building this framework.

- A plan of action against discrimination and xenophobia has to be developed in order to protect migrant’s basic rights. Raising awareness among unions and other civil society organisation should focus on the interconnectedness of human rights and workers rights.

- Unions have to develop a clear stance concerning the EU enlargement which will enhance the movement of people. There should be a common approach to the different options proposed by governments: open door, slammed door or migrant management through quotas. Experiences of the labour movement in the United States with regards to migration should be taken into account.

- Lobbying at the EU level should be enhanced in order to put more pressure on the EU Commission to enforce migrant workers rights. Unions should also cooperate at the EU level to pressure for a revision of EU immigration policies. Closer relations between unions and employees’ associations should be developed.


Vagner, Roy (10/2002) : Workers trafficking from Romania to Israel, Kav LaOved.

List of participants

Mr. Nicholas Bell  
European Civic Forum  
Le Pigeonnier  
F-04300 Limans - France  
Tel: +33.4.92.73.00.64  
Fax: +33.4.92.73.18.18  
Email: nicholas.bell@gmx.net

Ms. Anna Biondi  
International Confederation of Free Trade Unions  
46, avenue Blanc  
CH-Geneva - Switzerland  
Tel: +41.22.738.42.02  
Email: anna.biondi@geneva.icftu.org

Mr. Guy Bonnewijn  
Centrale Bois et Bâtiment  
31-33 Rue de Trèves  
B-1040 Brussels  
Tel: +32.2.285.02.20  
Email: guy.bonnewijn@acv-csc.be

Mr. Nick Clark  
Policy Officer  
European Union & International Relations Dept.  
Tel: +44.207.467.1322  
Fax: +44.207.436.28.30  
Email: nclark@tuc.org.uk

Ms. Beatrice Fauchere  
Confédération Mondiale du Travail  
Case postale 122  
CH-1211 Geneva 20 - Switzerland  
Tel: +41.22.748.20.80  
Fax: +41.22.748.20.88  
Email: beatrice.fauchere@suisse.cmt-wcl.org
Mr. Bruno Vannoni  
FGA-CFDT (Syndicat des salariés de l’Agroalimentaire)  
49, avenue S. Bolivar  
F-75680 Paris Cedex 19 - France  
Tel: +33.1.56.41.50.50  
Fax: +33.1.56.41.50.30  
Email: bvannoni@fga-cfdt.fr

Mr. Gijsbert Van Lient  
Jansstraat 61  
2011 RV Haarlem - Netherlands  
Tel: +31.23.551.33.72  
Fax: +31.23.551.38.09  
Email: gbvanliemt@compuserve.com

Mr. Ambet Yuson  
Education Secretary  
International Federation of Building and Wood Workers  
54 route des Acacias  
CH-1227 Carouge, Geneva - Switzerland  
Tel: +41.22.827.3774  
Mobile: +41.79.705.5482  
Fax: +41.22.827.37.70  
Email: ambet.yuson@ifbww.org

ILO  

ACTRAV  
Mr. Claude Akpokavie  
Email: akpokavie@ilo.org

Luc Demaret  
Email: demaret@ilo.org

Ms. Elizabeth Goodson  
Email: goodson@ilo.org

Martina Krichmayr  
Email: krichmayr@ilo.org

Ms. Faith O’Neill  
Email: oneill@ilo.org
MIGRATION PROGRAMME
Mr. Patrick Taran
   Email: taran@ilo.org

SAP-FL
Mr. Roger Plant
   Email: plant@ilo.org

Ms. Caroline O’Reilly
   Email: oreilly@ilo.org

Ms. Asha D’Souza
   Email: souza@ilo.org

Ms. Beate Andrees
   Email: andrees@ilo.org

Mr. Patrick Belser
   Email: belser@ilo.org

SECTORAL ACTIVITIES
Ms. Anne Herbert
   Email: herbert@ilo.org

Ms. Jill Wells
   Email: wells@ilo.org

SECRETARIAT
Ms. Coralie Thompson
   Email: thompsonc@ilo.org