

FRA - Fundamental Rights Forum

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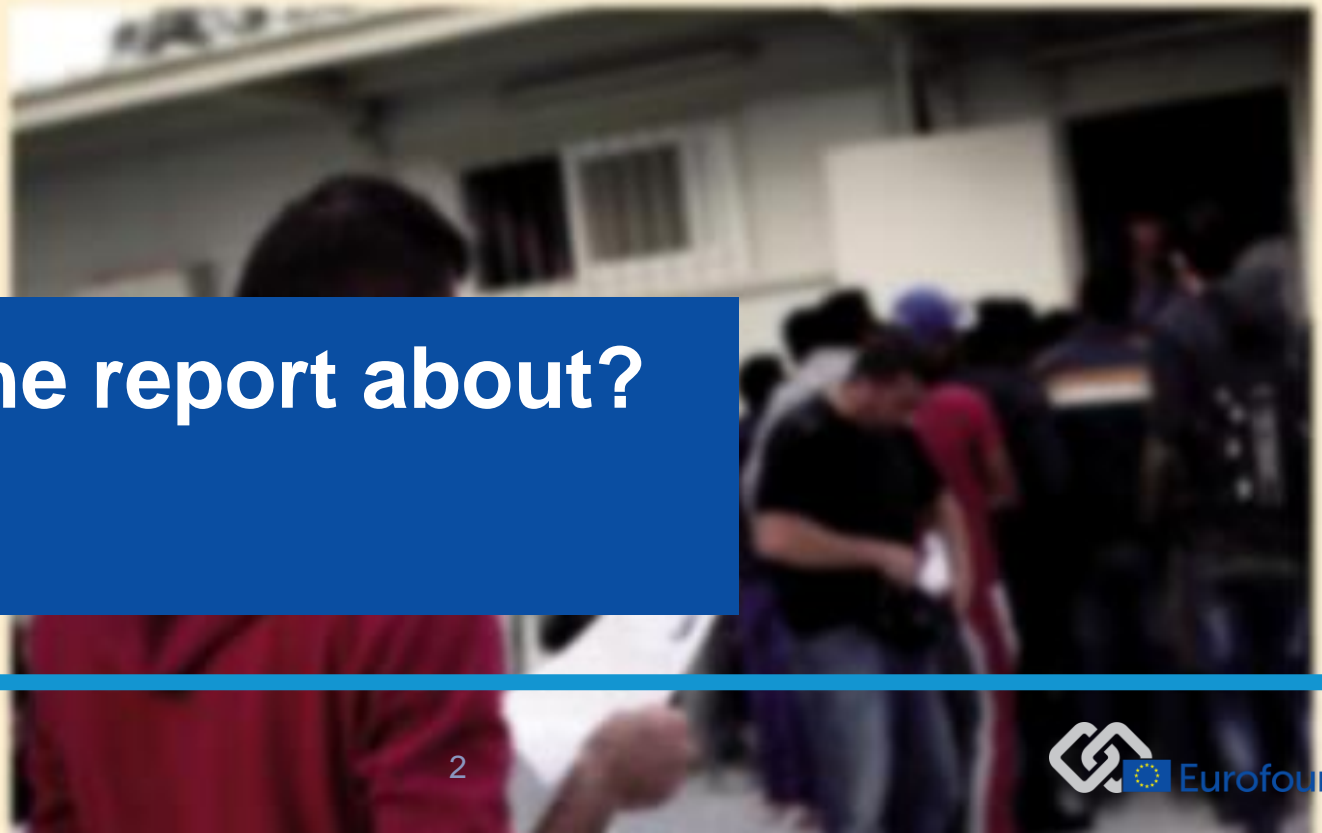
Working Group 8

The crucial role of employers in combatting
severe forms of labour exploitation

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Regulation of labour market intermediaries and the role of social partners in preventing trafficking of labour

What is the report about?



The regulation of LMIs and the role of social partners in preventing trafficking of labour

- 1st focus lies on LMIs and how they are regulated to avoid abuse and exploitation
- 2nd focus lies on the role of social partners in preventing trafficking of labour

What are LMIs?

*Labour market intermediaries are **agents or agencies** that **link** the **worker** who is looking for work with the **company** that needs work done*

What are the main findings?

Regulation of LMIs

- Maintain insurance or bank guarantee
- Proof of not having been convicted in the past
- Proof of designated area and equipment (CY IT SL)
- Notify the PES (FR IT ES)
- Reporting and inspection schemes can be linked to monitoring compliance with collective agreement (LU)

There are three main forms of regulation in the EU:

Registration, licensing, certification

Tools and practices used by the social partners	
Sectoral collective agreements in the TWA sector *	AT, BE, DK, FI, FR, DE, IT, LU, NL, SP, SE
Joint initiatives which build on already existing bargaining arrangements	DK, IT, NL, CZ
Engagement of social partners	UK (existed previously), IE (existed before the financial crisis), RO
Dialogue with the government	HR, HU
Activities with government agencies and/or NGOs	AT, CZ, IE, NO, SI, NL, BG, UK, HR, LV, RO
Information or awareness raising campaigns	DE, FI, HU
Activities of workers' organisations	
Establishing system for handling complaints	SI, NL, CY, IT
Information campaigns	DE, SP, UK, FI, SE
Transnational cooperation	BG-DE: HU-UK-RO
Activities of employers' organisations and companies	
Developing codes of conduct	FI, DK, NL
Providing information and educational material	PL, CZ
Social partners' initiation of and engagement in public discussions and policy debates	
General approach against trafficking for labour exploitation	NO, AT, SP
Related to labour market intermediaries	RO
Increased inspections or call for increased inspections	CY, CZ, SP, FI, SI, HU
Use of media	BG (trade unions), EL (employer associations)

Only one tripartite example in the Czech Republic

- Cooperation among government, employers and trade union
- Targeted policy interventions
- cross-border cooperation
- tripartite working group
- increased number of inspections
- training was broadened to relevant groups
- a cooperation agreement by the social partners signed
- the compilation of a company blacklist

Our main goal is to remove such agencies from the market that exploit people (...)'.
(Jaroslava Rezlerová, president of APPS)

Main findings

- The coverage and monitoring of LMIs is insufficient
- Social partner should be more actively involved

Social partners have the expertise and networks as regards LMIs as well as working conditions

What tools exist to prevent trafficking for labour exploitation

Enforceable measures

- Regulations for LMIs
- Collective agreements
- (Support for) inspections

Voluntary measures

- Enacting codes of conduct
- Education and information

Member states use a combination of various tools to prevent trafficking.

The international and EU level

CIETT's code of conduct (2015)

Guiding Principle 1 – Respect for Laws

Private employment services shall comply with all relevant legislation, **statutory and non-statutory** requirements and official guidance covering their activities.

This principle explicitly covers the **prohibition to use forced or bonded labour, human trafficking and child labour**

CIETT's activities

- Involvement in 'Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights'
- ILO Fair Recruitment Initiative
- International Organisation for Migration (IOM)'s International Recruitment Integrity System

*Ciett firmly believes that all **individuals have the right to work in a safe and dignified way** without fear of exploitation. (Fred van Haasteren, 2012)*

The national level

Compilation of 'black list' (CZ)

- Comprises agencies which are not abiding by the law

*Goal:
To avoid unfair
competition and to
increase trust in
agencies*

Provision of booking lists (IT)

- Booking lists are provided by the Public Employment Services (PES)
- Booking lists comprise registered unemployed people
- Instead of using an LMI employers are encouraged to use the booking lists for recruitment
- Can be linked to tax relief and/or boni

Goal:

To avoid the use of LMIs

Recommendation to directly recruit (FI)

- Rules for private employment agencies include:
 - no charging of fees
 - Provision of appropriate accommodation
 - Ensure employees' language capacity
 - Inform shop steward about new employee
 - Translation of employment contract
 - Consider recruiting employees directly and not through subcontractor

*Goal:
To ensure members
are acting ethically
and lawfully*

What could change and enhance the role of employers in preventing trafficking

- Increase the **membership** of employers organisations
- Effective use of complaint mechanisms to enact codes of conduct
- Adopting **collective agreements** focusing particularly on recruitment processes and prevention of labour exploitation
- **Procurement** monitoring
- Widening the application of **chain liability**

Employers should be more active in preventing trafficking for labour exploitation!

Thank you very much!

Questions?