

Human trafficking: data collection, current trends and  
institutional approaches

**Project: Combat human trafficking  
and forced labour in Europe**

- ILO, DGEEP -

Researchers: Sónia Pereira e João Vasconcelos

**Metropolis Conference**

# Labour exploitation of migrant workers and human trafficking

**- The case of Portugal -**

# Outline

1. Aims
2. Methodology
3. Main Findings
4. Best Practice Responses
5. Challenges for policymakers

# 1. Aims

- Identify situations of rights violation in the labour market involving immigrant workers.
- Verify whether these violations were related to situations of trafficking and/ or trafficking/ smuggling networks were involved in the exploitation.

## 2. Methodology

- Literature and Press Review
- Interviews with secondary sources: NGOs, immigrant's associations; trade unions; public entities (including labour inspection and borders and foreigners police); employers associations.
- Interviews with immigrants

# 3. Main Findings

Criteria used to identify situations of labour exploitation:

- Inexistence of a contract
- Withholding and non-payment of wages
- Withholding and non-payment of Social Security contributions
- Long working hours
- Non compliance with health and safety regulations
- Deprivation of food, shelter or other necessities and poor accommodation
- Physical abduction or kidnapping
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- Physical confinement in the work location - in prison or in private detention
- Threat of or sexual violence
- Threat of or physical violence against worker or family or close associates
- Threat of or denunciation to authorities (police, immigration, etc.) and deportation
- Deception or false promises about types and terms of work
- Threat of or dismissal from current employment
- Retention of identity documents
- Threat of or exclusion from future employment
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest etc.)/ Extortion

# 3. Main Findings

- Differences by sector
- Differences for men and women
- Labour exploitation affects both legal and irregular immigrants.
- In many cases the problems are not immigrant specific, they also affect Portuguese workers in the same sector. However, immigrants are in a more vulnerable position, especially because in many cases the immigrant's immigration status is dependant upon the existence of a working contract and payments for social security. When the employer does not comply with this the immigrant can easily go into illegality.
- In most cases labour exploitation is conducted in the labour market, by employers, and is not associated with trafficking or smuggling networks. But, in some cases this occurs in parallel.

# 3. Main Findings

More common forms of violation regardless of the sector

- No contract
- Non-payment of wages
- Lack of payments to social security
- Long working hours
- Deception or false promises about types and terms of work including signing a contract
- Arbitrary dismissals from current employment



# 3. Main Findings

## Sector specific violations

### ❑ Construction

- Non-compliance with health and safety regulations
- Poor accommodation

### ❑ Domestic Service and cleaning

- Discrimination
- Differences between day workers and live ins
- Live-ins complain about lack of freedom, having to be available all the time, including at night/ weekends and holidays. With some cases of retention of identity documents.

# 3. Main Findings

## ❑ Agriculture

- Isolation and some cases of confinement
- Poor housing

## ❑ Hotels and catering

- Long working hours without due payment of extra work

## ❑ Sex industry

- No contracts (it is not recognised as an economic activity); no payments for social security
- Situations of confinement; retention of identity documents and violence

# 3. Main Findings

## Examples of more severe situations

- Live-in domestic worker from an African country

*A girl of African origin was brought to Portugal by a family that had promised her a better life abroad.*

*However, once she was in the country, she was kept irregularly working as a live in domestic worker by the family. Her identification documents were taken away from her; her movements and phone calls were controlled; she had only half a day off per week; she did not receive a wage for her work even though the employer said that 250€ were being deposited in a bank account for her, however she could not access it; she received only pocket money; she had to be available for whatever tasks were necessary 24 hours a day. The employer systematically refused to return the identification documents.*

*With the help of colleagues she managed to contact legal counselling. However, at some point she disappeared again and the service couldn't trace her.*

*(Source: CNAI, Acime)*

# 3. Main Findings

- Romanians in Agriculture

*Recently, the Borders and Foreigners Police Force found that 50 Romanian workers were being exploited in farms in the centre of Portugal. These workers had been brought over by individuals of the same nationality that had placed them in farms of the region.*

*The workers had come of their own free will but were controlled and regularly extorted by the trafficking network. They were constantly threatened of denunciation to the authorities, physical violence and violence against their families in the country of origin. In the farms, they were working irregularly, without contracts or payments for social security, but they received their wages and seemed happy with their work placement when the police found them.*

*In fact, the owners of the farms denounced this situation to the authorities.*

*(Source: SEF)*

# 4. Best Practice Responses

- Involvement of Portuguese trade unions in protecting immigrants' rights, regardless of their immigration status.
- Restitution of wages to immigrants who could prove in court they had been working without getting paid, regardless of their immigration status.

# 5. Challenges for policy makers

- Recognise, as has been proposed by the Experts Group on THB in 2004, that:

*“In applying the UN Trafficking Protocol, States should therefore focus on the forced labour and slavery like outcomes of trafficking rather than on the mechanisms of trafficking itself, i.e. the process of how the person is brought into the situation of exploitation. Member States should adequately criminalize any exploitation of human beings under forced or slavery like conditions, independent of whether such exploitation concerns a “victim of trafficking”, a “smuggled person”, an “illegal migrant” or a “lawful resident”.”*

(p. 10)

# 5. Challenges for policy makers

- Accept that immigration often results from migrants' will and agency, not all of those who are exploited are victims of deception, abduction or coercion, and still be able to provide them with a framework of rights protection in the host country.

**Obrigada😊**