



Polish Institute
for Human Rights
and Business

Translating HRDD into practice

Toolkit: How to identify and prevent forced labour

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22 September 2022 r.

THE RIGHT TO WORK

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work.

Article 7 of the International Covenant on Economic, Social, and Cultural Rights

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain [her or his] living by work which [she or he] freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 6(1) of the International Covenant on Economic, Social, and Cultural Rights



8 DECENT WORK AND ECONOMIC GROWTH



TARGETS:

- **8.7** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
- **8.8** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

The ILO Declaration on Fundamental Principles and Rights at Work



- Freedom of association and the effective recognition of the right to collective bargaining
- **Elimination of all forms of forced or compulsory labour**
- **The effective abolition of child labour**
- Elimination of discrimination in respect of employment and occupation
- **Right to a safe and healthy and working environment.**
 - ILO Convention 155 Occupational Safety and Health Convention (1981)
 - ILO Convention 187 **Promotional Framework for Occupational Safety and Health Convention,**

**Forced labour generates
US\$150 billion per year of illegal profits
in the private economy worldwide**

Source: International Labour Organisation (ILO) 2014



TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION – KEY INSTRUMENTS & DEFINITIONS

Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) supplementing the UN Convention against Transnational Organized Crime

TiHB involves the ‘recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion ... for the purpose of exploitation.’

ILO Forced Labour Convention, 1930 (No.29)

Forced labour refers to “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

+ ADDITIONAL PROTOCOL ON FORCED LABOUR (P29)

Unravelling the numbers

71%
Female



40.3 million
people in modern slavery in 2016



29%
Male

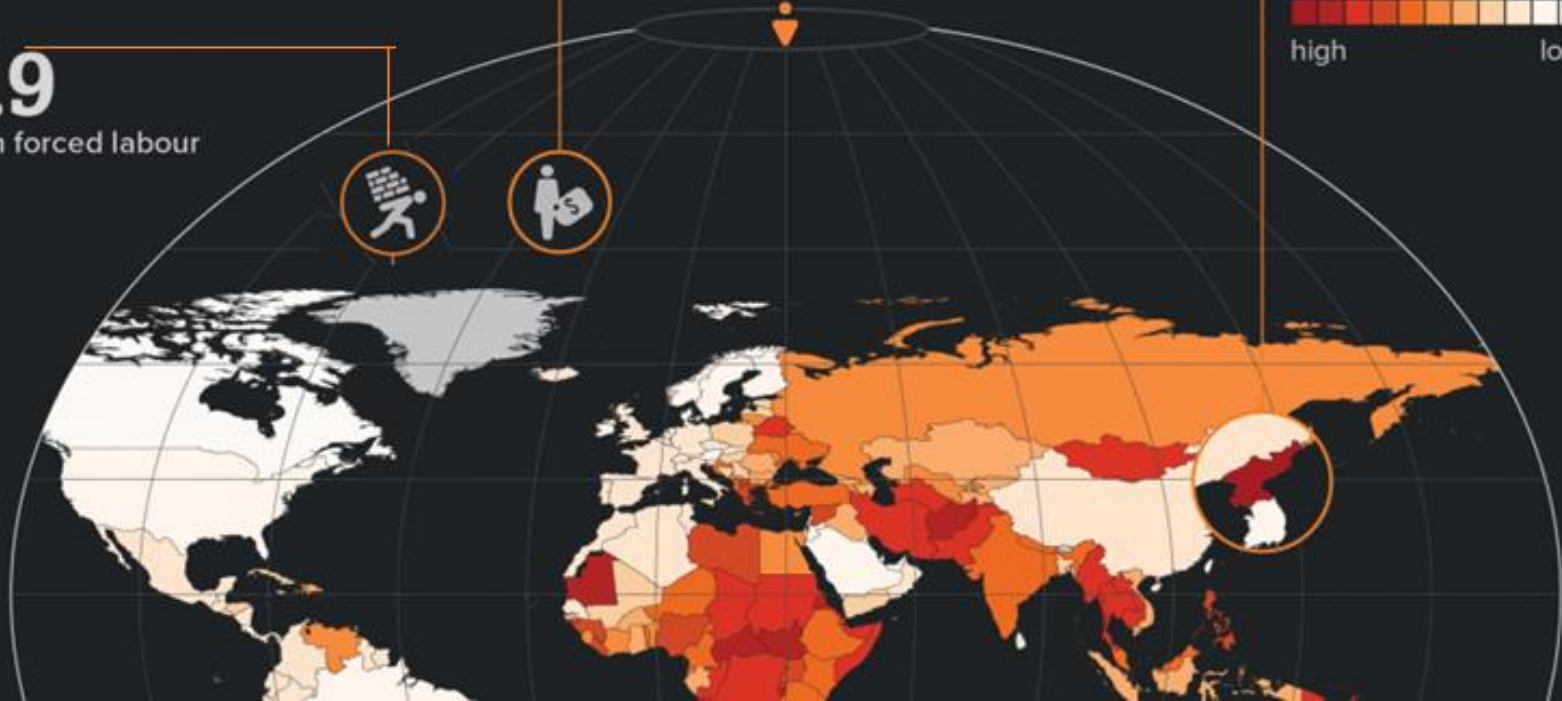
15.4
million in forced marriage



24.9
million in forced labour



Prevalence
of modern slavery





Global estimates
of modern slavery

Which sectors are most prone to forced labour?

- Domestic workers (24%)
- Construction workers (18%)
- Manufacturing (15%)
- Agriculture and fishing industry (11%)

BUT:

- varies country to country
- depends on the structure of the country economy, levels of unemployment, etc.

Who is most vulnerable to labour exploitation?



ILO FORCED LABOUR INDICATORS

1. Abuse of vulnerability
2. Deception
3. Restriction of movement
4. Isolation
5. Physical and sexual violence
6. Intimidation and threats
7. Retention of identity documents
8. Withholding of wages
9. Debt bondage
10. Abusive working and living conditions
11. Excessive overtime

ILO, 2012. See Guidance Box 6, Section 3

INDICATORS OF DECEPTIVE RECRUITMENT

Strong Indicator

Deceived about the nature of the job, location or employer

Medium Indicators

Deceived about conditions of work

Deceived about content or legality of work contract

Deceived about family reunification

Deceived about housing and living conditions

Deceived about legal documentation or obtaining legal migration status

Deceived about travel and recruitment conditions

Deceived about wages/earnings

Deceived through promises of marriage or adoption

Weak Indicator

Deceived about access to education opportunities

INDICATORS OF COERCIVE RECRUITMENT

Strong Indicator

Violence on victims

Medium Indicators

Abduction, forced marriage, forced adoption or selling of victim

Confiscation of documents

Debt bondage

Isolation, confinement or surveillance

Threat of denunciation to authorities

Threats of violence against victim

Threats to inform family, community or public

Violence on family (threats or effective)

Withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

Abuse of difficult family situation

Abuse of illegal status

Abuse of lack of education (language)

Abuse of lack of information

Control of exploiters

Economic reasons

False information about law, attitude of authorities

False information about successful migration

Family situation

Personal situation

Psychological and emotional dependency

Relationship with authorities/legal status

Weak Indicators

Abuse of cultural/religious beliefs

General context

Difficulties in the past

Difficulty to organise the travel

INDICATORS OF EXPLOITATION

Strong Indicator

Excessive working days or hours

Medium Indicators

Bad living conditions

Hazardous work

Low or no salary

No respect of labour laws or contract signed

No social protection (contract, social insurance, etc.)

Very bad working conditions

Wage manipulation

Weak Indicators

No access to education

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

Confiscation of documents

Debt bondage

Isolation, confinement or surveillance

Violence on victims

Medium Indicators

Forced into illicit/criminal activities

Forced tasks or clients

Forced to act against peers

Forced to lie to authorities, family, etc.

Threat of denunciation to authorities

Threat to impose even worse working conditions

Threats of violence against victim

Under strong influence

Violence on family (threats or effective)

Withholding of wages

Weak Indicator

Threats to inform family, community or public

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

Medium Indicators

Dependency on exploiters

Difficulty to live in an unknown area

Economic reasons

Family situation

Relationship with authorities/legal status

Weak Indicators

Difficulties in the past

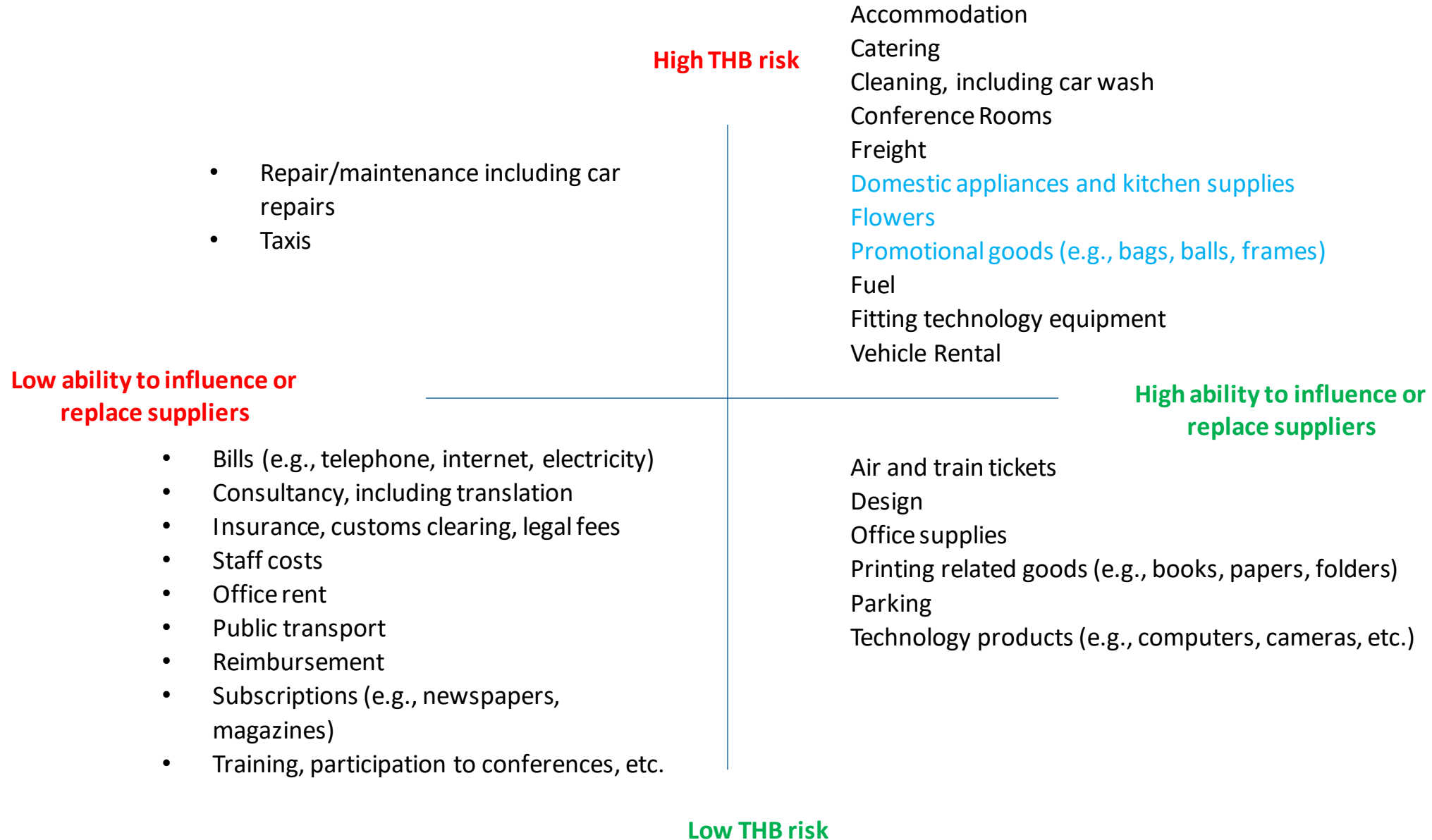
Personal characteristics

PRACTICAL APPROACH OF (some of the) NGOs WORKING WITH VICTIMS:

1. Financial exploitation
2. Restriction of movement
3. Physical and psychological violence
4. Conviction rooted in the above that a person (victim) cannot leave the abusive employer/working place/

→ **A person is convinced that s/he has no other viable option but to submit to exploitation**

SUPPLIER RISK MANAGEMENT MATRIX - SERBIA



Source:
OSCE/University of Nottingham,
Analysis of procurement data for the risk of trafficking in human beings. Pilot project to OSCE Mission to Serbia.



VERITÉ®

A Verité Assessment of

Recruitment Practices and Migrant Labor Conditions in Nestlé's Thai Shrimp Supply Chain

An Examination of Forced Labor and other Human Rights Risks Endemic to the Thai Seafood Sector



MODERN SLAVERY AND HUMAN TRAFFICKING REPORT
2021



Nestlé admits slavery in Thailand while fighting child labour lawsuit in Ivory Coast

The company has won plaudits for its admission of forced labour in the Thai seafood industry but much of the supply chain remains hidden



Responsible Sourcing of Seafood at Nestlé 2020 Thailand Action Plan Progress

In 2015, Nestlé launched a [Thailand Action Plan](#) for the Responsible Sourcing of Seafood, detailing our commitment to help eliminating labor and human rights abuses in the seafood supply chain in Thailand. This was developed based on an [assessment](#) of recruitment practices and migrant labor conditions in our Thai seafood supply chain carried out by our implementation partner, Verité, on our behalf.

This update provides an overview of the progress made in 2020 in the implementation of this Action Plan.

Knowing where our seafood comes from and how it is produced

Most seafood used in Nestlé products is for our pet food brands, which primarily uses fish by-products – the parts

Collaborating on responsible vessel working conditions

At the end of 2019, Nestlé, The J.M. Smucker Company and Mars Petcare, together with our supplier Thai Union, signed a Memorandum of Understanding (MOU) to collaboratively fund projects from 2020 to the end of 2021 to improve the working conditions of fishermen on vessels, with a focus on results from vessel audits since 2017 conducted by independent consultants against the Thai Union [Vessel Code of Conduct](#) (VCoC).

In 2020, although there were delays due to Covid-19 restrictions, two projects got underway. The first project built on the previous health and safety workshops which Thai Union delivered in collaboration with the International Transport Workers Federation (ITF) –

Legislative developments:

- Elements in: EU reporting and HRDD regulations (incl. NFRD/CSRD, taxonomy, CSDDD, etc.)
- Modern Slavery Act (UK, Australia)
- US Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307)
 - prohibits importing any product that was mined, produced, or manufactured wholly or in part by forced labor, including forced or indentured child labor.



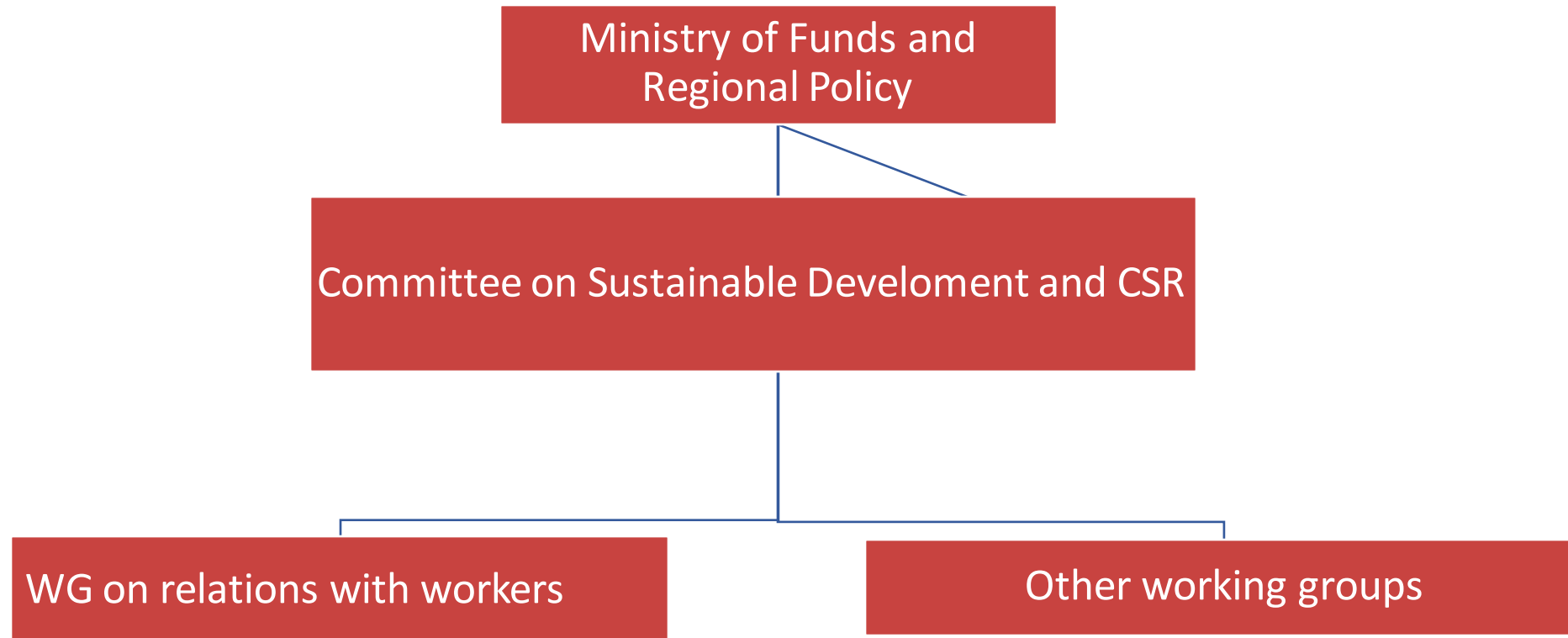
Brussels, 14.9.2022
COM(2022) 453 final
2022/0269 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on prohibiting products made with forced labour on the Union market

(Text with EEA relevance)



Working group on relations with workers



1. Project of the definition of the forced labour to be included in the Criminal code
2. Toolkit for companies and other entities „Forced labour. Toolkit: how to identify and prevent it”
 - toolkit
 - online workshop (available online)
 - editable files with tools (to be easily used in practice).
3. Development of recommendations concerning the change/improvement of legal regulations of relevance to forced labour prevention and punishment.
4. Publication „CSR Guide on safe and sustainable work environment”

(all in Polish)



PRACA PRZYMUSOWA

PORADNIK - JAK JĄ ROZPOZNAĆ I JEJ PRZECIWDZIAŁAĆ

Publikacja przygotowana w ramach prac
Grupy Roboczej ds. Reformy i Osobami Świadczącymi Pracę
dotychczasowej grupy Zespołu ds. Zdrowotnego Rozwoju
i Społecznej Odpowiedzialności Przedsiębiorstwa -
organu pomocniczego Minister Finansów i Polityki Regionalnej



Beata Farańska (red.), Inga Dąbko-Okup, Dorota Olska, Anna Jankowska, Agnieszka Jankowska, Michał Jankowski, Magdalena Karolinska,
Alicja Kucharska, Dorota Kucharska, Marcin Kłaczewski, Michał Kłaczewski, Wojciech Kłaczewski, Karolina Kłaczewski, Marcin Kłaczewski,
Jawad Latawieh, Paweł Liberański, Magdalena Makarska, Julia Makarska, Anna Mieląg, przedsiębiorca, Aleksandra
Rudzińska, Praca i Polityka Społeczna, Kamila Palińska, Inga Rostkowska, Robert Sroka, Anna Szewczyk, Natalia Tuleja, Olga Wronka,
Dorota Wronka, Wioletta Zdzienicka

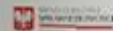
Mamy nadzieję, że niniejsza publikacja będzie dla Państwa przydatna.
Jednocześnie zachęcamy do zgłaszania uwag oraz sugestii dotyczących
ulepszenia poradnika (np. które narzędzia są szczególnie przydatne a czego
brakuje, jak ulepszyć poszczególne narzędzia) na adres:

poradnik@pracaprymusowa.pl

Abris



LUBAWA SA



UDD

SL



IOM



Polskie Forum HR

budimex



UDD

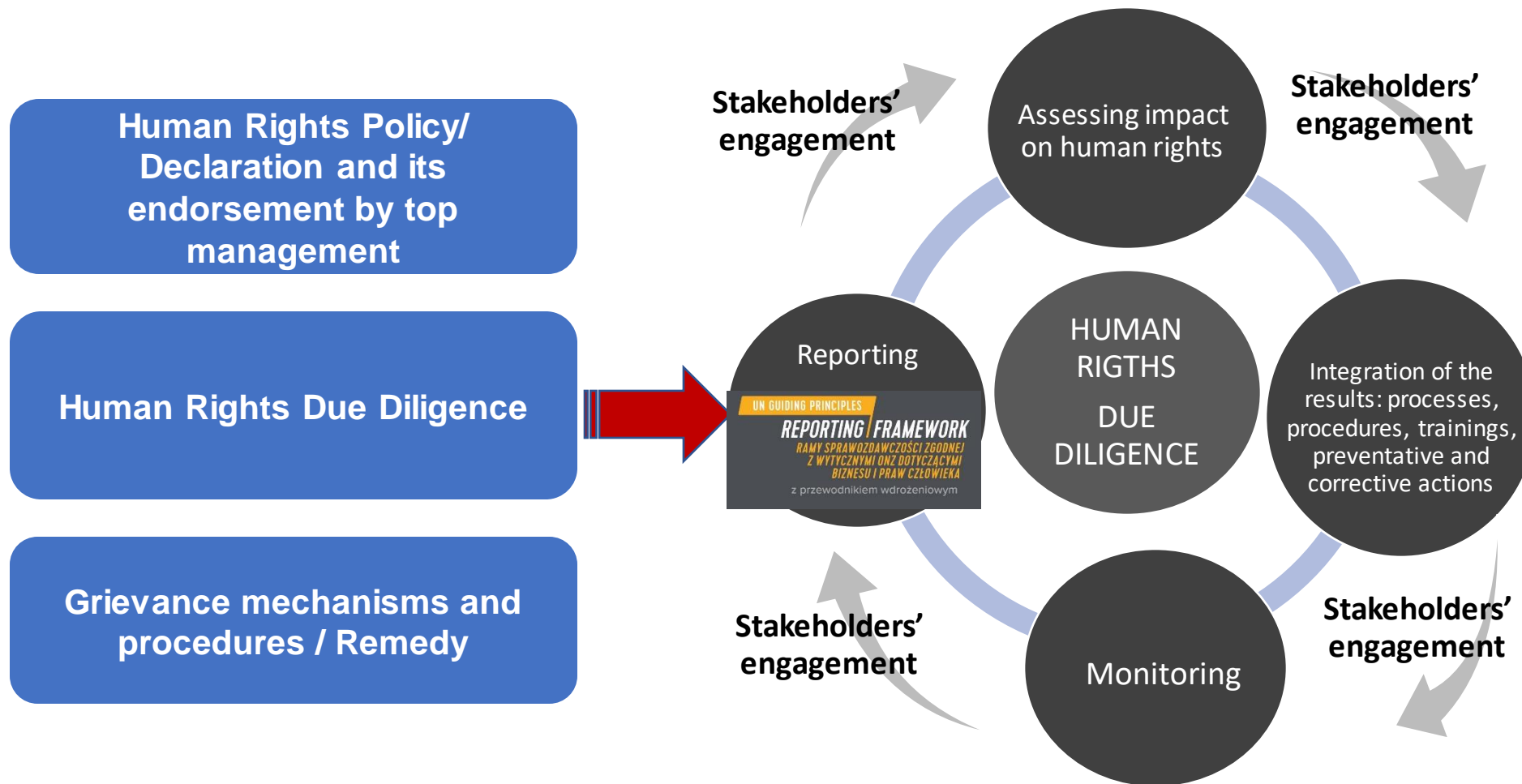
GS

LPP



TÜV Rheinland

Corporate Responsibility to Respect Human Rights

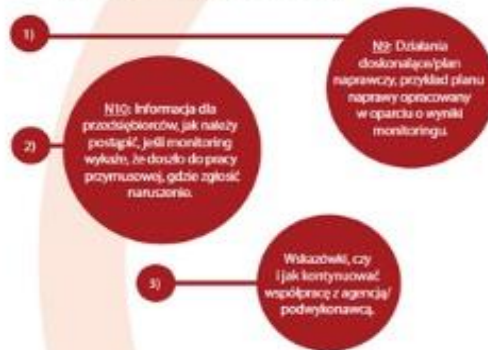


Tools supporting identification and prevention of forced labour in the supply chain.

1. Zaplanuj / ASSESS & PLAN
2. Wykonaj / DO
3. Sprawdź / CHECK
4. Popraw / ACT

4. POPRAW / ACT

Jeżeli zidentyfikujesz naruszenia lub możliwości doskonalenia, to wprowadź działania naprawcze i doskonalące:

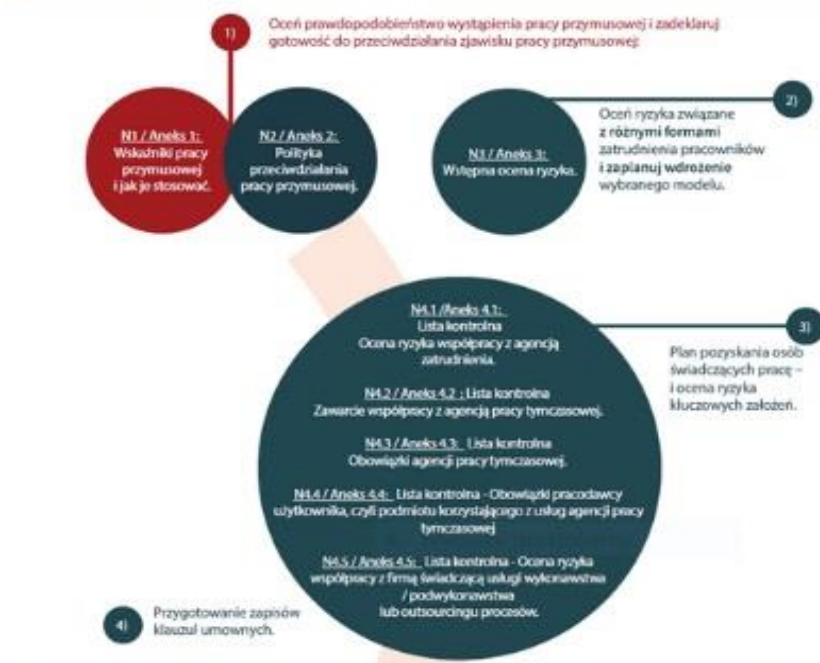


3. SPRAWDŹ / CHECK

Sprawdź, czy narzędzia zostały prawidłowo wdrożone i czy nie dochodzi do naruszeń. Sposoby pozyskiwania informacji o potencjalnych naruszeniach zakazu pracy przymusowej, w tym:



1. ZAPLANUJ / ASSESS & PLAN



2. WYKONAJ / DO



Who is responsible for risk assessment and undertaking action?

Agreeing conditions of cooperation with external actors

Purchasing unit
Facility manager/director
HR
Legal/Compliance
Staff responsible for cooperation and oversight over ERAs
Personal Data Protection officer
CSR Unit

Contract signing

Purchasing unit
Facility manager/director
HR/Personnel
Legal
Staff responsible for cooperation and oversight over ERAs
Personal Data Protection officer

Preparing working space/conditions for people providing work

Facility manager/director
Direct supervisor
H&S officer
Staff responsible for cooperation and oversight over ERAs

Continuous provision of adequate, H&S conditions of work

Facility manager/director
Direct supervisor
H&S officer

Periodic monitoring of situation concerning external workers providing work

HR
Internal Audit
H&S officer

	US 2020 Trafficking in Persons Report -	Global Slaver index	ITUC Global Rights Index	List of goods - US Dept. of Labour
	https://www.state.gov/reports/2020-traffic-in-persons-report/	https://www.globallslaveryindex.org/2018/data/maps/#prevalence		https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods
Albania	Tier 2	Estimated Proportion Living in Modern Slavery - 6.87/1000, Gov't Resp. BB	Rating 3 - regular violations of rights	N/A
Bosnia & Hercegovina	Tier 2 Watch list	Estimated Proportion Living in Modern Slavery - 3.42/1000, Gov't Resp. B	Rating 4 Systematic violations of rights	N/A
Kosovo	Tier 2	Estimated Proportion Living in Modern Slavery - 3.97/1000, Gov't Resp. BB	No data	N/A
Montenegro	Tier 2	Estimated Proportion Living in Modern Slavery - 5.86/1000, Gov't Resp. BBB	Rating 2 Repeated violations of rights	N/A
North Macedonia	Tier 2	Estimated Proportion Living in Modern Slavery - 8.66/1000, Gov't Resp. BBB	Rating 4 Systematic violations of rights	N/A
Poland	Tier 2	Estimated Proportion Living in Modern Slavery 3.36/1000; Gov't resp.-BB	Rating 3 - regular violations of rights	N/A
Turkmenistan	Tier 3	Estimated Proportion Living in Modern Slavery - 11.22/1000; Gov't resp.-CC	No data	Child labour / Forced labour - cotton
Uzbekistan	Tier 2 Watch list	Estimated Proportion Living in Modern Slavery - 5.18/1000, Gov't resp.-CCC	No data	Forced labour-cotton, silk cocoons

Individual tools

- [Polityka przeciwdziałania pracy przymusowej, wersja długa](#) (Forced labour prevention policy – long)
- [Polityka przeciwdziałania pracy przymusowej, wersja krótka](#) (Forced labour prevention policy – short)
- [Poradnik PP Aneks 3 – Wstępna ocena ryzyka](#) (Initial risk assessment)
- [Poradnik PP Aneks 4.1 Lista kontrolna – ocena ryzyka współpracy z agencją zatrudnienia](#) (Control list – risk assessment of the cooperation with recruitment agency)
- [Poradnik PP Aneks 4.2 Lista kontrolna – zawarcie współpracy z agencją pracy tymczasowej](#) (control list)
- [Poradnik PP Aneks 4.3 Lista kontrolna – obowiązki agencji pracy tymczasowej](#) (Control list)
- [Poradnik PP Aneks 4.4 Lista kontrolna – obowiązki pracodawcy użytkownika](#) (Control list)
- [Poradnik PP Aneks 4.5 Lista kontrolna – ocena ryzyka współpracy z firmą świadczącą usługi wykonawstwa/podwykonawstwa lub outsourcingu procesów](#) (control lists)
- [Poradnik PP Aneks 5.1 – Klauzule umowne – dostęp do dokumentów umożliwiających weryfikację](#) (Contractual clauses enabling access to documents)
- [Poradnik PP Aneks 5.2 – Klauzule dotyczące audytu, zewnętrznej weryfikacji](#) (Contractual clauses enabling external audit)
- [Poradnik PP Aneks 5.3 – Modelowa klauzula umowna](#) (model contract clause)
- [Poradnik PP Aneks 5.4 Zgoda pracownika za udostępnienie danych osobowych](#) (Consent of employee to disclose his/her personal data)
- [Poradnik PP Aneks 7 – Ankieta dla pracowników dotycząca pracy przymusowej](#) (Survey for workers)
- [Poradnik PP Aneks 7 – Formularz Excel do kodowania ankiety](#) (Coding sheet)
- [Poradnik PP Aneks 8 – Lista pytań w ramach audytu wewnętrznego](#) (List of questions to be asked as part of the internal audit)
- [Poradnik PP Rozdz 9 – Plan naprawczy](#) (Corrective Action Plan)

Kwestionariusz "Wstępna ocena ryzyka"
Kontekst organizacyjny podmiotu oceniającego

Treść pytania	Odpowiedź	Tak	Nie	Wynik oceny	Uzasadnienie odpowiedzi/dowód*
1. Czy Twoja organizacja działa w sektorze publicznym?	Tak	-0,15	0	-0,15	Np. dokumenty rejestrowe
2. Czy Twoja organizacja prowadzi działalność w sektorze budowlanym, produkcyjnym, rolnictwie i rybołówstwie, sektorze transportowym, wydobywczym lub innych określonych jako szczególnie narażone na ryzyko np. sektor usług domowych?	Tak	1	0	1	Np. dokumenty rejestrowe, kod PKD
3. Czy Twoja organizacja ma udokumentowany System Zarządzania (udokumentowane polityki, procesy, procedury) / CSR / Zasady Etyki?	Tak	-0,15	0	-0,15	Polityka przeciwdziałania pracy przymusowej Polityka przestrzegania praw człowieka Polityka etycznego handlu Kodeks Postępowania dla Dostawców, Polityka CSR, Kodeks Etyczny Inne procedury operacyjne: ■ procedura rekrutacji ■ procedura współpracy z podwykonawcami ■ procedura zakupów
3a. Jeśli na powyższe pytanie odpowiedź jest twierdząca to, czy System Zarządzania ... / CSR/ Zasady Etyki obejmują kwestie przeciwdziałania pracy przymusowej?	Tak	-0,15	0	-0,15	Zapis z procedury
3b. Jeśli na powyższe pytanie odpowiedź jest twierdząca, to czy podmiot oceniający uwzględnia aspekt prac przymusowej w swoich procesach nadzoru (audyt wewnętrzny, przeglądy kierownicze, CSR, itp.)?	Tak	-0,15	0	-0,15	Raport z audytu wewnętrznego Raport z audytu dostawców Raport z audytu trzeciej strony Raport z przeglądu zarządzania
4. Czy Twoja organizacja ma ustanowiony proces oceny ryzyka podmiotu ocenionego?	Tak	-0,15	0,15	-0,15	Raport z szacowania ryzyka Mapa ryzyka
4a. Jeśli na powyższe pytanie odpowiedź jest twierdząca, to czy proces oceny ryzyka obejmuje aspekt pracy przymusowej?	Tak	-0,15	0	-0,15	Raport z szacowania ryzyka Mapa ryzyk
5. Czy aspekt pracy przymusowej jest	Tak	0,15	0	0,15	Umowa z agencją pracy



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Thank you!

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