



International
Labour
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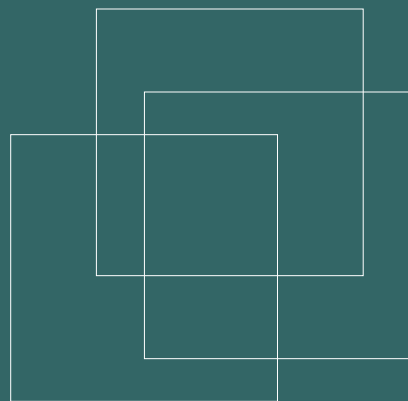
ILO INDICATORS OF FORCED LABOUR

Special Action Programme to Combat Forced Labour

Introducing the indicators

This booklet presents an introduction to the ILO Indicators of Forced Labour. These indicators are intended to help “front-line” criminal law enforcement officials, labour inspectors, trade union officers, NGO workers and others to identify persons who are possibly trapped in a forced labour situation, and who may require urgent assistance. The indicators represent the most common signs or “clues” that point to the possible existence of a forced labour case.

The indicators are derived from the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL) theoretical and practical experience in combating forced labour. They are based upon the elements of forced labour as specified in the ILO Forced Labour Convention, 1930 (No. 29), which defines forced labour as “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”.



The indicators are:

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

The booklet presents the eleven indicators in turn, providing real-life examples to illustrate each one, accompanied by a brief explanation of what the indicator means in practice. The indicators will help you to understand how forced labour arises and how it affects its victims.

The presence of a single indicator in a given situation may in some cases imply the existence of forced labour. However, in other cases you may need to look for several indicators which, taken together, point to a forced labour case. Overall, the set of eleven indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether or not an individual worker is a victim of this crime.

Further guidance on how to use the indicators in practice is provided in the ILO e-learning tool on identifying and investigating cases of forced labour.



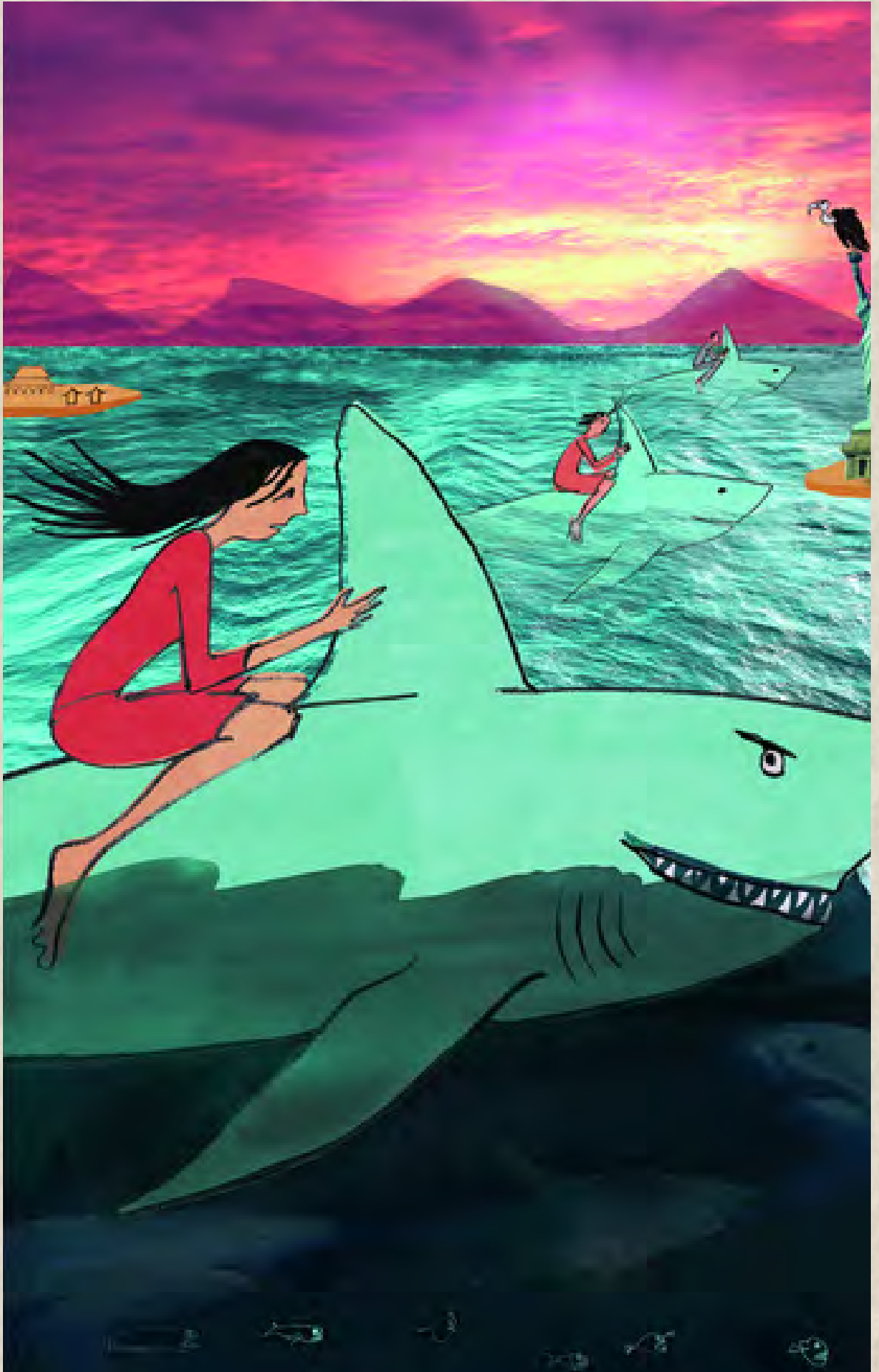
Abuse of vulnerability

“ They only want to employ them because they are undocumented. The employers want them because they work weekends and long hours, and are only paid what the employer feels like paying them, nothing more.”

A trade union shop steward in Portugal

Anyone can be a victim of forced labour. However, people who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have disabilities or have other characteristics that set them apart from the majority population are especially vulnerable to abuse and more often found in forced labour.

The mere fact of being in a vulnerable position, for example, lacking alternative livelihood options, does not necessarily lead a person into forced labour. It is when an employer takes advantage of a worker’s vulnerable position, for example, to impose excessive working hours or to withhold wages, that a forced labour situation may arise. Forced labour is also more likely in cases of multiple dependency on the employer, such as when the worker depends on the employer not only for his job but also for housing, food, and for his relatives.



Deception

“My mum told me her sister was planning to come and get me so that I could start living with her. It was my auntie who promised to pay for my school expenses but did not fulfil her promises. Instead she turned me into a maid.”

A young Zambian woman

Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing. Victims of forced labour are often recruited with promises of decent, well-paid jobs. Once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions without the ability to escape. In these cases, workers have not given free and informed consent – had they known the reality, they would never have accepted the job offer.

Deceptive recruitment practices can include false promises regarding working conditions and wages, but also regarding the type of work, housing and living conditions, acquisition of regular migration status, job location, or the identity of the employer. Children may also be recruited through false promises, made to them or their parents, concerning school attendance or the frequency of visits by or to their parents.



Restriction of movement

“ [T]here were bars on the windows and an iron door, like a prison. It was impossible to escape, not even worth contemplating. It lasted two months, they took me to clients and brought me back. Always under guard. ”

A 16-year-old girl from Kazakhstan trafficked for prostitution in Russia

Forced labourers may be locked up and guarded to prevent them from escaping, at work or while being transported.

If workers are not free to enter and exit the work premises, subject to certain restrictions which are considered reasonable, this represents a strong indicator of forced labour. Legitimate restrictions might include those relating to protection of the safety and security of workers in hazardous work sites, or the need to request prior permission of the supervisor to attend a medical appointment.

Forced labourers may have their movements controlled inside the workplace, through the use of surveillance cameras or guards, and outside the workplace by agents of their employer who accompany them.



Isolation

“I wasn’t allowed to talk to anyone, not even to my parents.”

22-year-old Nepali domestic worker in Lebanon

Victims of forced labour are often isolated in remote locations, denied contact with the outside world.

Workers may not know where they are, the workplace may be far from habitation and there may be no means of transportation available. But equally, workers may be isolated even within populated areas, by being kept behind closed doors or having their mobile phones or other means of communication confiscated, to prevent them from having contact with their families and seeking help.

Isolation can also be linked to the fact that the business premises are informal and not registered, making it very difficult for law enforcement or other agencies to find the business and monitor what is happening to the workers.



Physical and sexual violence

“Because I don’t speak their language well, I had problems to understand their commands, which resulted in merciless beatings from my employer and his wife.”

A Bangladeshi woman employed as a domestic worker in Saudi Arabia

Forced labourers, their family members and close associates may be subjected to actual physical or sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member or, less extreme, to undertake obligatory domestic work in addition to their “normal” tasks. Physical abduction or kidnapping is an extreme form of violence which can be used to take a person captive and then force them to work.

As violence is not acceptable as a disciplinary measure under any circumstances, it is a strong indicator of forced labour.



Intimidation and threats

“ When she complained to her employer, she was reminded of her situation: ‘You are here illegally. If you want to do something different, I will go to the police and you will be deported.’ ”

A Moroccan migrant worker in Germany

Victims of forced labour may suffer intimidation and threats when they complain about their conditions or wish to leave the workplace. Constantly insulting and undermining workers constitutes a form of psychological coercion.

In addition to threats of physical violence, other common threats used against workers include denunciation of irregular workers to the immigration authorities, dismissal from the job, loss of access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace.

The credibility and impact of the threats must be evaluated from the worker’s perspective, taking into account his or her individual beliefs, age, cultural background and social and economic status.



Retention of identity documents

“ On arrival, our documents were taken away for temporary registration. We couldn’t move independently without documents, in an unknown city. I basically had no choice of place of work. ”

A 33-year-old construction worker from Uzbekistan

The retention by the employer of identity documents or other valuable personal possessions is an element of forced labour if workers are unable to access these things on demand and if they feel that they cannot leave the job without risk of losing the documents or items. In many cases, without identity documents, the worker may not be able to obtain other jobs or access essential services, and may be afraid to ask for help from authorities or NGOs.

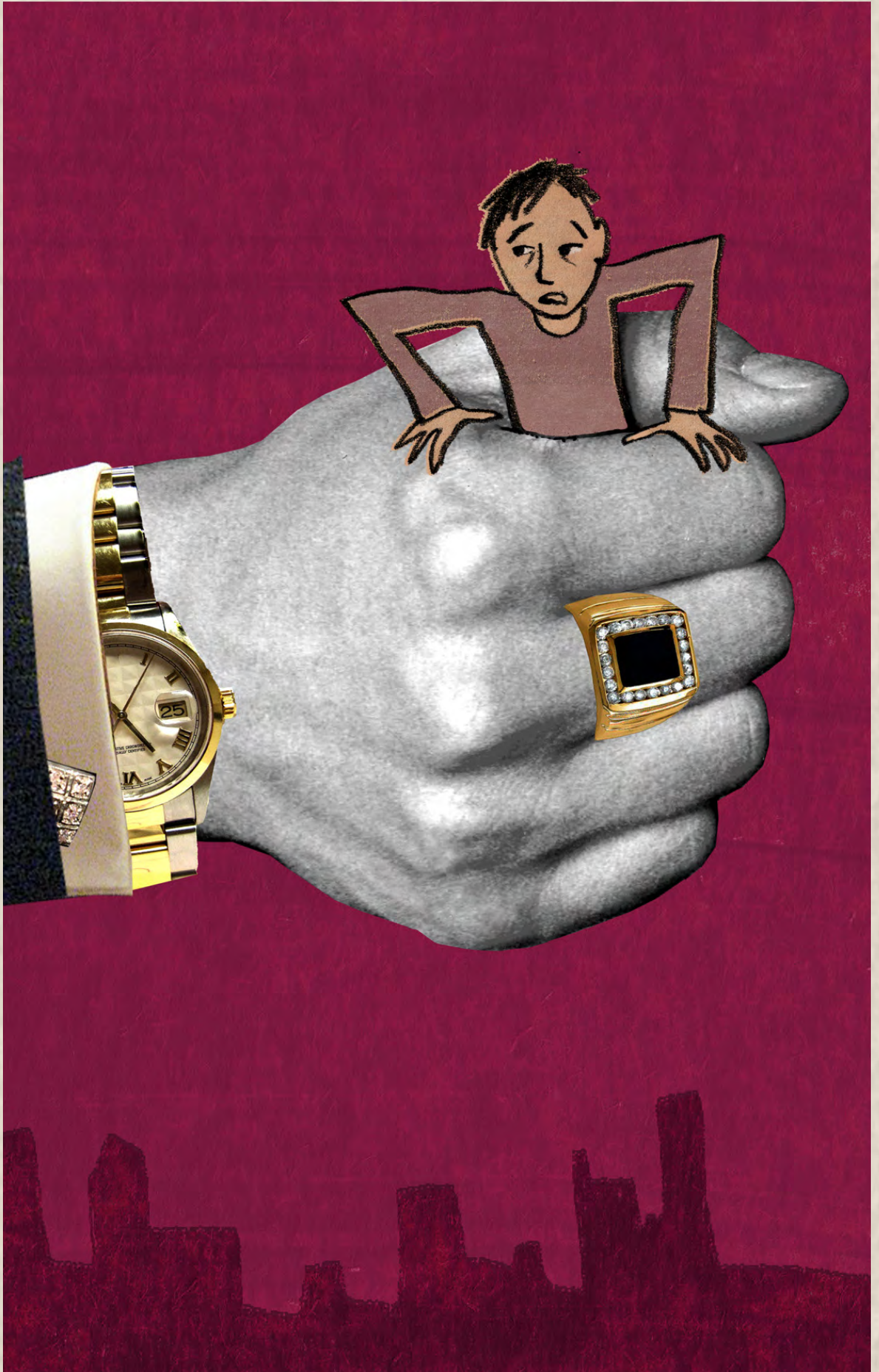


Withholding of wages

“At the beginning, he promised me a salary and I started to work. He gave me food and sometimes bought me some clothes. But I was still waiting for my salary. When I asked him about my salary, he would say: ‘After selling these products’. I would continue working with him nevertheless. One night, I told him I wanted what he owed me because I wanted to leave. He jumped at me and started beating me and shouting at me ‘You can leave if you want but I won’t give you anything.’ I left crying. I had stayed 16 months at his place, but got nothing.”

A 16-year-old boy in Niger

Workers may be obliged to remain with an abusive employer while waiting for the wages that are owed to them. The fact of irregular or delayed payment of wages does not automatically imply a forced labour situation. But when wages are systematically and deliberately withheld as a means to compel the worker to remain, and deny him or her of the opportunity to change employer, this points to forced labour.



Debt bondage

“I gave him a receipt for the US\$200 I owed for the arrangement of transport, work and housing. Anyhow, I had no choice. This ‘credit’ cost me a great deal – I cannot change work, I cannot leave, I receive very little, have no money, my debt is increasing – I do not know why.”

A 31-year-old Ukrainian unskilled labourer

Forced labourers are often working in an attempt to pay off an incurred or sometimes even inherited debt. Employers or recruiters make it difficult for workers to escape from the debt, by underestimating the value of the work performed or inflating interest rates or charges for food and accommodation. The debt can arise from wage advances, loans to cover recruitment or transport costs or daily living or emergency expenses, such as medical costs. Debts can be compounded as a result of manipulation of accounts, especially when workers are illiterate. Debt bondage may also arise when children are recruited in exchange for a loan given to their parents or relatives.

Debt bondage – or bonded labour – reflects an imbalance in power between the worker-debtor and the employer-creditor. It has the effect of binding the worker to the employer for an unspecified period of time, anything from a single season, to years, or even successive generations. It bears no resemblance to taking a “normal” loan from a bank or other independent lender, for repayment on mutually agreed and acceptable terms.



Abusive working and living conditions

“The workers were housed in plastic shacks, drinking contaminated water, and they were kept in holes behind bushes in order to hide them until we left.”

A labour inspector describing the conditions in a Brazilian fazenda

Forced labour victims are likely to endure living and working conditions that workers would never freely accept. Work can be hazardous (too difficult or dangerous without adequate protective gear) or degrading (humiliating or dirty), under conditions that are in severe breach of labour law. Forced labourers may also be subjected to substandard living conditions, forced to live in overcrowded and unhealthy conditions without any privacy.

Extremely bad working conditions alone do not prove the existence of forced labour; unfortunately, people may sometimes “voluntarily” accept bad conditions because of the lack of any alternative jobs. However, abusive conditions should represent an “alert” to the possible existence of coercion that is preventing the exploited workers from leaving the job.



Excessive overtime

“ We work 12,5 hours instead of eight. And nobody said: I don't go to work, my head aches, because then you'll be sacked immediately. ”

A Polish construction worker in Germany

Forced labourers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, 7 days a week.

The determination of whether or not overtime constitutes a forced labour offence can be quite complex. As a rule of thumb, if employees have to work more overtime than is allowed under national law, under some form of threat (e.g. of dismissal) or in order to earn at least the minimum wage, this amounts to forced labour.



ILO Special Action Programme to combat Forced Labour (SAP-FL)

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