

Podcast Series: Forced Labor and Migration



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Forced Labor Risks: The Impact of War

- Good afternoon, Mr. George!
- Good afternoon, Anastasia!
- I thank you for your agreement to talk about the risks of forced labor and the impact of war.

As for the first question. What are the key risks you see, what are the key problems in this area?

- Thank you. Well, again, it must be said here that this problem was widespread even before the war, both in Ukraine, both within the country, and for all those who worked abroad. The war only exacerbated the crisis in the industry. That is, we know that more than 7 million Ukrainians, perhaps even 8, have gone abroad and foreign partners, the country's borders help Ukrainians a lot, for which we are grateful to them, but, unfortunately, no one has canceled fraud in the world. Ukrainians quite often fall into the net of forced labor. Again, it is necessary to start, apparently, with a definition. We have Convention 29 of the International Labor Organization. It defines forced labor as any work performed under the threat of some kind of punishment and for which the person has not given his or her consent. That is, this is a very broad wording and you can expand it a little here, because there is absolute forced labor, when a person, roughly speaking, as stories in the news sometimes appear there in handcuffs, sit in some barracks, or partially forced labor, for example, overtime work, etc.

As for these crisis phenomena that the war exposed. It is the fact that usually people are not aware of their labor rights. And this is a problem that existed before the war, and now during the war, is quite acute for Ukrainians, because very often people find employment in Ukraine, not knowing their rights, and then remain deceived. And if a person moved to another country, especially if there is a language barrier. Further aggravating the risk, of

course, is the fact that during such a full-scale war, people ran away, they agreed to any job in order to earn at least some penny, not knowing working conditions, not knowing the legislation of the countries they were going to. In this case, education should play a major role.

We know from our empirical experience in terms of forced labor that the most crisis phenomenon is the most informal employment. Because a person is like Dante in limbo - he is not in hell and not in heaven, he hangs out somewhere. As if she works, but has no rights, no guarantees. And this, in principle, we know such cases from many European countries. Unfortunately, there are unscrupulous employers out there.

Such phenomena existed even before the war. You even go to the job search site and there you read "Work in country X, there is \$ 3,000, but you have to reset the advance, you have to buy a car yourself, come yourself, but there is nothing there, only some sign on the road with the name populated point.

Now the Ukrainians, the Ukrainian labor force is a bare piece for such unscrupulous employers. And again, given the fact that Ukrainians need to survive, they usually find themselves in such situations, and these are situations when, for example, people's passports are taken away, people are controlled by this. That is, this is a direct definition from the convention, it is a threat of punishment that I will not give you your passport, or a threat of punishment that a person somehow incorrectly filled out the documents, and I will tell the migration service, you will go back to your Ukraine.

Such cases are also not isolated. Or, for example, a salary delay with the requirement: "And you will work for a month, and then I will give it to you." This is also forced labor, this is a threat of punishment that I will not give you what was yours.

He also points to signs of forced labor when the employer says: "Yes, let's get settled today, because there are still a hundred thousand Ukrainians, that is, agree and that's it." This may also indicate that there will be some kind of misconception regarding informal employment. Very often this is motivated by the fact that we will not pay taxes and your salary will be higher. Here you can get into a big mess. And for example, even in neighboring Poland, if you are unofficially employed or employed, there are, for example, two services there - the social insurance fund and the labor inspectorate. The Social Security Fund fines only the employer. But the labor inspectorate can inform the migration service, and if there are any violations, this is up to deportation from Poland.

That is, you can get into trouble and be returned.

These are problems that the war has only deepened, and the scale of these problems has become larger.

And here it is necessary to develop certain joint decisions, because the signs of forced labor and the signs of the threat of forced labor are in principle the same in Europe, in South and East Asia, and in Latin America - they are basically the same.

That is, it is possible, according to certain criteria, to determine that you will be exploited and somehow harm this in advance.

But here it must be said that not only the countries of Europe, we also need to consider the well-known cases of the use of forced labor of internally displaced persons in Ukraine, because people from the most affected regions fled to calmer regions, where unscrupulous employers also used it. . And this is also undeclared work, non-payment of wages. Man on the street, looking for a new job, without a penny, and he was cheated. And why? She just didn't know. That is, the first is a state of shock, of course. And the second is ignorance of elementary legislation.

- Thank you. You started a topic about solutions that can be applied. In particular, you spoke about the development of joint decisions. Who should make the decision, between whom should they be made?
- What to do? This is a very cool question, because "Who is to blame?" we know. But what to do, this is usually a question that takes more time.

Here, of course, there are mechanisms, let's say, traditional ones. This is the majority of European countries, including Ukraine, have ratified the International Labor Organization Convention 129 on the activities of labor inspection. Unfortunately, now it is a little limited in its powers in our country, but it works in Europe. I must say that our State Labor Service, our inspection is extremely active in combating human trafficking, exploitation and forced labor. Even in Intercity, if you go to Przemysl, there are a lot of promotional materials that tell you how to protect yourself, in a very simple language, very coolly done, very clearly.

But here is another point. It is not only the state that needs to be hoped for. The problems of forced labor should also be addressed in the spirit of social dialogue, when not only the state, but also employers and trade unions are involved.

Because forced labor is unprofitable for employers, because such enterprises are dumping in relation to those who want to work normally, pay taxes normally and keep their profits normally. Trade unions are also very interested in integrating migrants into their ranks. For example, Poland has one of the largest trade unions, they already have a trade union of Ukrainian migrants, and they actively help them, because this is also the interest of the Polish worker, because if the Ukrainian gets less, then this will be dumping relative to the Polish labor force.

That is, it should be such a triangle. The state, employers interested in this, and trade unions working on joint solutions.

Now there are many cross-border projects that help migrants. That is, it is in the spirit of both solidarity and the fact that any working migrants should have the proper protection of the country in which they are. And this is the very field of work of trade unions, which in Europe are quite active and quite cool in helping our migrants to protect themselves from forced labor.

And that was even before the war. I remember back there 10 years ago, for example, the same Polish trade unions issued postcards on how to protect themselves from deception when applying for a job. They advised on the conclusion of employment contracts, so that there would not be any covenant such that then you would be deported. This is very cool, we are very grateful to them for this, and this is such a large cross-border trade union brotherhood.

- Thank you. Have you also noted the role of foreign partners, because there are some organizations, other partners, besides trade unions, that can also help in overcoming problems in this area? Who else might be involved in this?
- Many organizations dealing specifically with migrants, now many of them have switched, and even for which the topic of labor rights and migration was not a core issue. There is, for example, the same International Organization for Migration. A huge organization working in this field. For example, Unicef helps children.

Actually, the problem of forced labor is actually the labor sphere, that is, here it is more to focus on the institutions that are directly involved in this. The same International Labor Organization is now investing a lot of efforts in the promotion of the prevention of forced labor, and they have projects in Ukraine and in other countries to prevent this. That is, it is not only the national level. The EU, if we are talking about Ukrainian migrants, is an international level, because such a shameful phenomenon as forced labor attracts everyone, and in principle there is a general consensus that this should be done to eradicate it.

- And then a question. Do you think that this triangle of the state - employers - trade unions, which you spoke about, within the framework of social dialogue, does it exist separately from the activities of, for example, public organizations or somehow all together? And is it possible that there are more public organizations, international organizations to be included in this triangle, or is everything normal?
- Thank you. I don't think it's possible to say for sure. For the most part, it seems to me, ad hoc is somehow solved. But public organizations are also active in this vein. For example, our public organization is not a trade union, is not a representative of employers, but also deals with this topic. Also in other countries, public organizations are very active in this vein. Public organizations, public formations can be a reliable shoulder to support the government and employers, and trade unions.
- Thank you. And then there is the question of the role of business in counteracting forced labor. Since the social dialogue side, of course. But how can you further increase the motivation of business to participate in the establishment of this situation in counteracting problems?
- Here the question is not only that we know that there are really conscientious employers, unscrupulous. This issue is not only in the plane of labor law. This is in the area of stimulating business by the state on this issue. For example, if you work in the white, officially employ, you will have certain tax benefits. This is a question of fiscal policy, it is a question of stimulation and encouragement. That is, you did well, get the medal "Best Employer of the Year." People love it, but more business likes to maximize their profits a little. Therefore, some tax benefits, if, for example, you employ 100 Ukrainian migrants under an official employment contract. Also, it can be stimulating for businesses that there are many employer review sites, and you can give five stars, or you can put one star and write a shameful review. And then the same Ukrainian migrants, or from other countries who will come, will watch. And these image losses for business can be if it uses forced labor. It does not have to be open forced labor, but, for example, there people will write that the manager makes them work 3 hours more per day. It will also be in fact partly forced labor. The public opinion about this business also matters if it is not some kind of one-day firm. Especially if they are large transnational companies or just companies with their own brand identity.
- You said that educational work should be carried out. But educational work in relation to citizens who have left, in relation to those who, in principle, can fall under forced labor. But can, for example, educational events for business work? Since managers or owners of the

company may also not know certain nuances. The same public organizations, they can play a role in this.

- First of all, this should be done by the state. Ukraine, by the way, is conducting an excellent campaign. It's called "Come into the Light" for undeclared labor. Representatives of the State Labor Service just come to the business and say: "Guys, it will be better for everyone if you officially employ, that is, you can avoid certain negative consequences in the future. Image again. Other people will come to you."

In European countries, this also happens, however, there is a lower level of undeclared labor. In Ukraine, it is difficult to calculate. Before the war, it was 25-30%, according to various estimates. This is generally a terrible number. In Europe, this is a little stricter in terms of reaction. However, as far as I know, such educational events are also held there by certain government agencies that deal specifically with the labor sphere. Somewhere the Ministry of Labor, somewhere the Ministry of Social Policy.

Perhaps it would be expedient, for example, to unite the efforts of Ukraine and conditional Poland in relation to the common ones. This is already being worked out. I can speak for the trade union side.

But again, it depends most of all on the people themselves. Trade unions of Ukrainian migrants are already being created in Poland, that is, uniting into certain interest groups. Especially if Ukrainians work at a certain enterprise or in a certain economic sector, and they are Ukrainians, they fled from the war - there are much more common interests here, and they can more effectively protect their rights. And just this cross-border cooperation of public organizations, trade unions of state bodies will help them in the future, because together it is easier to defend the rights.

- Thank you. And the last question. You touched a little on the issues of certain platforms with social media reviews, a certain digitalization of this process. What do you think, can it be promising to create a platform with the same reviews and, for example, disseminate information on this platform.
- This absolutely should be done and it is already being done, because sites about unscrupulous employers are very common all over the world. For example, even on the same information materials, you can always draw a qr-code with a link to the site. Moreover, such mobile applications are very common in the world, for example, a trade union in a smartphone. That is, you can see basic information about your labor rights there and click a button, and you have already recruited a lawyer, there are a lot of hotlines to combat forced labor. That is, digitalization plays an important role, and first of all it is a matter of preventing forced labor, because if you read it and you must do it, if you are hired by some employer, even the most honest one, you need to check a little, because the Internet is nothing does not forget. And there you can find information that interests you. Further, this can be the basis for deciding whether to go for an interview.
- Thank you very much in general for the conversation and for identifying the problems, for so many useful recommendations!
- Thank you for the invitation! We are always open and will always do everything!