

## Podcast Series: Forced Labor and Migration



The project is co-financed by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.

### Risks of forced labor through the lens of due diligence

- Good afternoon! Thank you for agreeing to talk about the risks of forced labor through the lens of due visibility. Can I get your opinion on what exactly is due diligence and what is the relevance of its implementation?

- Thank you for inviting me. I am very pleased to see and, in principle, to talk about this very topical topic through the due diligence procedure.

I believe that the human rights due diligence procedure is the foundation of corporate social responsibility of business, because it is through this procedure that companies can actively manage potential and real risks of adverse impact on people's rights.

The first is the identification and assessment of actual or potential adverse human rights impacts that the enterprise may cause or contribute to through its activities or that may be directly related to its operations, products or services.

The next step in the due diligence process is to take action in accordance with the results of this assessment, and more specifically, if a business has an impact or risk of adverse impact on human rights, it must take appropriate measures to curb or prevent such adverse impact on rights person.

If the business found that it did not contribute to the influence, and this impact on human rights is negatively associated with its operations or with its services or through products, through business relationships, then the business must live measures to attract and use its influence to the maximum possible prevention or mitigate this impact on human rights.

Assessed, took measures to prevent or stop the impact. The next step is oo monitoring. That is, businesses must monitor the effectiveness of these measures and processes to respond to adverse human rights risks, to understand whether these measures are effective.

The final stage is communication with communities, communication even with people whose rights have been adversely affected, ie affected people.

I know that there are already a lot of manuals, textbooks with relevant cases that prescribe this due diligence procedure and cases in which a business can read and see how its business

processes can negatively affect human rights, the environment, and so on. The due diligence process is very important.

If a business thinks about its reputation, thinks about the challenges that it faces, then this is very important for it.

– Thank you very much. Do you think due diligence can help reduce or mitigate the risks of forced labor?

– Let's start with terminology. What is forced labor? In the understanding of Convention 29 of the International Labor Organization, this is any work or service that is required from a person under the threat or any punishment and the person has not provided his voluntary consent to the performance of this work or service.

Unfortunately, forced labor is a complex concept by its very nature. It can take many forms and is always hidden. Therefore, the due diligence procedure just contributes to the fact that the company is recommended to implement response policies, firstly, zero tolerance for the use of forced labor in their own activities, including in supply chains. In addition, enterprises should be encouraged by the state to implement policies. If, for example, an enterprise receives a service from private employment agencies or from employment agencies, then this enterprise, in order to minimize risks and in order to comply with the due diligence procedure, should implement appropriate policies for cooperation with employment agencies or with employment intermediaries, to prevent the use of forced labor in these business process chains.

Another issue is that business lacks perhaps enough knowledge, awareness of the nature and extent of understanding the use of forced labor. It is with the aim of informing employers about the risks of forced labor that the Confederation of Employers of Ukraine, with the assistance of the International Labor Organization, has developed Guidelines for employers in Ukraine in the field of preventing the use of forced labor. I will now list the principles, there are eight of them. We have identified them in our guide.

1. Freedom of employment.
2. Freedom to terminate employment.
3. Prevention of the threat of violence, persecution and intimidation.
4. Prohibition of the use of forced labor associated with the payment of wages.
5. Prohibition of the application of disciplinary measures to the employee as a basis for the continuation of the employment relationship.
6. Prevention of the use of entrusted work as a means of coercion to work.
7. Guaranteed freedom of movement.
8. Prevention of the use of forced labor as a compulsion to improve qualifications and vocational training.

In this guide, we have disclosed in succession each principle for the prevention of forced labor, and this guide is developed on the basis of the International Labor Organization Convention, protocols, recommendations, including the Declaration of Fundamental Rights in the world of work, including the Tripartite Declaration of Principles regarding multinational corporations, etc. .d.

Our guide is designed for businesses and aims to provide a clear and practical interpretation of international labor standards.

I will focus on these statistics. We think that forced labor is irrelevant for Ukraine, but the numbers that we found when preparing this guide proved to us that this is not the case.

According to the representatives of the organizations of the International Organization for Migration to Ukraine, since 1991 more than 300,000 citizens of Ukraine have suffered from human trafficking. Forced labor as a form of human trafficking only gained momentum every year, and in 1922, according to the data of this international organization for migration, 92% of the total number of affected citizens suffered from forced labor. 80% of these victims are people with higher or technical education, 50% of the victims are under 35 years old.

56% of Ukrainians are confident that they will never become victims of human trafficking or forced labor. But at the same time, every second Ukrainian is ready to accept at least one risky offer, for example, to illegally cross the border, work in confined spaces, or give the employer a passport. And these are signs of forced labor.

There may be a situation of labor exploitation, human trafficking or violence, and therefore, given the war, a very large migration of our citizens abroad, where they can also find themselves in a situation where they can simply relate to either human trafficking or forced labor. That is why we decided to make such a guide for Ukrainian employers with the help of the international labor organization.

- - Thank you very much. Could you tell me, please, with this manual, where can I get acquainted, where can I find it, if it is published?
- -
- - - This guide is in the public domain on the website of the Confederation of Employers of Ukraine. In addition, a platform is now being developed there, on which any person can get acquainted with other benefits of the international labor organization.
- -
- - - The question of how businesses can be encouraged to follow good visibility approaches.
- -
- - I believe that this is a complex issue, and therefore it is necessary to approach the solution of this issue in a complex manner. It is necessary not only to increase the awareness of business, employers about the UN Guiding Principles in the field of business and human rights, about the introduction of the due visibility procedure, about the non-use of forced labor, but also to train representatives of public authorities, be sure to teach civil society these issues. In this process, trade union organizations should also take their place, because they are representatives of workers and their main function is the protection of labor rights. There may be public organizations involved in anti-corruption policy, public organizations involved in environmental protection, because these are all the risks that business bears in the field of the environment.