

Safe reporting and complaints mechanisms

Tuesday 28 May
14.00-16.00

Brussels,
Belgium



- 14:00 Introduction & Welcome
- 14:10 Discussion starters – access to justice for undocumented workers in Belgium (FAIRWORK Belgium) and Europe (PICUM)
- 14:30 Small group discussion
- 15:15 Feedback and group discussion
- 16:00 End of workshop



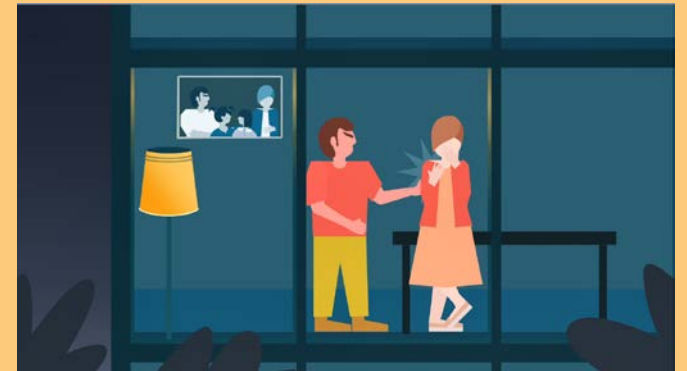
Can undocumented workers file a complaint and receive unpaid wages or compensation for exploitation in the workplace through the labour courts or the criminal justice system?

Overview: joint advocacy

- Lack of access to effective remedy in the criminal justice system or civil justice system
- Safe reporting to police authorities access to victim support services
- Focus on strengthening protections in labour justice system (continuum of labour exploitation, empower and unite workers)
- Effective complaints mechanisms – key elements:
 - Firewall (no reprisals or sanctions in law and practice, inc. routine labour inspections)
 - Complaints body (investigative powers, access to workplaces, resources, focus on workers)
 - Legal proceedings (involved, supported by 3rd party, legal aid)
 - Residence permit during procedure (with possibility to extend or change)
 - Unpaid wages and compensation (body with power to award and ensure actually received inc. state compensation funds)



New resources on the “firewall”



www.picum.org/firewall

Key legal and policy frameworks

- ILO Labour Inspection Convention
- EU Victims Directive, Anti-Trafficking Directive, Employers Sanctions Directive, (Seasonal Workers' Directive for regular), EU employment legislation
- ECRI GR 16, Global Compact on Migration

Discussion questions

- What are the main bottlenecks to access justice for undocumented/irregular migrants?
- Are there firewalls? i.e. Do labour inspectors and labour courts report on immigration status for immigration enforcement? Are there any penalties on workers? Are there situations where going to police does not lead to immigration enforcement?
- What steps are and can be taken to ensure effective access to remedies – local, national, EU level?



PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

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