

La Strada International is a European NGO Platform against human trafficking, comprising 30 members in 24 European countries. The international secretariat is based in Amsterdam, the Netherlands. Our members work on advocacy, but also on direct assistance to trafficked persons and other vulnerable groups, including basic assistance including shelter support, next to offering psycho social and legal support including mediation and compensation claims, as well as support related to integration (access to vocational training and employment), obtaining legal residence, or support in case of voluntary returns. Our members also run helplines and prevention and awareness raising programmes.

## **Prevention of human trafficking/labour exploitation**

LSI Members are based in Ukraine and in neighbouring countries including Poland, Romania, Moldova but also in other EU or non-EU countries. This enabled us to immediately react and engage, after the Russian invasion of Ukraine and the outbreak of a full-scale war. La Strada International and its members have been working in Ukraine and in the neighbouring countries to raise awareness and provide information and to get more insight in the situation. Jointly with other stakeholders including governments, we provided information to refugees (online and offline) about the importance of registration and their rights to financial support, housing and legal residence and where needed, people were referred to services.

Awareness raising activities were conducted, but we also joined campaigns of others that promoted our helplines services. Where possible we also aligned with migrant rights, workers rights and trade union groups, including organisations uniting Ukrainian workers. Through our direct assistance work - but also through our advocacy - we have been promoting access to decent work for displaced people from Ukraine. We reached out to vulnerable groups via outreach work, our helplines and online chat services, but also members started to monitor and engage in online groups at national level, where Ukrainians were looking for information, housing, employment etc. However this has not yet been structurally or systematically done over the whole region.

Our members - who were already part of existing National Referral Mechanisms (NRMs), or who have a clear role in National Action Plans (NAPs) and strategies addressing human trafficking - also joined emergency task forces, set up mostly by international organisations. La Strada International participates in two task forces set up by UNHCR, IOM and UNODC on Ukraine and human trafficking and gender based violence.

To get more insight, we further conducted research both at European level and national level. In partnership with Freedom Fund we undertook [a rapid assessment](#) of the current gaps in the counter-trafficking response, which was published in May 2022. Desk research was further conducted for **HEUNI**, the European Institute for Crime Prevention and Control, including a stakeholder mapping in Poland and Ukraine, and collected data related to current labour exploitation and THB statistics, practices and challenges. This report is still to be published by HEUNI.

With our member Anti-Slavery International (ASI) we worked on a guidance for the private sector, which will be published in April 2023. This guidance explains how businesses can mitigate some of the risks affecting displaced people and to guide their due diligence activities to prevent and remedy the exploitation of displaced people.<sup>1</sup> Lastly LSI members conducted research, including in Germany, Moldova, Poland and Ukraine and in other countries. In Ukraine a survey was conducted among Ukrainians about plans to leave the country and about the conditions they would be ready to accept in case of employment abroad etc. More information on this research can be shared.

## **Information obtained related to exploitative practices**

The information we obtained so far through our monitoring and direct work with vulnerable groups and other stakeholders, is quite in line with other reports and studies, including the recent FRA survey report. Like others we have obtained – in particular in the first months - a lot of anecdotal information through helplines and outreach work.

About persons being offered transport and housing and being requested to provide money and services in return, including requests for taking up household work or providing sexual services in return for housing. Sometimes transport was offered at borders on the condition to agree on accepting employment and persons also reported to have been brought directly to employment sites upon arrival in the host country. We have also been informed about recruitment of workers at reception centres.

While we were assisting Ukrainians before February 2022, LSI members received many more calls from or about Ukrainians after the war broke out. For example La Strada Poland received 749 calls last year, specifically related to Ukrainians.<sup>2</sup> Our Dutch member FairWork supported 216 clients<sup>3</sup> with an Ukrainian background, while before the war they received a maximum of 10 calls a year related to Ukrainians. La Strada International does not yet have a full overview of all statistics of all our members, but we clearly see increases in requests/reports from displaced persons from Ukraine over 2022.

LSI member helplines generally offer advice related to alleged trafficking or severe exploitative situations, however displaced people called for a variety of issues, including questions related to registration, housing and residence, but also questions about job offers and issues related with non payment of wages, next to other complaints about employment and employers. FairWork in the Netherlands reported that the most common problem reported by Ukrainians was non-payment of wages, or payment of only part of promised wages. Ukrainians and other displaced persons from

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<sup>1</sup> It is aimed in particular at businesses who work in or with suppliers in countries neighbouring conflict zones or where there are high numbers of displaced people.

<sup>2</sup> Numbers of calls provided by La Strada Poland related to Ukraine: February 11; March 124; April 81; May 65; June 105; July 83; August 79; September 76; October 62; November 34; December 29, total: 749 calls.

<sup>3</sup> Of which 175 clients (13.4% of their entire client population) in 2022

Ukraine also reported to receive less wages than other national workers, e.g. in Romania, Poland and the Netherlands.<sup>4</sup>

Absence of adequate contracts or the provision of mainly civil contracts in Poland<sup>5</sup> were further reported, next to long working hours<sup>6</sup> and other exploitative working conditions. Employers in Germany were reported to have handed out contracts after people started to work.<sup>7</sup> We were further informed about bad recruitment practises<sup>8</sup>, poor accommodation and much dependency on employers including through accommodation. Also issues arise when accommodation is linked to employment, which prevents workers also to complain out of fear to lose their housing, or workers are housed in remote locations, with employers organising their transport. This leaves them very isolated from the rest of the community and disproportionately reliant on their employer.

#### **As for the continuous challenges and risks:**

There is still clearly limited knowledge among displaced persons from Ukraine about their (labour) rights in the hosting countries, also about how to register, how to obtain employment and they are in urgent need of more information. Workers do not properly understand their entitlements, for example, in relation to contracts, documentation, payment of wages, insurance and the national minimum wage and need support to access the labour market. Workers also lack knowledge on where – and how - to report complaints in cases of exploitation.

Many workers find their jobs online and via social media and messaging platforms, such as Facebook and Telegram. This also leads to a lack of regulatory oversight, resulting in increased vulnerability to

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<sup>4</sup> Interviews for ASI guidance: the organisations we consulted in Romania reported that many workers do not have a contract, that conditions are often exploitative and that workers are unable to claim their rights. There have been cases of Ukrainian workers in hotels being paid half as much as Romanian workers in the same role. People displaced from Ukraine have been told that they should get less money because they made less in Ukraine.

<sup>5</sup> Interviews for ASI guidance: Reports indicate that many people displaced from Ukraine are being recruited as temporary workers under civil law contracts instead of labour law contracts, which means they have fewer rights and protections.

<sup>6</sup> Interviews for ASI guidance: Some women in Poland were refused breaks or time off, especially when performing domestic work. "Employers often expect domestic workers to be available 24 hours, seven days a week. There were also reports of workers on short-term contracts working up to 300 hours a month". In Germany, there are reports of high working hours, which have interfered with the private lives of workers, including their ability to care for their children or participate in language courses. This experience is common across several countries. There are cases of workers being verbally and physically abused when they try to claim their rights in Romania, often in situations where they were working without a contract. There are reports of excessive overtime in hospitality, especially in bars and hotels, which workers are unable to dispute. Many labour inspectors do not speak the same language as the workers, so they are not able to identify issues. This highlights the need for appropriate grievance mechanisms to be put in place.

<sup>7</sup> Interviews for ASI guidance: In Germany some people have entered into employment relationships with no work contract and have had their employment verbally terminated after one month. These workers are often not registered with the social security system.

<sup>8</sup> Employment agencies are known to employ workers through sub-contracting, a model open to abuse. Some workers are also employed on temporary contracts even when working for an employer indefinitely.

exploitative practices. In Romania, there have been cases reported of false adverts for jobs in tourism, hospitality and catering. These jobs turned out not to exist and people were deceitfully recruited into other forms of work.

**Language barriers** also play a role here, which restrict access to employment. We also heard issues of people having to pay for translation services.<sup>9</sup> For many EU countries it was further reported that people work often below their qualification level, because their qualifications are not recognised. Many do not have the right papers or educational background to get a decent job.

Generally, regardless their access to the TPD, we note that Ukrainian workers and job seekers are relatively vulnerable to falling victim to abuses or exploitation, even though many of them have in fact more rights than other Third Country Nationals (TCNs) who are not eligible for temporary protection.

While many displaced persons from Ukraine have access to employment, a large part of the group seems to work still in informal work including in cleaning and other household work and caretaking. Those with lack of money and/or lacking access to livelihoods – people who have fled without any money or resources<sup>10</sup> are particularly at risk: individuals in need of money can be compelled to accept job offers quickly, accepting working conditions they would normally not accept.

### **Lacking access to the Temporary Protection Directive**

Lack of access to legal work - due to no access to temporary protection or because of losing temporary protection - increases risks of labour exploitation or human trafficking. While generally displaced persons from Ukraine can access temporary protection and hence can legally work, we receive reports from our members and other civil society actors about many obstacles.<sup>11</sup> There are also still many people who are unable to access the EU's Temporary Protection scheme – partly because they are reluctant to register – also due to a lack of information or incorrect information - or because they are not – or no longer - eligible for temporary protection (e.g. those that arrived earlier from Ukraine, or those without a legal residence in Ukraine or because they have left the country<sup>12</sup>/moved to other countries) or due to all kind of other challenges.<sup>13</sup>

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<sup>9</sup> It was reported that a lot of companies in Poland offer paid translation and language services to workers to help them understand documents, fill out forms and get work permits. These should be free services provided by the employer. In some cases, workers have had to pay to have documents translated, but they are only partly translated into Ukrainian or a language the worker understands. This means that workers are signing documents that they only partly understand. Similarly, in Romania people are charging for services, such as support with contracts.

<sup>10</sup> Some people lost their jobs or no longer received their salaries. Pensions are, in principle, still paid, but are generally very low, and inadequate to meet even basic needs, especially when people have fled to countries with much higher costs of living.

<sup>11</sup> Including Members of PICUM. PICUM organised monthly exchange meetings among members on Ukraine.

<sup>12</sup> Temporary protection can only be enjoyed in one member state. If a beneficiary of temporary protection no longer resides in their host member state, their residence permit and associated entitlements will be withdrawn.

<sup>13</sup> HIAS and PICUM members received reports that people face obstacles in applying for and being granted temporary protection. Some applications for temporary protection were rejected without a valid reason, or respondents were told that since they are not Ukrainian nationals they cannot obtain temporary protection. Similar problems have been identified by

- There are many reports from NGOs about discrimination towards minority groups like Roma and other migrant groups, who face obstacles with registering for temporary protection or access to employment.
- Concerns and questions have also been raised about legislation in Poland which includes that peoples' protection may be terminated if they overstay in another country for over 30 days.
- Many issues were observed related to the extension of temporary protection. In the Czech legislation there is a rule that provides that if a Ukrainian receives any long-term visa or temporary protection in another country, his/her temporary protection in the Czech Republic will be terminated. This was included in the Czech implementing legislation but many (including expert organisations) didn't know about it. Many who applied for Canadian visas found out that they could not renew their permit and that their right to healthcare was terminated.
- Difficulties are also faced when people try to re-assess temporary protection after having left for Ukraine or other countries, even though this is allowed according the TPD. Sometimes people are not even aware whether they are still registered or not.
- There are also delays getting permits approved in Germany. In Moldova - not an EU country - currently health checks are requested before displaced persons can apply for temporary protection documents, this also causes delays and there is a risk that many will soon be no longer formally legal in the country.

Third-country nationals who fled Ukraine but who were not officially residing in Ukraine are not granted access to temporary protection and the labour market. They have to file a case for asylum, which is often a long process. Only those granted an international protection status are then allowed to work. But of course also these groups will have to survive and will try to make their living, so likely enter the informal labour market. Ukrainians and other TCNs who have no access to the TPD, but who have been 'tolerated' are further in insecure situations, as they do not know how long they can still remain in the country.

### **Evidence Risks As for Human Trafficking cases**

If we talk about concrete referrals which LSI members received related to requests to support presumed trafficked persons, the figures are still quite low. Only about 20 - 25 persons<sup>14</sup> have been assisted in total by our members, whose cases showed indications of human trafficking. Before the war, the figures were actually higher. As mentioned many more cases have been reported by the media, Europol and others, but often after further investigation into these cases, law enforcement stated that there was not sufficient evidence for human trafficking.

Let me conclude with some recommendations for ELA and national labour inspectorates:

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UNHCR, who have concluded that some third country nationals fleeing Ukraine are redirected to the regular asylum procedure, despite their entitlement to temporary protection under the current EU laws

<sup>14</sup> This number is subject to changes, also indications for human trafficking might not be confirmed.

## Recommendations to ELA and labour inspectorates

1. **Enhance the information provision** to displaced persons from Ukraine, but also for migrants from other areas, about labour rights, wages and fees, contracts, and especially also grievance mechanisms. We still see a large demand for structural information provision about procedures around obtaining legal work, regardless all information already provided.
2. (Further) **Promote initiatives where refugees are connected with employers.** We have been recommending the establishment of official trusted websites that promote verified job opportunities to reduce refugees' risks of labour exploitation. There have been several good initiatives in various countries, including the EU Talent Pool Pilot Initiative' at European level, but it is not clear which safety measures are in place to ensure that offered employment can be fully trusted.
3. **Websites/portals/initiatives promoting employment** should provide information about workers' rights and risks of labour exploitation, including where to report in case of violations. Companies that offer vacancies should conduct due diligence and comply with labour rights legislation. E.g. companies could be requested to sign a code of conduct or to answer a couple of questions before they can advertise at these sites, about the preventative measures taken by them and how they will react in case of misconduct.
4. Generally there is an urgent need for **safe reporting and effective complaint mechanisms** – it would be good if workers/job seekers are informed about where to report in case of exploitative practices or work accidents. Also it is important that those who report such misconduct receive timely responses about what is happening with their complaint. We notice reluctance of workers to complain if procedures are not clear, often they might just try to find a better employer and better work, without reporting about the earlier exploitation. This supports the continuum of exploitation.
5. **Cooperate with trade unions and civil society organisations** to collect more information on misconduct by companies or recruitment agencies. Currently it is very difficult for CSOs to obtain sufficient information from labour inspectorates about labour controls of companies, fines charged and reports of violations of the labour law. If there are several complaints about a company this information should be made known.
6. There is a need to focus on the **most vulnerable sectors** and it should be ensured that attention not only goes to Ukrainians but also to other refugees from Ukraine, as well as other foreign nationals and refugees who are vulnerable. More **attention and control** of recruitment agencies is also needed.
7. More **control of and guidance to employers** is further essential to prevent labour exploitation. Employers should be informed about options to reduce risks and how to promote decent employment (for example, training on ethical employment, information provision on labour rights and employment procedures, promotion of official employment contracts).
8. Lastly, it remains very important to effectively **use the existing instruments and mandates labour inspectorates have to achieve effective supervision, detection, prosecution and conviction** of labour exploitation. Existing instruments are currently not sufficiently used; more capacity and attention is needed to enhance investigations and prosecutions related to severe forms of labour exploitation including forced labour and human trafficking.