



Organization for Security and Co-operation in Europe

Technical Seminar of Trafficking for Labour Exploitation Focusing on the Agricultural Sector

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It is a real honour to me to be able to address this meeting and I would like to express my gratitude to the OSCE for giving me the opportunity to share experiences here.

Before going into a concrete case, I would like to give you an idea of the framework in which we work.

The Belgian landscape of social inspection agencies is rather fragmentated. There are various social and labour law enforcement agencies belonging to different governmental departments.

This means that co-ordination is a key factor for any successful inspection performance.

There are various co-ordinating mechanisms which facilitate information exchange and co-operation between inspection services in my country.

- There is the umbrella service of the Social Intelligence and Investigation Service, which co-ordinates inspection policies of the 4 major Belgian inspection services on the higher directory level.
- On the local level there are operational inspection units, composed of all relevant partners in combating illegal work and social fraud (with representatives of inspection services, police, the prosecutor). These units have monthly meetings where joint actions are planned; so each month in each such district a number of joint workplace inspections are carried out by inspectors and police.
- More specifically with respect to trafficking and labour exploitation, there is an interdepartmental task force for co-ordination of the struggle against trafficking in human beings.
- On the local level, in each judicial district, there are bimonthly meetings presided by the prosecutor with police and inspection services.
- An important co-ordinating instrument which exists since only a couple of years is the database GENESIS which allows all social inspectors to see at all times which employers are being investigated by any other inspection service, what offences were reported in the past, which inspector is doing the investigation,...

In the past 10 years or so Belgian social inspection services have been increasingly involved in trafficking cases. Belgian government policy attaches great importance to the contribution of Social Inspection in trafficking cases, their legal investigating powers being extensive and their financial impact on offenders often being of great value.

Moreover, since 2005 the legal definition of trafficking explicitly includes "employing people in circumstances that are contrary to human dignity".

It is also important to know that in Belgium, besides the general prosecutors, we have "labour auditors", who are prosecutors specialized in social and labour law.

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A multi-disciplinary approach has become a normal way of proceeding, with Social Inspection being just one actor in a wide range of various stakeholders. Contacts between social and labour inspectors and prosecutors and police have become more and more frequent and easy.

Social inspectors themselves have become more and more alert to exploitation and trafficking situations. Because, indeed, social inspectors are very much present on the field: in the 4 main Belgian social and labour inspection services there are about 1000 inspectors, who each carry out several inspection visits a day...

In the past few days I have been looking for a case of labour exploitation in the agricultural sector, in which the Social Inspection was involved. It appeared that such cases are rare.

Our chief inspector of the illegal work combating unit of Bruges sent me a shocking case. Its origin was a police intervention following a fight among Romanian workers on a farm. On Saturday 9 June 2007 at 1 AM the local police received an emergency call from a Romanian woman crying and asking in broken French for urgent help to stop a fight which took place at the farm run by Mr Jones (I will be using fictitious names for all of the persons involved). When the police arrived, the attackers had run, there were 5 Romanian people still present in a shabby accommodation built within a large farm shed. 2 Romanian men and 1 woman were injured and had to be brought to the hospital with an ambulance (fortunately, injuries finally turned out to be not too serious).

The police sized up the situation: the people present were 5 Romanian nationals who worked on Mr Jones' farm and there were serious indications that their employment was illegal. Police contacted the general prosecutor, who ordered to find and arrest the attackers (who were 3 other Romanian nationals, who worked on another nearby farm), to ask the victims to remain at the police's disposal (which they accepted) and he also ordered the police to call the Social Inspection to make further investigations in co-operation with the police. In the following hours 2 social inspectors were sent there to co-operate.

At the police station extensive joint interrogations were held by the social inspectors and the police, with the assistance of 2 sworn interpreters.

The statements made by all 5 Romanian people were identical.

1 woman, Lisa (28), came to Belgium and started working at the Jones farm in September 2004. Jones had asked a Romanian illegal worker, Dan, who then worked on his farm, to look for an extra worker. Lisa came to Belgium with a truck driver who was a friend of this man called Dan. Mr Jones soon asked her to bring more Romanian workers to his farm (he was becoming dissatisfied of the 2 Algerian men working on

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his farm), so in the course of the years her husband, her brothers, sisters, brothers-in-law and nephew came to work at the farm.

They usually worked for a 3-month period, after which they had to return to Romania with a Eurolines bus for a couple of weeks and then come back. Mr Jones arranged these trips and paid for the tickets (which he later deducted from their wages).

The work consisted of cleaning leek and planting cabbage and other vegetables. Besides that, the workers had to do construction work as well, such as renovating roof tiles at the farm, demolition work, etc. Mr Jones also "lent" his workers to other farmers, who paid him 10€ per hour, whereas Mr Jones paid his workers only 5€.

In the beginning the workers were regularly paid their promised 5€ wage, but gradually Mr Jones built up wage arrears. Between February and June some of the workers hadn't received any wages at all. Moreover, Mr Jones withheld part of the wages for debts such as transportation and food he bought (at one moment the group of 5 workers received a living pig from the farmer which he asked them to slaughter, after which they could share the meat). What beat everything, was that Mr Jones and his wife regularly joined the workers in eating the meal they had cooked for themselves at their own expenses.

Working hours were from 7.30 AM till 8, 9 or sometimes 10 PM, with only a half-hour break at noon, sometimes 6 but mostly 7 days a week.

In the beginning the workers, who were normally 5, stayed in a caravan located in a shed. After a while Mr Jones ordered the workers to build an accommodation for themselves in the back part of this shed, with materials he delivered. That's where the police found these 5 people. In this one room of 33 m², there were 2 double beds and 1 sofa, a wardrobe, a heater and a TV. Outside this place, in the shed, stood an old table and some chairs, a refrigerator and a gas cooker. There was no shower or bath, and no warm water. Washing had to be done in a basin in the shed, where there was cold running water. The place was moist and mouldy. There was a flush toilet outside, but Mr Jones asked the workers to go into the fields to save water.

In 2005 Lisa had an accident while working with a planter machine. Her left hand was seriously injured, but she was not brought to a doctor until 2 days later, when she couldn't stand the pain any longer. She had an operation in the hospital, and when returning from the hospital she had to start working in the field again immediately, without any follow-up medical care. Mr Jones paid the surgery costs of 4.000€, but withheld this sum from later wage payments.

All workers were instructed by Mr Jones to hide when police or social inspection should come to the farm.

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Mr Jones was an aggressive person, he verbally intimidated the workers and even beat some of them. He sexually harassed the women: one of Lisa's sisters stated that Mr Jones had tried to kiss and touch her against her will and that Lisa had told her she had been raped several times by Mr Jones.

Mr Jones admitted that he had illegally employed 12 people in the past years. He had felt compelled to do so because of "the excessive paperwork that was required to employ people in a legal way". He did not seem to be aware of the abuse he made of the workers.

He also admitted having deployed his workers to other farmers.

Extensive reports were made by police and social inspectors to the public prosecutor, who ordered house searches and detailed interrogations of all persons involved. The prosecutor ordered Social Inspection to give priority to this case as this was a potential case of human trafficking.

The Social Inspection carried out further investigations and made a full report of all the offences committed. All activities and wages due (amounting to 55.000€ for a total of 12 workers) were declared to the social security services so that social security contributions will be paid by the employer – as far as this is concerned, it is irrelevant whether the worker was regular or irregular.

In their report to the prosecutor, the social inspectors indicated the necessity to involve the Labour Inspectorate, so that the labour inspectors can see to it that all wages due are paid to the workers.

As a matter of fact, after being interrogated, Mr Jones handed over 5 envelopes with the wages that he said he still owed to the 5 workers: 3 envelopes with 87,5€ and 2 envelopes with 232,5€. Obviously, the actual wage arrears will be much higher.

The end of the investigation is at hand and actual prosecution for trafficking for labour exploitation is about to be started by the prosecutor.

The 5 Romanian people have immediately been referred to a specialised shelter service for trafficked victims. They were granted the specific victim status as they co-operated in the investigation. Three of them returned to Romania, they didn't want to stay in Belgium any longer. Lisa and her husband are still in Belgium, they now live in a flat in a city the French-speaking part of the country, they followed a French language course, and they both have a new employer, having been granted a temporary residency and work permit as trafficking victims. This social service delivery organisation is still supporting and counselling them (for example, they have been assigned a lawyer who will submit a claim for their damages in the upcoming trial). In the end, they are likely to get a permanent resident status.

What we should learn from a case like this, I think, is that it is imperative for each social inspector to be constantly aware of coming upon potential situations of labour



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exploitation and of meeting potential trafficking victims. The inspector's job is to find and report illegal occupation and, indeed, not all illegal workers are victims of labour exploitation or trafficking. Inspectors have to be very alert to any indicators of trafficking they come upon, also on the occasion of routine checks. In the short span of time of a field inspection, they have to win potential victims' confidence in order to gather essential information. Too often, I am afraid, real trafficking victims are deported after inspection, in those cases the exploitation and trafficking offences are likely never to be found out.

That is why awareness raising among inspectors is so very important. Exploited people like Lisa and her family members deserve the inspectors' attention and alertness during inspection visits, so that abominable situations like the one I just told you about can be detected. This is where the social and labour inspectors' role lies in a co-ordinated and effective anti-trafficking policy.

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