



MAPPING RISKS TO MIGRANT WORKERS IN SUPPLY CHAINS IN EUROPE:

Case studies and
best practices from the
agriculture, food-processing,
manufacturing and
hospitality sectors

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EXECUTIVE SUMMARY

Labour migration and migrant workers are key features of global supply chains, with an estimated 164 million migrant workers globally, representing around 5 per cent of the global labour force (ILO, 2021a). At the same time, they remain disproportionately vulnerable to exploitation and abuse, with nearly 14 out of every thousand adult migrant workers caught in forced labour in the private economy, a prevalence rate that is more than three times higher than that of non-migrant workers (ILO, Walk Free Foundation and IOM 2022).

Previous studies have shown that migrant workers may experience abusive and exploitative recruitment and employment practices, especially in labour-intensive sectors where low-skilled, low-paid workers are employed. The risk of exploitation increases in situations where complex subcontracting chains and different outsourcing or recruitment arrangements are used to employ part-time, project-specific, or seasonal workers.

This report aims to examine the challenges and good practices related to the employment of migrant workers in European supply chains in the agriculture, food-processing, manufacturing and hospitality sectors. It initially provides background information on the risks to migrant workers in supply chains, and an overview of European policies related to migrant workers and their rights. It then presents four regional, sector-specific chapters that examine the specific risks faced by migrant workers in European supply chain contexts in the above-mentioned economic sectors through the analysis of key risks, case studies and solutions developed. It ultimately provides policymakers and businesses with concrete recommendations to mitigate the existing risks.

Each chapter provides an overview of the respective economic sector, presents European policies and workers' rights, highlights the challenges and risks, and describes good practices to protect migrant workers in supply chains. Key challenges identified include suboptimal living and working conditions for migrant workers in these sectors, the common exploitation of migrant workers in regular and irregular situations, and the impact of sector-specific challenges, such as seasonality, platform work and the use of platforms for human trafficking. The implications of the COVID-19 pandemic are also explored for the key economic sectors in focus. Sector-specific recommendations are formulated for each economic sector to enhance the protection of migrant workers in European supply chains. The recommendations highlight steps to be taken by policymakers, such as policies at different levels addressing migrants' rights, due diligence legislation and supply chain liability, and the provision of opportunities for safe and legal entry, residence and work. For private sector entities, the recommendations highlight general steps, including supply chain mappings and improved transparency, committing to ethical recruitment, and taking steps to empower migrant workers, including through grievance mechanisms and the option for unionization.

A series of final recommendations have been identified for policymakers on a regional and national level, as well as for private sector entities to introduce changes within business policies and practices. For policymakers, recommendations include expanding safe and regular migration channels, fostering migrants' integration into the society and informing them of their rights, safeguarding decent working and living conditions, enhancing the capacity of relevant authorities, and raising public awareness. For private sector entities, recommendations include managing the risk of labour exploitation, managing their supply chains responsibly, and consider multi-stakeholder partnerships.



1. INTRODUCTION

At present there are about 281 million international migrants worldwide of which 169 million are migrant workers (ILO 2021a; IOM, 2021c). Despite the essential contributions that migrant workers make to the global economy, many experience abusive and exploitative recruitment and employment conditions, especially in labour-intensive sectors where the demand for labour is fluctuating. Exploitative practices are often hidden in complex subcontracting chains, and the risks are heightened in situations where “posting” of workers and other outsourcing or recruitment arrangements are prevalent (see for example Jokinen et al., 2011; Jokinen and Ollus, 2014; Ollus, 2016).¹ The sectors mostly affected by these challenges in the European Union include construction, agriculture and forestry, manufacturing, catering, care services, cleaning services and domestic work, entertainment, fishing, hospitality, retail and transportation (FRA, 2019).

Migrant workers are more vulnerable to exploitation in the workplace than other workers, as a result of structural factors that may include discrimination, unethical recruitment practices (including debt),² the characteristics of the employment sector (e.g. degree of formalized employment relationships and contractual characteristics),³ and migrants’ status, level of formal instruction, language proficiency or ability to negotiate the terms of work or access support services (see for example ILO, 2004). The forms of exploitation and abuse that migrants are exposed to vary significantly, and may range from long working hours, to low wages and poor working conditions, to more severe forms of exploitation such as limitations in the freedom of movement or psychological and physical abuse and threats (ibid.). Migrant workers in many sectors tend to work under informal, non-standard or fixed-term contracts, with short job tenure, and thus may be subject to furloughs and layoffs or underpayment. Furthermore, their residence status sometimes influences their eligibility for benefits such as income support or (public) health care (Fasani and Mazza, 2020:2–3). The former leave migrants exposed to increased vulnerability, especially in the face of external shocks, as the COVID-19 pandemic revealed.

Female migrant workers (41.5% of all migrant workers worldwide) (ILO, 2021a:11–12) not only face obstacles to participate in the labour force (owing to gender discrimination or the uneven distribution of caring responsibilities, among others), but also also face particular risks. In gendered and segmented labour markets, many migrant women are often confined to jobs in care, domestic work, agriculture, manufacturing and services, characterized by precarity and low wages (Hennebry et al., 2016:10, 15–16; IOM, 2021a:4, Verité, 2017). Nevertheless, and notwithstanding the specific situations of vulnerability and risks that migrant female workers face, men constitute the majority of victims of trafficking for labour exploitation in the European Union, accounting for 68 per cent of the identified victims in 2017–2018 (European Commission, 2020a).

Migrant workers’ labour exploitation is largely hidden and underreported. Cases of exploitation are often identified via organizations such as trade unions or non-governmental organizations (NGOs), which facilitate access to justice and remedy. Even though victims themselves seek redress, it

¹ “Posting” of workers refers to a situation where an employee from one country is sent by their employer to work in another European Union country, temporarily. Posted workers differ from European Union mobile workers in that they work temporarily in the country of destination while remaining employees in the country of origin. Due to this, they do not receive the same protections as nationals of the country of destination.

² Many migrant workers have had to pay for their job abroad. It is estimated that regular migrants moving to and within the European Union pay much less than irregular workers, and lower-wage workers pay more for jobs than higher-wage workers (Martin, 2019).

³ As an example, according to research on key workers by Fasani and Mazza (2020), migrant workers from within the European Union and outside the European Union were 16 per cent and 48 per cent more likely to work under temporary contracts than nationals, respectively.

is often representatives of organizations such as NGOs, labour unions, and State entities that actively assist victims in seeking justice, often through services such as information hotlines and legal counselling in multiple languages.

According to the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs), States have an obligation to respect, protect and fulfil the human rights and fundamental freedoms of all workers, including migrant workers. States' obligations include the duty to provide psychological, medical, material, and legal assistance and representation. The protection of migrant workers also includes measures such as the right to information, freedom of association and collective bargaining and effective access to remedies. Therefore, a multistakeholder approach is required to effectively protect migrant workers. Moreover, migrant workers are more likely to enjoy protection when the principle of equal treatment of all workers is respected, regardless of the workers' immigration or employment status, and when labour laws and standards are upheld (see for example Sorrentino and Jokinen, 2014).

Businesses play a crucial role in protecting migrants' human rights, both in their direct activities as well as within supply chains. The human rights impacts of business operations have been increasingly under scrutiny by investors, researchers, customers, human rights defenders, international organizations and businesses themselves. Traditionally, the focus has been on compliance with human rights standards in business operations outside of the European Union. There has been, however, a growing effort to acknowledge and address human rights issues within European and local supply chains. For example, a mapping by the European Union Agency for Fundamental Rights (FRA) identified 155 incidents of business-related human rights abuse in 30 European Union countries (FRA, 2019). The most reported incidents included abuses related to environmental and labour rights, including abuses related to fair and just working conditions and non-discrimination. Many businesses have now publicly committed to respecting human rights through their corporate social responsibility (CSR) and sustainability strategies, and human rights due diligence (HRDD) processes. Moreover, many large companies also use their leverage to influence their own suppliers to undertake HRDD.

This report presents information on the risks faced by migrant workers in the agriculture, food production, manufacturing and hospitality sectors including case studies and concrete recommendations on the steps businesses can take to mitigate such risks. The report is based on a desk review, taking as reference specific countries for each sector. The complexity of supply chains is highlighted for each sector, as a key feature of global supply chains and a major factor that influences the protection of migrant workers, especially in sectors such as logistics, warehousing and transport where migrant workers are largely represented, although not always visible. The findings of the desk review were completed and consolidated with insights gathered at an international roundtable of practitioners and experts organized by HEUNI and IOM in January 2022, as well as through bilateral meetings with companies and business organizations held in February 2022.

Overall, the report provides an overview of the challenges and good practices related to the employment of migrant workers in European supply chains, and constitutes a resource for businesses aiming to strengthen their understanding of protection risks in their supply chains and to improve their capacity to address them.

The report begins with an overview of European policies related to migrant workers and their rights, followed by the sector-specific mappings and general recommendations to enhance the protection of migrant workers across supply chains applicable to all sectors.

2. EUROPEAN POLICIES AND WORKERS' RIGHTS

The common understanding of what is expected of all States and businesses in relation to the corporate responsibility to respect human rights is largely based on internationally agreed, non-binding documents. The UNGPs are the most important internationally agreed standards that outline the responsibility of businesses to respect human rights. The global standard, as formulated in the UNGPs, is the expectation that all businesses, regardless of States' abilities to fulfil their own human rights obligations, and regardless of their size, sector, location, ownership and structure, are to prevent, mitigate and, where relevant, to remediate adverse human rights impact through HRDD processes. The role of States is set out in the first guiding principle, and it requires States to take appropriate steps to prevent, investigate, punish and redress human rights abuses through effective policies, legislation, regulation and adjudication (OHCHR, 2011). Currently, there is strong momentum towards enhanced national and regional legislation on mandatory HRDD, at least within parts of Europe (McCorquodale and Nolan, 2021).

In addition, the United Nations Sustainable Development Goal (SDG) 12 highlights the need to ensure a more sustainable management of global consumption and production patterns. This includes targets for companies to adopt sustainable practices and publish sustainability information (target 12.6), as well as the need to inform and educate consumers on sustainable development and sustainable lifestyles (target 12.8). Furthermore, SDG 8, which focuses on decent work and economic growth, includes targets such as full employment and decent work with equal pay (target 8.5), ending modern slavery, trafficking and child labour (target 8.7), and protecting labour rights and promoting safe working environments (target 8.8). As the focus of this report is on the European supply chain contexts, a selection of key European Union policies is introduced below, starting with more general policies and moving towards more specific ones.

2.1. The European Union's digital transformation

In 2021, the European Commission presented targets for the [European Union's digital transformation](#) by 2030. These include improving the basic digital skills of the majority of the population and ensuring good digital connectivity everywhere; businesses undertaking a digital transformation (including more than 90% of small and medium-sized enterprises (SMEs) reaching at least a basic level of digital intensity); and public services becoming increasingly digitized (for example, e-health services and the use of a digital ID) (European Commission, 2021a). A declaration on digital rights and principles proposed by the Commission in January 2022 states that people and their rights should be at the centre of the digital transition and that digitization should support solidarity, inclusion and participation (ibid.).

Overall, migrant workers may benefit from digitization through better access to information on workers' rights, and through optimized online-based grievance mechanisms. However, the benefits of digitalization are uneven and digital divides should be reduced for everyone to benefit from the use of technology and improved connectivity. When it comes to the protection of migrant workers, recruitment is one of the most important steps in the process. Recruitment agency's websites and social media channels already play a key role in international recruitment, but they are also used by criminals to scam jobseekers (see for example Bouazza, 2022). Improved digitization

will also considerably change the labour market, and while new jobs might be created, labour intensive sectors might experience job losses, which might in particular affect migrant workers in the future. Therefore, it will be necessary to anticipate the shifting requirements in skills sets and mitigate potential negative effects through improved opportunities for re- and upskilling for the affected populations.

2.2. European Pillar of Social Rights

In 2017, the European Parliament, the Council and the Commission proclaimed the [European Pillar of Social Rights](#). The Pillar sets out 20 key principles which lead Member States of the European Union towards a strong social Europe that is fair, inclusive and full of opportunity (European Commission, n.d.a). The three “chapters” into which these principles are divided assert: (1) equal opportunities and access to the labour market; (2) fair working conditions; and (3) social protection and inclusion. Principle 6, concerning wages, is particularly relevant to this report. It foresees that all workers have the right to fair wages that provide for a decent standard of living, and that all wages are set in a transparent and predictable way, according to national practices and respecting the autonomy of the social partners (European Commission, 2017). In 2020, in line with principle 6, the Commission proposed a European Union directive to ensure that the workers in the European Union are protected by adequate minimum wages allowing for a decent living wherever they work (European Commission, 2020b).

2.3. European Union Directive on Transparent and Predictable Working Conditions

The European Union [Directive 2019/1152](#), on transparent and predictable working conditions, sets out the minimum rights that apply to all workers in the European Union. The Directive is a direct follow-up to the proclamation of the European Pillar of Social Rights and addresses in particular the insufficient protection of workers in more precarious jobs, while limiting burdens on employers and maintaining labour market adaptability. The rights cover all workers in all forms of work, including the most flexible non-standard forms of work, such as zero-hour contracts, casual work, domestic work, voucher-based work or platform work (Directive 2019/1152).

Among the minimum rights laid down in the Directive are written information provided to workers on topics such as the place of work, type of work, working time, remuneration, amount of paid leave, institution receiving the social security contributions, training entitlement, and procedure for terminating employment. The Directive also states that workers should be notified a reasonable period in advance when work will take place, which is essential for workers with very unpredictable working schedules. The Directive also includes legislation against abuse, specifically in zero-hour contract work. These rights are of particular importance for migrant workers in precarious positions who are subjected to extremely flexible working modalities. European Union Member States have until 2022 to transpose the new rules into their national legislation (European Commission, n.d.c). The national implementation will play a key role in clarifying and strengthening the rights of migrant workers, especially when it comes to compensation and remuneration.

2.4. Employers' Sanctions Directive

The [Employers' Sanctions Directive](#) (2009/52/EC) foresees that European Union Member States prohibit the “employment of illegally staying third-country nationals” and criminalize certain forms of employment, such as when employers subject workers to particularly exploitative working conditions. The Directive came into force in 2009 and applies to all the European Union Member States, except Denmark and Ireland. Member States should also provide for the possibility of further sanctions against employers for, among other things, exclusions from entitlement to some or all public benefits, aids, or subsidies, including agricultural subsidies, exclusions from public procurement procedures and recovery of some or all public benefits, aids, or subsidies, including European Union funding managed by Member States, that have already been granted.

The Directive requires the European Union Member States to ensure that effective mechanisms and procedures through which undocumented migrant workers may lodge complaints, introduce a claim and eventually enforce a judgement for any outstanding remuneration are in place. Such grievance mechanisms enable the exercise of a full range of rights of undocumented workers. Nevertheless, the effective use of such mechanisms is often hindered by migrant workers' fear of risking being detected, detained, or deported by immigration officials. Grievance mechanisms should be available for workers to raise concerns and provide feedback to companies, and to have those concerns addressed in a timely and appropriate manner.

Moreover, in 2014, the European Commission noted in a communication to the European Parliament and the Council on the application of the Employers' Sanctions Directive that some Member States had yet to implement the Directive's protective elements in a satisfactory manner. In 2021, the FRA [published a report](#) on the role of the Employers' Sanctions Directive in protecting the rights of migrant workers, which pointed to major gaps in the full and meaningful transposition and implementation of the Directive into national law and practice. Finally, in October 2021 the European Commission published a communication on its evaluation of the implementation of the Employers' Sanctions Directive ([COM\(2021\)592](#)), focusing on articles 6(2) and 6(5), concerning the introduction of claims for back payments and the issuance of limited duration residence permits in the case of criminal proceedings. The evaluation made some recommendations to governments to improve the implementation of the Directive, including access to information, justice and remuneration, and temporary residence permits.

2.5. European Union Posted Workers Directive

The [Posted Workers Directive](#) (96/71/EC) sets the core rights of posted workers in line with the destination States' terms of work, such as minimum salaries and maximum work periods. The Directive aims to “provide a clear framework to guarantee fair competition and respect for the posted workers' rights”.

In 2014, the European Union adopted a further Directive ([2014/67/EU](#)) to strengthen the application of the Posted Workers Directive by addressing issues related to fraud, circumvention of rules, inspections and monitoring joint liability in subcontracting chains, as well as the exchange of information between the Member States. Further, in 2018, revised rules were adopted into the Directive, including applying all the “mandatory elements of the remuneration” of the country of destination (*ibid.*).

The Posted Workers Directive has been criticized over its misuse and fraudulent practices (see for example Jokinen and Ollus, 2019). While the Directive was initially intended to improve the conditions of movement of European Union workers, it also concerns the posting of third-country nationals (TCNs). The Directive enables TCNs who legally reside and work in one Member State to be posted to another Member State. The posting of TCNs is restricted to a maximum of 90 days.

2.6. European Union Anti-trafficking Directive

[Directive 2011/36/EU](#), on preventing and combating trafficking in human beings and protecting its victims, sets out minimum rules for the definition of criminal offences and sanctions related to human trafficking, and introduces provisions to strengthen the prevention of trafficking and the protection of victims. Prevention measures include raising awareness of the phenomenon and training officials to identify trafficking (article 18). Protection measures include the non-prosecution principle for trafficking victims (article 8); assistance and support for victims, whether they cooperate with the authorities or not (articles 11 and 14); and access to legal counselling and representation (article 12), as well as compensation (article 17). A 2021 review of the Directive argued that as the crime of human trafficking has evolved, the available means are no longer sufficient to fight it (European Commission, 2021b). Although the Directive provides for measures to discourage demand, the consequences for employing or using the labour and services of trafficked people in different Member States varies. The number of prosecutions and convictions for trafficking also remains low, and victims' individual needs are not systematically considered (ibid.).

2.7. Proposals for a directive on European Union corporate sustainability due diligence and a non-financial reporting directive

The European Commission introduced a [proposal for a Directive on corporate sustainability due diligence](#) (CSDD) in February 2022. The proposed Directive covers large companies that have over 500 employees and a net turnover of more than €150 million, and companies with more than 250 employees and a net turnover of more than €40 million, so long as at least 50 per cent of that turnover is generated through operations in specific high-risk sectors. High-risk sectors include the textile, clothing and footwear industries (both manufacture and wholesale); agriculture, forestry, fisheries and manufacture of food products; the wholesale of substances such as food and beverages; and extraction of mineral resources, manufacture of metal products, and wholesale of mineral resources (European Union, 2022).

The proposed Directive would require the companies to perform HRDD in their value chains and operations by identifying, preventing, mitigating and accounting for their adverse impacts on human rights and the environment. In practice, companies must integrate due diligence into their policies; identify actual or potential adverse impacts; prevent, mitigate, end and minimize their extent; establish and maintain a complaint procedure; monitor the effectiveness of the due diligence policy and actions; and publicly communicate about it (article 4, CSDD).

Furthermore, the non-financial reporting [non-financial reporting directive](#) (2014/95/EU) requires large companies in Europe to report publicly about their sustainability performance, including the treatment of employees and respect for human rights. In 2021, the European Union adopted a proposal to amend the existing requirements with a corporate sustainability reporting Directive to widen the reporting requirements.

In the following section, the major risks faced by migrant workers in some key sectors of European economies (agriculture, food processing, manufacturing and hospitality) are identified. The risks and potential solutions are illustrated through case studies, highlighting good practices to enhance the protection of migrant workers across supply chains in Europe.



3. AGRICULTURE

This section focuses on the European agricultural sector, and provides an overview of key features of the sector and its workforce in general, and specifically features of the sector in Italy and Spain. Challenges and risks, as well as examples of good practices to protect migrant workers, are presented next, and the section concludes with recommendations for policymakers and private sector entities.

3.1. Overview

According to Eurostat (2021a), the European Union's agricultural industry created an estimated gross value added of €178.4 billion in 2020. The same year, 53 per cent of the value of the total output of the European Union's agricultural industry came from crops (€219.5 billion), 38 per cent from animals and animal products (€159.0 billion), and the rest (9%) from agricultural services (€20.3 billion) and inseparable non-agricultural activities (€15.4 billion). More than half (58.7%) of the total output value of the European Union's agricultural industry came from France (€76.3 billion), Germany (€57.6 billion), Italy (€56.9 billion) and Spain (€52.3 billion) (Eurostat, 2021a).

There is a long-established downward trend in the number of people working in the European Union's agricultural sector. Between 2005 and 2020, the average rate of decline in agricultural labour input used across the European Union as a whole was 2.5 per cent per year. Agricultural labour input in the European Union was the equivalent of an estimated 8.5 million full-time workers in 2020, although much of the work in the sector is characterized by part-time, seasonal and unsalaried work (Eurostat, 2021a). According to Eurostat (2021a), the overall declining trend is the result, among others, of increased mechanization and efficiency, as well as a wide choice of alternative job opportunities in other sectors, reducing the appeal of agriculture to workers. In the last decades, farms have become larger, production has intensified, and the low-paid and strenuous work often does not appeal to local rural youth or the national workforce.

The workforce of the European agricultural sector has traditionally consisted of family and local labour, but nowadays relies heavily on migrant workers (Triandafyllidou, 2017:4; Rye and Scott, 2018). In the past decade or so, national agricultural workers have largely left the sector (1.3 million between 2011 and 2017), while migrants from outside and within the European Union have been employed to partially fill the gap. In Spain, Italy and Denmark the share of migrant labour in agriculture is higher than in other sectors (Natale et al., 2019:26–28; Schuh et al., 2019:22–23). Also, the shares of non-nationals in the agricultural sector in the 27 European Union countries are 3.7 per cent for TCNs and 2.5 per cent for other European Union citizens. For Spain and Italy, these figures are higher: non-national workers make up around 20 per cent of the agricultural workforce (Eurostat, 2021a). Many agricultural workers from outside the European Union, such as undocumented migrants or asylum seekers are not reflected in migration statistics (EPRS, 2021:3). Furthermore, migrants from within the European Union who have not registered in the country of destination and are working informally may also be missing from the statistics.

In the early stages of the COVID-19 pandemic, workers in informal employment were three times more likely to lose their jobs than workers in formal employment (ILO, 2022:29). Many migrant workers also struggled financially as travel restrictions kept them from returning home or seeking

employment elsewhere (see for example Barber, 2020).⁴ Evidence from Italy also suggests that the share of informal work in the agricultural sector has grown during the pandemic (IDOS, 2020:9).

Within Europe, the main destination countries for migrant seasonal workers coming from countries such as Romania, Bulgaria, Poland, Ukraine and Morocco include Germany, Italy, Spain, France and Poland (EPRS, 2021). Unscrupulous employers may prefer migrant workers, as they represent a flexible labour force: migrant workers are often structurally disempowered due to informal work arrangements, limited language proficiency and low union participation. Owing to their limited bargaining power, they often accept wages and working conditions below the normal standards of the country of destination (Rye and Scott, 2018:3), as the wages in particular may still be higher than in the country of origin (Triandafyllidou, 2017:4) and they often have obligations back home (Corrado, 2018:9).

Migrant seasonal workers constitute an essential feature of the agricultural sector. Despite technological developments and automatization, certain tasks and crops (such as strawberries, tomatoes, cucumbers, mushroom, cherries and asparagus) require a large amount of seasonal manual labour (Triandafyllidou, 2017:2; FAO, 2020:1). Moreover, the demand for workers varies within and between harvest periods, which requires mobilizing a large number of temporary workers able to move between locations, sometimes on very short notice. This type of precarious work is often carried out by migrant workers.

Agricultural products are part of a value chain that reaches from fields to consumers. Today, these chains are managed by a small number of large buyers and retailers that influence the day-to-day demand for agricultural products (Caruso, 2017). Agricultural producers must meet the fluctuating demand, which translates into a need for flexibility in hiring workers, which in turn translates into irregular and insecure working conditions for agricultural workers (Davies, 2019). Due to their position in the agri-food chain, farmers have limited negotiating power regarding issues such as pricing. As the costs of labour are high, many employers resort to unethical practices such as underpayment and the use of undeclared work, as well as employing undocumented migrant workers to cut costs and increase profit margins.

Moreover, the extensive use of recruitment agencies in the agricultural sector often results in additional risks, as many unscrupulous recruitment agencies or brokers may charge illegal fees for securing the job, as well as for transportation, food and tools, and give deceptive information on the contents and conditions of work. The way in which small, medium-sized and larger agricultural producers cope with the risks of relying on recruiters and brokers differs, and often relates to the reputational risks that businesses may face should they be associated with unethical practices and abuse of migrant workers.

3.2. European agricultural policies and workers' rights

Several European Union policies are shaping the current and future state of European agriculture. Many of them address workers' rights and aim to improve the conditions of agricultural workers. Some key policies are briefly presented and assessed in this chapter.

⁴ IOM (2020a) estimated in July 2020 that due to the pandemic there were over 200,000 migrants stranded in the European Economic Area and Switzerland.

The European green transition or “Green Deal” aims to make Europe climate neutral by 2050 (European Commission, n.d.d). Regarding agriculture, the European Union’s goals are to ensure food security, reduce the environmental and climate footprint of the European Union’s food system and strengthen its resilience, and lead a global transition towards competitive sustainability through the agri-food chain (European Commission, n.d.e). IPCC (2022) reports that one of the key risks associated with climate change in Europe is a substantive agricultural production loss, particularly in the south, due to heat and drought stress on crops. Prolonged heat waves, potential water scarcity and the risk of wildfires would also worsen the working and living conditions in areas most affected, ultimately leading to migration to more hospitable areas.

Current European Union policies directly related to agriculture include the Farm to Fork strategy published in May 2020, the upcoming new Common Agricultural Policy (CAP) 2023–27, and the Directive on Unfair Trading Practices in the Agri-food Chain. The Farm to Fork strategy states that the principles of the European Pillar of Social Rights must be respected, particularly in relation to precarious, seasonal and undeclared workers. Furthermore, it highlights workers’ social protection, working and housing conditions, health and safety as essential conditions to build fair and sustainable food systems (European Commission, 2020c:12).

The new CAP will introduce the concept of social conditionality, requiring farmers to respect the social and labour rights of farm workers to receive CAP income support and rural development funding, in accordance with the European Union Directive on Transparent and Predictable Working Conditions, as well as ensuring the on-farm safety and health of workers (European Commission, 2021c:9). In practice, farm workers must be informed of employment conditions in writing,⁵ regardless of the number of hours worked. Furthermore, employers must ensure workers’ safety in relation to machinery, equipment, PPE, and dangerous substances, among other things (European Commission, 2021c). Under the new social conditionality mechanism, labour authorities in the European Union must inform agricultural paying agencies at least once a year on the results of their own controls. In case of non-compliance, the paying agency will apply a reduction to the farmer’s payment (European Commission, n.d.f). The implementation of the controls and sanctions by European Union Member States will be extremely important in ensuring better working conditions and ultimately better access to labour rights for migrant workers in the European agricultural sector.

The European Union Directive 2019/633 on Unfair Trading Practices in Business-to-Business Relationships in the Agricultural and Food Supply Chain aims to address the power imbalance between suppliers and buyers by banning certain practices that are disadvantageous to suppliers, or otherwise deviate from good commercial conduct. Moreover, Directive 2014/36/EU on the conditions of entry and stay of TCNs for the purpose of employment as seasonal workers (the Seasonal Workers Directive) is a key policy in relation to the agricultural sector. It addresses fairness and transparency in the admission of TCN seasonal workers and aims to ensure decent living and working conditions as well as equal rights for workers (European Commission, n.d.g). The Directive grants seasonal workers equal treatment with nationals of the receiving Member State, and article 20(2) of the Directive regulates seasonal workers’ accommodation, if it is provided by or through the employer. The Directive requires that the rent must not be excessive compared with the remuneration and the quality. Moreover, the rent shall not be automatically deducted from the wage of the seasonal worker. There also has to be a rental contract and the accommodation must meet relevant health and safety standards.

⁵ Farm workers must be given information on place and type of work; beginning and, where relevant, end of employment; probation period; paid leave; notice periods; remuneration; work pattern or schedule and social security (European Commission, 2021c:9).

Likewise, Directive 2009/52/EC, provides for minimum standards on sanctions and measures against employers of illegally staying TCNs (the Employers' Sanctions Directive), asserts the workers' rights to back payments (article 6), provides for the facilitation of complaints, including the possibility to grant a temporary residence permit to a migrant worker who has been exploited and agrees to cooperate in criminal proceedings against the employer (article 13), and requires Member States to criminalize the subjection of migrants in an irregular situation to "particularly exploitative working conditions" (FRA, 2019:30).

There are, however, gaps in the practical application of these pieces of legislation. For example, workers are able to change employer (Corrado, 2018:31), and more than half of the Member States have domestic legislation establishing temporary residence permits for victims of particularly exploitative working conditions, in accordance with article 13(4) of the Employers' Sanctions Directive. However, the remaining Member States provide such permits only if the situation amounts to human trafficking following the national legal definition (FRA, 2021).

3.3. Challenges and risks

3.3.1 Seasonality and recruitment

Different seasonal and guest worker schemes are commonly employed in the agricultural sector. Seasonal agricultural work requires a short notice, flexible workforce, that is, workers who are recruited for short peak periods at a low cost, based on the needs of the market.

According to a 2019 study by FRA, recruitment agencies are active in agriculture, and seasonal workers are commonly recruited via recruitment agencies. Based on interviews with workers, FRA concluded that the risks of labour exploitation are further amplified when workers are dependent on recruitment agencies for services including visas, transport, accommodation and information about the nature of the work. According to FRA, almost two thirds of the workers interviewed who were recruited via agencies were later recognized as victims of trafficking, which further underlines the impact of unscrupulous recruitment agencies on labour exploitation in the European Union (FRA, 2019:13).

When legal migration opportunities are heavily dependent on employers or intermediaries, migrants may be more vulnerable to abuse (see for example Corrado, 2018:24; Güell and Garcés-Masareñas, 2020:14). As an example, Güell and Garcés-Masareñas (2020:40) argue that even though the Spanish system of circular migration allows workers to return to the same employer year after year this creates a strong dependency on the employer, and may discourage workers to air any grievances.

Case study: The Italian *caporalato*

The *caporalato* is an irregular system of recruitment commonly used in the agricultural labour market in which so-called brokers or gangmasters act as intermediaries between farmers and workers (Corrado, 2018:13). These intermediaries, called *caporali*, manage workers' recruitment, working hours, wages, transportation, housing and meals, among other things (Corrado, 2018:14). The agricultural union FLAI-CGIL (2018) has reported daily wages averaging between €20 and €30 for 8 to 12 hours of work, from which deductions are made for transportation and drinking water. This salary amounts to an hourly wage of only a few euros. Standard minimum wages in the agricultural sector start from €7 per hour (Gallotti, 2020), though female agricultural workers are often paid less than their male colleagues (MLSP, n.d.:5).

The crimes of unlawful labour brokering and labour exploitation were introduced into the Italian Criminal Code (article 603) in 2011 (Corrado, 2018:20). Article 1 of Law No. 199/2016, titled "Provisions on combating the phenomena of undeclared work, exploitation of labour and wage realignment in the agricultural sector", amended article 603, imposing penalties to both the recruiters and to those who use these services, that is, employers and farm owners. Perpetrators may face imprisonment for up to six years and a fine between €500 and €1,000 per recruited worker, or up to eight years of imprisonment and a fine of €2,000 in cases that involve violence and threats (Scaturro, 2021:186). Furthermore, the amendment introduced the mandatory confiscation of proceeds and property, as well as corporate criminal liability (Corrado, 2018:20).

The Italian Ministry of Labour and Social Policies has identified several challenges that contribute to the use of unlawful recruitment intermediaries. These include the limited availability of regular recruitment channels and services in agriculture, as well as official employment services' limited ability to respond to the particular needs of the agricultural labour market (MLSP, n.d.:16). The illegal economy resulting from such things as illegal recruitment practices, tax evasion and organized crime present in the agricultural supply chain has been estimated to be worth over €6 billion (FLAI-CGIL, 2018).

3.3.2. Living conditions

In Italy and Spain, migrant workers from North Africa, the Middle East, and Eastern Europe often work and reside in substandard conditions (see for example Corrado, 2018; Correa da Silva and Cingolani, 2020; Scaturro, 2021). Farms are usually located in remote, rural areas, and migrant agricultural workers are often housed in temporary isolated lodgings, which hinders the integration and settlement of workers beyond the harvest period (Corrado, 2018:23). Over half of the exploited workers who were interviewed for the 2019 FRA study depended on their employers for accommodation during the period of employment. Moreover, workers in the agricultural sector were more likely to report living at their workplace and poor living conditions, including lack of bedding, inadequate food, lack of running water and poor sanitation. Workers were often required to stay in employer-provided accommodation, and had accommodation costs deducted from their wages, with no rental contract provided (FRA, 2019:16). The FRA study also pointed to agricultural workers' spatial, emotional or social isolation, which was enhanced in many cases by employers' control practices preventing communication with the outside and the possibility of seeking help (FRA, 2019:18).

A report by The Guardian (Pablo et al., 2020) uncovered the housing conditions of fruit and vegetable farm workers in Almería, Spain. An estimated 7,000 to 10,000 people were living in 92 informal worker slums, largely without running water, electricity or sanitation. The makeshift houses were made of cardboard, wood, and plastic, which is said to release toxic fumes in the high summer temperatures (ibid.). Such conditions are not unique to Almería, as similar settings have been reported in other Spanish cities such as Huelva – described as "inhuman" by the United Nations special rapporteur on extreme poverty and human rights (OHCHR, 2020) – as well as in Italy. In the Italian region of Foggia, fires, violence and other dangers have been reported in similar informal settlements housing farm workers (see for example ANSA, 2020, 2021, 2022).

3.3.3. Working conditions and health risks

Seasonal migrant workers are employed for harvesting crops such as tomatoes, strawberries, and citrus fruit. The production of fruit and vegetables is particularly labour intensive, including tending, harvesting and packaging (EPRS, 2021:2).

The working conditions in agriculture are often harsh and physically challenging, working hours tend to be long, and workers are exposed extreme heat and cold, as well as noise and dust. Further risks to farm workers are related to the use of heavy and potentially dangerous machinery and vehicles, chemicals (such as pesticides), livestock, and working at heights or near pits and silos (Health and Safety Executive, n.d.a). In the United Kingdom, although less than 1.5 per cent of the working population are employed in agriculture, the sector is responsible for 15 to 20 per cent of workplace fatalities each year (ibid.).

The FRA study (2019) found that violations of health and safety regulations were common in the agricultural sector. Migrants reported lack of personal protection equipment and lack of safety instructions and training, which often resulted in work accidents and occupational health issues. FRA noted that this was compounded by discriminatory practices (e.g. irregular foreign workers being requested to perform the most hazardous tasks; FRA, 2019:17).

3.3.4. Exploitation of migrant workers in regular and irregular situations

The Mediterranean agricultural sector employs a large number of migrant workers, many of whom are socially and economically vulnerable. Caruso (2017:277) argues that “the exploitation of a temporary and vulnerable migrant labour force has represented one of the fundamental features of agricultural restructuring” in the Mediterranean region. According to FRA (2015), the agricultural sector is one of the high-risk sectors of serious migrant labour exploitation.

Informal work and forms of labour exploitation are prevalent in the agricultural sector. The high prevalence of informal work in agriculture has been explained by some as resulting from the impact of subsidies and farm organizations on the development of the informal economy (Schneider et al., 2021). Moreover, the agricultural sector may offer an entry point to the labour market for newcomers who do not have a valid permit. TCNs and European Union migrant workers are particularly likely to be engaged in informal work (Williams, 2019). It is estimated that over 61 per cent of the European Union’s agricultural labour force participates in informal employment, with marked variations between Member States (from 3.4% in Sweden to 91% in Poland) (Pintado Nunes, 2019, cited in Williams, 2019:2–3). The European Platform tackling undeclared work and the European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors (EFFAT) have reported, instead, that about one third of agricultural workers in the European Union engage in informal work (EPRS, 2021:7; EFFAT, 2019). The lack of written contracts, which is widespread in the agricultural sector (see for example Williams, 2019:7) often hinders workers’ ability to claim their rights, as they lack proof of their employment, its terms and conditions.

Both migrants in a regular and in an irregular situation in the agricultural sector are at risk of exploitation. However, migrants in an irregular situation are more often vulnerable because as they lack support networks and might be sanctioned or face deportation proceedings, should they disclose their experiences to the authorities. Furthermore, the condition of migrants in an irregular situation also creates opportunities for dishonest employers and labour intermediaries to exploit the workers and take advantage of their dependent situation (Corrado, 2018:2–3; Gadea et al., 2017; EPRS, 2021:6; Andalucia Acoge et al., 2020; Triandafyllidou, 2017:5).

Case study: Exploitation of Moroccan migrant workers in Spain

The Spanish region of Huelva, famous for its strawberries, is responsible for more than 90 per cent of the Spanish – and more than a third of the entire European – strawberry production: about 300,000 tonnes a year. Sixty thousand workers are needed for the harvest season, with guest workers arriving mainly from Eastern Europe, Africa (Morocco in particular), and South America (EPRS, 2021:7; Corrado, 2018:24). In 2018, female Moroccan strawberry pickers organized strikes and demonstrations opposing the abuse they claimed to have been subjected to on the farms, and solidarity protests followed across the country (Alonso, 2018). Two legal complaints were made by Moroccan women workers: one regarding unpaid wages, poor working conditions and sexual harassment by a superior (manijero); the other regarding unpaid wages, poor working conditions, abuse and sexual assaults. The latter case includes complaints of human trafficking that are pending at court (Güell and Garcés-Masareñas, 2020:46; see also Mortensen and Prandi, 2021).

Correa da Silva and Cingolani (2020) conducted research related to labour exploitation in the Andalusian provinces of Almería, Seville and Huelva. The Moroccan women workers they interviewed frequently described irregularities in the hiring process. For example, the women did not receive a written contract, and they were not informed of the length of the working day, how or how much they would be paid, or in which location they would be working. Many of the women ended up living in substandard accommodation and had no access to medical services. They were subjected to verbal, physical, and in some cases sexual abuse from their superiors (Correa da Silva and Cingolani, 2020:9–10).

3.3.5. Limited access to grievance mechanisms and remedy

A recent FRA report (2021) found that undocumented migrant workers do not often use existing grievance mechanisms. Seasonal and migrant workers in particular may face challenges to access grievance mechanisms, such as cultural barriers, poor accessibility, limited information, lack of awareness or incentives for workers to come forward, transparency and engagement, time and resource constraints, confidentiality concerns, fear of retaliation, fear of detention and deportation, gender issues, debt bondage situations, limitations in enforcing outcomes (BHR, 2018:1; FRA, 2021:5). Therefore, it is crucial to remove such barriers for migrant workers to access grievance mechanisms, including by enhancing cooperation with non-governmental organizations and trade unions supporting migrant workers, informing migrant workers of their options, and strengthening the accessibility of available complaint mechanisms.

FRA (2021) found that in some cases, compensation – including back pay – had been granted to victims as part of criminal proceedings. However, filing such claims is often a costly and lengthy process. Overall, data on filed and successful back payment complaints across Member States are scarce, as is the information regarding the outcomes of such complaints. In many cases employers declare bankruptcy or disappear (FRA, 2021:6), and migrant agricultural workers' participation in court proceedings is hindered by the seasonality of the work and circular migration patterns.

3.3.6. COVID-19 implications for the agricultural sector

Migrant workers employed in the agricultural sector and their families in the countries of origin were severely affected by the outbreak of the COVID-19 pandemic. According to FAO (2020:2), the risks of poverty, food and nutrition insecurity, occupational health and safety hazards, the risk of contracting the virus and facing stigmatization were heightened among (agricultural) migrant workers due to business closures, travel restrictions, migrant workers' limited access to social protection, poor working and living conditions, and information and language barriers, among other reasons. Also, the vulnerability of women migrant workers to gender-based violence both at work and at home is estimated to have increased due to the COVID-19 pandemic and its consequences (see for example FAO, 2020:3; IOM, 2021a:3).

As an example, the COVID-19 pandemic caused a shortage of labourers in the Huelva region in 2020, when only about 7,000 Moroccan seasonal workers were able to enter Spain. After the harvest period, many remained stranded in Spain for weeks as Morocco's borders were closed and the country, at first, refused to repatriate the workers (Anarte, 2020; Güell and Garcés-Mascreñas, 2020:25; EPRS, 2021:9). Outbreaks of COVID-19 in Spanish slaughterhouses and fruit picking companies also affected hundreds of African workers living in cramped conditions, while instances of racism and xenophobia were reported as a result (Barber, 2020).

3.4. Good practices

3.4.1. Regional, national, and European Union level policies addressing migrants' rights

Strong and effective policies are needed to protect migrant workers in the agricultural sector. A joint statement released in 2020 by European civil society organizations demands that social sustainability and (migrant) workers' rights are included in all European Union agricultural policies, such as the CAP and the Farm to Fork strategy (Andalucia Acoge et al., 2020). The social conditionality included in the new CAP helps to ensure that European Union financial support is granted only to entities that follow regulations on workers' rights and occupational safety and health on farms. This may create incentives for those who are yet to meet such requirements. Efficient monitoring of the system is needed, including the possibility to directly interact with and hear from migrant workers at risk of exploitation. Furthermore, the [proposed directive for corporate sustainability due diligence](#) will introduce new obligations for companies, although many agricultural companies that are small or medium sized will be excluded from its scope.

In addition to regional policies, national legislation is also crucial to protect migrant workers in agriculture. A sector-specific example of this is the Italian article 1 of Law No. 199/2016 titled "Provisions on combating the phenomena of undeclared work, labour and wage realignment in the agricultural sector" (see chapter 4.3.1). Other examples of national legislation that aims to improve migrant workers' rights include Germany's law on posted workers (introduced in chapter 4.2 on food processing) and the United Kingdom's Modern Slavery Act (introduced in chapter 5.4.2 on manufacturing).

3.4.2. Expanding opportunities for safe and legal entry and residence

Safe and regular migration channels for third-country nationals to European Union are available only to some categories of workers, including highly skilled and seasonal workers (Corrado, 2018:15). To enhance the protection of migrant workers, regularization and safe and regular entry and residence pathways could be expanded and facilitated through ad hoc labour mobility schemes, relying on strengthened partnerships between countries of origin and destination.

Case study: Italian regularization initiative of 2020

In May 2020, Italy provided migrants in an irregular situation with an opportunity to regularize their status, while responding also to the risk of labour shortages in essential sectors. The programme offered two pathways for acquiring a temporary residency permit: employer sponsorship for agricultural and care workers present in Italy before 8 March 2020; and jobseeker permits, available to workers who had lost their regular status on or after 31 October 2019 and who could prove to have been previously employed in agriculture or care (Human Rights Watch, 2020).

Despite the potential of such initiatives, Human Rights Watch (2020) pointed out several flaws in the design and implementation of the Italian regularization programme. The central flaw was that due to its narrow scope, limited to agriculture and care, and disregarding other sectors such as construction, hospitality and logistics. Moreover, asylum seekers' eligibility to the programme was initially unclear. Furthermore, cases of exploitation were uncovered, as fraudulent labour contracts were reportedly sold for up to €7,000. Only 15 per cent of applications based on employer sponsorship came from the agricultural sector, which may suggest that not all employers were willing to support their workers' regularization. In total, a third (220,000) of the estimated 690,000 migrants in an irregular situation in Italy applied under the programme (ibid.). Human Rights Watch (2020) recommended that the Italian Government conducts an evaluation of the programme, and ensure that future programmes are broader and consider migrants' agency, avoiding the employer sponsorship.

3.4.3. Mapping the supply chain and enhancing its transparency

To become aware of potential pitfalls in their operations, companies may conduct risk assessments and map their supply chains, in line with the company's size, operational environment and resources. Companies can also increase their awareness and understanding of legal and illegal entry routes of migrant workers to supply chains to recognize risks and assess their compliance with national legislation and identify context-related challenges. The case study below presents the experiences of the Finnish SOK Corporation regarding the human rights impact assessment conducted by Oxfam into SOK processed tomato supply chains.⁶

Case study: A radical transparency strategy by SOK Corporation

In 2018, Oxfam carried out a human rights impact assessment (HRIA) of Finnish SOK Corporation's Italian processed tomato supply chains to strengthen the Corporation's HRDD and promote human rights in the supply chains. About 50 stakeholders were interviewed (including workers, suppliers, SOK/Coop Trading staff), and further data was collected through a multi-stakeholder roundtable, documentation, and an analysis of supply chain price trends (Oxfam, 2019). Representatives of SOK Corporation also visited farms and tomato processing plants in Italy.⁷

The HRIA revealed that tomato pickers in Italy are mainly migrants from Africa who work 10-hour days, earning about €35 a day. Some of the workers live in shantytowns without electricity, running water, proper sanitation or even shelter from the rain. They are often recruited by illegal labour brokers and have to pay recruitment and transportation fees (Yhteishyvä, 2018; Oxfam, 2019). The HRIA identified forced labour, low wages, excessive working hours, unsafe and unsanitary housing, health and safety risks at work and in transport, and lack of access to justice. Recommendations included bringing the buying and sustainability functions of SOK closer together; requiring Italian tomato suppliers to source from members of the Network on Quality Agricultural Labour; supporting the establishment of alternative recruitment models and workers' grievance mechanisms in the supply chains; and advocating for local, national (Finnish and Italian) and European Union level changes in HRDD processes and migrant workers' rights (Oxfam, 2019).

⁶ SOK Corporation provides procurement and other services to S-Group, a Finnish network of retail and service companies including supermarkets. S-Group has more than 1,600 outlets in Finland, and is comprised of 20 regional independent cooperatives, 7 local cooperatives and SOK Corporation, which provides procurement and other services to the group.

⁷ The visit was reported in significant detail in the monthly magazine of the main Finnish daily newspaper *Helsingin Sanomat* (Nousiainen, 2019).

3.4.4 Promoting ethical recruitment

There are several examples of standards for ethical recruitment that could be applied in the agricultural sector. These include the [ILO principles for fair recruitment](#), the [IOM IRIS Standard](#) and the [Dhaka Principles](#). Developed by the Institute for Human Rights and Business (IHRB), the Dhaka Principles provide a roadmap that traces the worker from recruitment through employment to the end of contract and provide key principles that employers and migrant recruiters should respect at each stage of the process to ensure migration with dignity (see also IHRB, n.d.).

Case study: Promoting ethical recruitment and the evaluation of housing conditions

IOM is engaged in the protection of migrant workers in Spain, promoting awareness-raising activities for employers and recruiters on ethical recruitment, and supporting the evaluation of the housing conditions of seasonal migrant workers. These activities are part of a project financed by the Spanish Ministry of Inclusion, Social Security and Migration, which is responsible for Spain's circular migration scheme with Morocco, the GECCO programme (IOM, 2020b).

A needs assessment was carried out in 2020 to map the main sectors employing TCNs in Spain and collect employers' and recruitment agencies' views on ethical recruitment. Based on the findings of the assessment, awareness-raising sessions on ethical recruitment targeting Spanish employers and recruiters were developed (ibid.). Moreover, the housing conditions of seasonal migrant workers are regularly evaluated. Many are Moroccan female workers employed (see chapter 4.1.2) employed in berry picking, in the Spanish province of Huelva.

3.4.5. Conducting effective labour inspections

Enforcement measures should ensure that workers' and victims' rights are always prioritized during labour inspections (Andalucia Acoge et al., 2020:3; FRA, 2021). To facilitate labour inspections and overcome potential cultural and linguistic barriers, inspections may rely on the support of cultural mediators. Moreover, to enhance migrant workers' access to information on their rights, it is necessary to foresee the dissemination of information in multiple languages, through different formats (e.g. video, audio, in written), and relying on different channels, including websites of labour inspectorates, State agencies and NGOs. It is good practice for labour inspectors to disseminate information to migrant workers during labour inspections on their rights and available support services (Ylinen et al., 2020).

Case study: Collaboration between IOM and the Italian National Labour Inspectorate

The Italian National Labour Inspectorate with support from IOM implemented the projects A.L.T. Caporalato! And Su.Pr.Eme in Italy between 2019 and 2021, to improve the efficiency of labour inspections, facilitate potential victims' access to protection mechanisms, and promote consistent and coordinated action between the relevant authorities (IOM, n.d.a, n.d.b).

The A.L.T. Caporalato project aimed to prevent the labour exploitation of migrant workers in the agricultural, manufacturing, and construction sectors. It was funded by the Ministry of Labour and implemented under the lead of the National Labour Inspectorate. The Su.pr.eme. project was implemented in southern Italy, focusing on preventing the exploitation and marginalization of migrant workers in the agricultural sector. The project was funded by the European Commission's Emergency Assistance Fund and was led by the Ministry of Labour and Social Affairs (IOM, n.d.b).

IOM assisted the National Labour Inspectorate by providing cultural mediation services to overcome language and cultural barriers and build trust between migrant workers and labour inspectors during inspection visits. In addition, IOM strengthened the capacity of local actors on topics ranging from immigration law and labour exploitation to protection mechanisms and multicultural sensitivity. Finally, the project also included an awareness-raising component aimed at sensitizing migrant workers on their labour rights and the protection mechanisms offered by the Italian legal system (IOM, n.d.a, n.d.b).

3.4.6 Enhancing access to grievance mechanisms and remedy

There are governmental and intergovernmental, sectoral and multi-stakeholder, corporate-level and NGO-based grievance mechanisms, which may vary in purpose, scope, channels and procedures, all of which need to be clearly communicated to the stakeholders for them to be effective (BHR, 2018:30–33). A general good practice example by Business and Human Rights (BHR, 2018:37) describes an example from a company in which workers participated in the development of the mechanism. The company took into account cultural factors as well as the concerns of different groups, and involved the workers in determining what channels they were most suitable and accessible to them. As a result, a smartphone app was developed, and a multilingual 24/7 free helpline was set up. The functioning of the mechanism was evaluated in bi-weekly reviews (BHR, 2018).

3.4.7. Unionization

Migrant workers' involvement in trade unions may be hindered due to language barriers, isolation, a lack of knowledge of their rights, scepticism, distrust, or circular and temporary migration patterns that discourage them from joining a union (BHR, 2018:11).

Nevertheless, trade unions in many countries have initiatives to involve migrant workers in their operations. As an example, the Italian trade union *Unione Sindacale di Base* promotes unionization and coordination with all farm workers, especially in the areas of Foggia (Puglia) and Rosarno (Calabria). The union offers legal assistance to migrant workers in relation to the renewal of residence permits, regularization, and in cases of labour rights violations, and supports workers' claims for access to water, electricity and transportation (Corrado, 2018:29).



4. FOOD PROCESSING

This chapter focuses on the European food processing sector. The chapter starts by providing an overview of key features of the sector and its workforce, especially in Germany and the Netherlands, followed by a brief description of common challenges and risks faced by migrant workers in this sector, as well as examples of good practices and recommendations for policymakers and private sector entities.

4.1. Overview

The food and drink industry of the European Union generated a turnover of €1.2 trillion in 2017, with 4.82 million people in total employed by 291,000 companies (FoodDrinkEurope, 2020). The industry is the largest manufacturing industry and one of the major employers in the European Union. According to Eurostat (2021b), the manufacturing of food products employs 3.2 per cent of the non-financial business economy workforce.⁸ In the European food supply chain, jobs in the manufacture of food products and beverages account for roughly a third of employment (Eurostat, 2020b).

The agri-food value chains of agriculture are also linked to food processing. Just like agriculture, food processing has been affected by globalization and by a shift from smaller scale informal industries to larger scale formalized production, where employees work on specialized production lines. As with other labour-intensive and poorly paid sectors, the national workforce in the European food processing industry has largely been replaced by migrant workers. Problems have unfolded, especially in the meat industry of the European Union (for example, in Germany, see Heineck, 2020; Lupascu, 2020; in the Netherlands, see McGauran et al., 2016; in the United Kingdom, see Lever and Milbourne, 2017; and in Ireland, see MRCI, 2020). This industry employs nearly a million workers (Eurostat figures cited in EFFAT, 2020) and generates 20 per cent of the food and drink industry's turnover (FoodDrinkEurope, 2020:6). The industry relies heavily on migrant and cross-border workers from inside and outside the European Union. Subcontracting, recruitment through temporary work agencies or by employing posted workers, and (bogus) self-employment are commonplace (EFFAT, 2020).

4.2. European and national food processing policies and workers' rights

The European Union Farm to Fork strategy (European Commission, 2020c) recognizes agri-food workers as critical staff, and calls for ensuring that the principles of the European Pillar of Social Rights are respected. Food manufacturing and processing were also categorized as critical occupations by the European Commission in the early stages of the COVID-19 pandemic,⁹ and workers were allowed to move, despite the temporary travel restrictions. Migrant workers' rights in the sector are mainly governed by legislation applicable also to other sectors (see chapter 2). Some of the central European Union legislation is presented here, followed by a few examples from Germany and the Netherlands.

⁸ The non-financial business economy includes the following sectors of industry: construction, distributive trades and services.

⁹ Communication from the Commission, 30 March 2020. Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak (2020/C 102 I/03) are available [here](#).

The Posted Workers Directive (96/71/EC) sets the core rights of posted workers in line with the destination States' terms of work, such as minimum salaries and maximum work periods, provided the terms of the country of destination are better than those of the country of origin. In 2014, the European Union adopted the Directive (2014/67/EU) to strengthen the application of the Posted Workers Directive by addressing issues related to fraud, circumvention of rules, inspections and monitoring joint liability in subcontracting chains, as well as the exchange of information between the Member States. In 2018, revised rules were adopted to the Directive, including applying all the "mandatory elements of the remuneration" of the country of destination.

The European Union Directive 2019/1152 on Transparent and Predictable Working Conditions sets out rights for all workers. The Directive aims to ensure that workers receive written information on topics such as the place of work, type of work, working time, remuneration, amount of paid leave, institution receiving their social security contributions, training entitlement and procedure for terminating employment. The Directive also states that workers should be notified a reasonable period in advance of when work will take place, and includes legislation against abuses specific to zero-hour contract work. European Union Member States should transpose the Directive into their national legislation by 2022 (European Commission, n.d.c). Therefore, national laws will play a key role in improving migrant workers' rights, especially in terms of compensation or remuneration.

4.3. Challenges and risks

4.3.1. Recruitment

The use of recruitment agencies in the food processing industry is common. The extent of recruitment regulation varies among countries. For example, in the United Kingdom, the Gangmasters Labour Abuse Authority (GLAA) grants licenses in the food processing sector, and operating without such a license is illegal. In contrast, recruitment in the Netherlands is less tightly regulated (see for example openaeruropeancompany.com, n.d.). The Dutch National Rapporteur has reported that 40 per cent of all cases of potential underpayment have to do with recruitment agencies, and the labour inspectorate SZW (2020:2) found infringements in 41 per cent of the inspections made of recruitment-sector companies in 2019. A responsible recruitment certificate has been introduced as a solution to this problem. However, only a third of the companies have obtained such certificate, and its effect on combating fraudulent activities has been limited (Nationaal Rapporteur, 2021:13). The NGO FairWork and the Centre for Research on Multinational Corporations (SOMO) argue that repeated violations of collective agreements and regulations show that self-regulation in the Dutch recruitment sector is ineffective, and that exploitation can only be tackled through enhancing State regulation of recruitment agencies (McGauran et al., 2016:6). The Dutch Booster Team for the Protection of Migrant Workers (ABA, 2020:4) recommended establishing a mandatory certificate for recruitment agencies; a fine for those that rely on uncertified agencies; and a ban that would prevent unscrupulous recruitment agency owners from starting a new business. Likewise, due to serious shortcomings in the meat processing industry, Germany's new Occupational Safety and Health Inspection Act has introduced stricter regulations, such as banning subcontracting, restricting the use of temporary agency workers, establishing digital recording of work time and increasing the fines for failing to comply with the regulations (RP Online, 2020; also see chapter 5.1.1)

4.3.2. Subcontracting chains and non-standard contracts

The risks of labour rights abuse are heightened in subcontracting chains when there is no limit on the length of the chain, as investigating authorities often only identify the first link, which may be a letterbox company or a scheme trying to benefit by bending the rules of the posting of workers (Berbec et al., 2019:30). Furthermore, unscrupulous employers may use bogus self-employment and subsequent temporary contracts to undercut workers' rights. In these ways, the perpetrators are also able to cut costs and to evade responsibility (Berbec et al., 2019). EFFAT (2020) describes the use and abuse of subcontracting as a “race to the bottom” mechanism.

Nearly 40 per cent of all employment in the Netherlands is what the OECD (2021) describes as “non-standard”, performed either on temporary contracts or through self-employment. Recruitment of migrant labour through (temporary) recruitment agencies is common: in 2019, 51 per cent of migrant workers had a direct employment contract, while 49 per cent were employed by a recruitment agency (ABU, 2021). In the meat industry, around 80 per cent of workers are migrants mainly employed by temporary agencies.

Bogus or forced self-employment is a key example of a phenomenon related to the exploitation of (migrant) workers. The term “bogus self-employment” describes a situation in which a person is, in reality, working for an employer, but has been forced or misled into registering as an entrepreneur. Dishonest employers use this method to avoid social costs and insurance, and often the worker is unaware of the situation and the effect it has on them (Wagner and Berntsen, 2016:201). Migrants with limited language skills or lacking knowledge of local labour legislation may be more easily misled than natives. Furthermore, signing a service contract may look appealing, as gross earnings are higher; however, the worker may be unaware of the obligations of an entrepreneur related to such things as taxation, insurance, and bookkeeping.

4.3.3. Living conditions

The housing conditions of migrant workers working in food processing in many countries have been described as squalid and overcrowded, and the rent, which can be inflated, is often deducted directly from the workers' wages (see for example GLAA, 2020; McSweeney and Young, 2021). After the spread of COVID-19, the authorities of North Rhine–Westphalia in Germany inspected housing conditions of agricultural and meat industry workers in 650 locations with 5,300 tenants. About 1,900 defects were reported, including overcrowding, lack of disinfectants, mould growth, leaking roofs, structures in danger of collapse, “catastrophic” sanitary facilities, vermin infestations and insufficient fire safety measures (Burger, 2020).

Housing is often situated in a remote location, which can make workers reliant on transportation provided by the employer. They may pay excessive costs for transportation to the employer, or such costs maybe directly deducted from their wages. Berbec et al. (2019:19) argue that further vulnerability arises in sectors where housing is linked to the work contract, heightening workers' dependency on the employer and when housing is in isolated places, far from support structures and services, and with limited contact with local residents. According to Lupascu (2020:21), in Germany this concerns the agricultural and meat processing sectors in particular; inspections are also more challenging to perform in remote housing and working locations.

4.3.4. Working conditions

Certain risks are associated with working in food processing plants. According to the Health and Safety Executive (n.d.b) of the United Kingdom, over half of injuries to food processing workers result from manually handling heavy or difficult-to-handle items, or from slipping on wet or food-contaminated floors. Workers may also hurt themselves by falling from heights, or in accidents involving machinery, especially lift trucks. Occupational health issues include musculoskeletal disorders caused by repetitive work (for example, work on production lines), dermatitis, asthma (caused by substances such as flour dust) and noise-induced hearing loss (ibid.). Furthermore, manual repetitive work and extreme time pressure may pose risks to workers' psychological well-being in the long run.

As for slaughterhouses and meat processing plants, although the working conditions have generally improved over the years, the work is still physically tough and performed in cold temperatures; workplace injuries such as strains and cuts are not uncommon (EFFAT, 2020). According to Hansen (2018:13), United Kingdom data show that slaughterhouse workers are three times more likely to suffer an injury than the average person at work. Automatization has contributed to improved working conditions in meat processing, but the resulting production efficiency has also cost jobs (Navrbjerg, 2019:4).

Some worksites cannot be accessed quickly even by the authorities, or they must give a forewarning before conducting an inspection. These include food processing facilities, to which access is often restricted due to hygiene protocols (Lupascu, 2020:21). It is easier for employers to mask problems when unannounced inspections are not conducted. As an example, a former abattoir worker told Deutsche Welle (Pitu, 2020c) that during labour inspections the conveyor belts were slowed down and workers were urged not to talk to the labour inspectors or to claim they did not speak German.

4.3.5. Exploitation of migrant workers in regular and irregular situations

Both migrant workers in regular and irregular situations face the risk of labour exploitation in the food processing industry, although migrants in an irregular situation are often more vulnerable to abuse because of their status. Migrant workers in an irregular situation are protected by several frameworks of international and national legislation. International legislation includes various ILO conventions, the European Convention on Human Rights, the European Union Charter on Fundamental Rights and the Employers' Sanctions Directive.

However, migrants in an irregular situation face obstacles in claiming their rights. For example, German law foresees that public bodies, including for instance labour courts, report persons with an irregular residence status to immigration authorities. However, the courts have no obligation to check the status of an individual, and the reporting requirement applies only to situations where the labour court has positive knowledge (that is, not merely suspicions) of the irregular status. In practice, as PICUM (2020) states, it is difficult for counselling services to advise irregular workers on whether or not to file a lawsuit. As potential solutions, trade unions may also file a complaint on behalf of a worker, and in certain cases, a lawyer can represent a worker so that the worker does not have to appear before the court or give any personal information during the trial (PICUM, 2020:22–23).

A United Kingdom study of migrant workers' experiences in the food sector reported on a deceptive practice called the "underwork scam": an intermediary recruits many workers and gives them just enough hours to meet their debt to the gangmaster. There are as many workers as possible from whom to collect inflated fees for such things as securing the job, organizing travel to the country of work, and accommodation. Other forms of exploitation included threats and bullying (such as instilling fear of dismissal, using discriminatory language), excessive productivity targets and workplace surveillance, and low-quality accommodation tied to the job (Scott et al., 2012).

Case study: COVID-19 infections in a German slaughterhouse

The meat industry has received a lot of media attention due to the spread of COVID-19 in processing facilities. Factors contributing to this situation include limited social distancing, poor housing conditions and shared transport, a decrease in labour inspection visits during the pandemic, low temperatures and insufficient ventilation in processing plants, and workers not calling in sick because of job insecurity and lack of social protection (EFFAT, 2020).

The biggest slaughterhouse in Europe, located in North Rhine–Westphalia, employing more than 7,000 workers – mainly from Bulgaria, Romania and Poland – was temporarily shut down in June 2020, as more than 1,500 employees became infected with COVID-19 (EFFAT, 2020). All workers who tested positive as well as persons who had had contact with them were quarantined, and metal fences were installed in front of buildings occupied by the workers. The police monitored the quarantine, and a local lockdown was put in place in the most affected neighbourhoods (EFFAT, 2020; Lee, 2020).

4.4. Good practices

4.4.1 Regional and national due diligence legislation and supply chain liability

The German Act on Corporate Due Diligence Obligations in Supply Chains has several promising provisions regarding companies' obligations and workers' protection. The Act allows for affected workers to authorize trade unions and NGOs to raise claims on their behalf in German courts, which may help lower the obstacles of high costs associated with hiring a lawyer or the workers' unwillingness to take the matter to court (for example, due to fear of retaliation). As a downside, the law does not include civil law provisions to hold companies accountable for failing to meet their due diligence obligations. The supply chain obligations only truly extend to the company's own operations and to their direct suppliers, while indirect suppliers are included only in certain circumstances.

The European Federation of Food, Agriculture, and Tourism Trade Unions, for instance, has called on the European Commission to propose an ambitious legal instrument ensuring joint and several (chain) liability throughout the whole subcontracting chain (EFFAT, 2020). Such an initiative should also aim at boosting collective bargaining and combating wage dumping.

Case study: The Netherlands Act on Sham Arrangements

The Netherlands Act on Sham Arrangements (*Wet Aanpak Schijnconstructie*, WAS) entered into force in 2015. The law, which is actually a collection of amendments to different laws, enables a worker to claim back wages from the companies in the supply chain, up to the main contractor, if necessary. In the past, workers were only able to claim wages from their direct employer; the 2015 law extends the responsibility on to each company in the chain, moving up until the worker receives their due wages. Several amendments have since been made to the law. In 2016, a provision on pay slips was added, which states that pay slip must clearly show what is included in the wages, and what has been deducted and why. Minimum pay must be paid through a bank (as opposed to cash payments) (European Platform tackling undeclared work, 2021:3). In 2017, the legal deductions that may be made to the wages – that is, taxes and insurance payments – were added to the law. The aim of these amendments was to prevent the deduction of unfounded costs from workers' wages (Rijksoverheid, 2018:5). However, the burden of proof is on the worker, which has made it especially difficult to apply it to irregular work, where proof of employment may be non-existent. Experts have estimated that few migrant workers have been able to claim back wages on the basis of the law (Pekkarinen et al., 2021:36).

4.4.2. Effective labour inspections

Labour inspectors need adequate resources and a clear mandate to tackle labour exploitation and perform effective inspections. In the food production industry, hygiene protocols pose a challenge to conducting unannounced inspection visits and entering the premises swiftly, as employers may have time to hide some of the problems at the processing plants or give instructions to their employees on what to say.

Case study: Dutch labour inspectors

Dutch labour inspectors (the SZW) have a strong mandate to inspect, investigate and sanction violations. There are, for example, certified human trafficking investigators who are able to investigate cases and interview potential victims without the presence of the police (Wintermayr and Weatherburn, 2021:2). Labour inspectors do not have an obligation to contact the police when they encounter an irregular worker, but inspections related to the use of foreign labour are often performed together with the police. During these joint inspections, the police checks the workers' status and, unless there is an indication of human trafficking, inform the immigration authorities (Wintermayr and Weatherburn, 2021:36). Based on the law on minimum wage and holiday allowance (*Wet minimumloon en minimumvakantiebijslag/WML*), labour inspectors can order the employer to pay back wages of up to €10,000 in cases where the worker has not received the minimum wage, and holiday pay of up to €2,000. To pressure the employer into paying the missing wages, they can also impose a fine of €500 for each day the employer has not paid them. This fine can go up to €40,000 per worker. However, these measures are underused, and labour inspectors tend to employ other administrative sanctions that leave the workers without compensation (Wintermayr and Weatherburn, 2021:90).

4.4.3. Role of unions and non-governmental organizations

Union participation in the meat industry varies from country to country. In Denmark, over 90 per cent of pig processing workers are union members (Navrbjerg, 2019:10). Meanwhile, in Germany, the Food, Beverage and Catering Union (NGG) estimates that union density in the meat industry is about 10 per cent (Erol and Schulten, 2021:14). There used to be no industry-level collective agreement; rather, only company-level agreements in the meat industry, and only about a third of workers were employed in companies covered by a collective agreement (Erol and Schulten, 2021:1, 12). As a positive development, the German Food Industry Association (VdEW) and NGG reached an agreement on minimum wages for meat industry workers in 2021. The minimum wage was set at €10.80 per hour, effective from 2021, with a gradual increase until 2024 (EFFAT, 2021).

Good practice: FairWork

FairWork is a Dutch NGO working against trafficking and labour exploitation, prioritizing support for victims. In 2020, more than 1,800 people received help from the organization, including 412 potential victims of labour exploitation, half of whom were third-country nationals (OHCHR, 2021). The FairWork team has cultural mediators who are able to reach out to migrant workers who might be potential victims of labour exploitation. They provide migrant workers with information on their rights and the Dutch legal system, and assist with processes such as pressing charges or changing jobs. By working directly with migrant workers, FairWork is able to raise relevant issues in their advocacy for policy changes. The organization also carries out awareness-raising activities, trains law enforcement agencies and other Dutch actors, and cooperates with employers' associations (GAATW, 2013).

4.4.4. Retailers, collaboration and standardization

Retail corporations are a major partner of food processing companies. A report by Oxfam (2018) argues that supermarkets should use their buying power to drive social and ecological standards in food production. Large chains minimizing costs by applying price pressure on their suppliers – as a result of international competition, customers wanting low prices and retailers wanting higher profits – contributes to the increasing difficulty of providing sustainable, socially just food production (Oxfam, 2018:11). However, the report refers to calculations by the French research organization BASIC (Bureau for the Appraisal of Social Impacts for Citizen Information) stating that “a fairer distribution of the revenues stemming from sales of food could often make it possible for small-scale farmers and workers to earn a living income or wage without necessarily raising consumer prices, even marginally” (Oxfam, 2018:13).

Several civil society organizations and other groups have created public databases to evaluate businesses' human rights and sustainability compliance. These include [Know the Chain's benchmarks](#), [Corporate Human Rights Benchmark](#), [Oxfam's Behind the Barcodes/Supermarket Scorecard](#), and [the Dow Jones Sustainability Index](#) (see for example McGregor et al., 2018). Oxfam's Supermarkets Scorecard (based on the UNGPs) evaluates and compares different supermarket chains' human rights policies. Oxfam Germany's 2018 study came to the conclusion that the major German supermarket chains could step up efforts to identify and act on human rights risks in their supply chains (Oxfam Germany, 2018:4, 18). In the report, Oxfam Germany stated that countries where global supermarket chains have headquarters should introduce stricter competition laws, and that the European Union and its Member States should pay attention to any corporations becoming “unduly powerful”. Furthermore, the report recognized the need for binding legislation to ensure that companies respect human rights internally and in their supply chains (Oxfam Germany, 2018:16). Ever since the report was published, many of the global supermarket chains analysed by Oxfam introduced positive changes (Oxfam, n.d.), but further action is needed to safeguard human rights on the production lines (Polaschek, 2020).

To enhance their human rights efforts, businesses can work together or join existing initiatives. For instance, companies joining the Ethical Trading Initiative (ETI) are required to commit to the ETI Base Code (including provisions on banning forced and child labour, ensuring safe working conditions, payment of living wages, and reasonable working hours, among others), follow the principles of implementation, and report back to ETI annually (ETI, 2018).



5. MANUFACTURING

The manufacturing industry is one of the largest economic sectors in Europe. It accounts for 15 per cent of European GDP and provides 33 million jobs (Euraxess, 2016). The sector covers a myriad of activities and different industries, ranging from small businesses and microenterprises to vast multinational companies.

This chapter focuses on the garment and footwear manufacturing industries in the European context where the exploitation of migrant workers is widespread, but also presents examples from other manufacturing industries, such as electronics and construction. Although less known than the Asian garment industry, the European garment industry is precarious (see for example Clean Clothes, 2020) and has been identified as a high-risk sector in the European Commission's proposal for a directive on corporate sustainability due diligence, along with agriculture, food production and extraction sectors.

This chapter presents an overview of key features of the sector and its workforce, in particular in the United Kingdom and Poland, both of which have extensive manufacturing sectors and are popular destinations for migrant workers. Challenges and risks as well as good practice examples are presented next, and the chapter concludes with recommendations for policymakers and private sector entities.

5.1. Overview

The manufacturing sector includes a vast number of activities and production techniques, which range from small-scale enterprises using traditional production techniques to very large enterprises sitting atop a high and broad pyramid of parts and components, which focus on manufacturing complex products, such as aircraft (Eurostat, 2021c). In 2018, around 8.9 per cent of all enterprises in the European Union's non-financial business economy were classified as manufacturing: more than 2 million enterprises employing 29.9 million persons. The largest European Union subsectors, in 2018, were the manufacture of machinery and equipment and the manufacture of motor vehicles, trailers and semi-trailers. In terms of employment, the manufacture of fabricated metal products was one of the largest (ibid.). Many positions in the manufacturing sector require the use of specific skills and training.

Garment and footwear manufacturing are labour-intensive industries that employ large numbers of low-skilled migrant workers. According to Eurostat (2021c), the lowest average personnel costs in the European Union's manufacturing sector can be found in the manufacture of apparel and sportswear: €17,800 per employee. Furthermore, to cut costs, fashion companies increasingly outsource to countries where labour is cheaper. In 2019, 59 per cent of clothes and shoes imported by the European Union was produced outside of the Union, while 41 per cent came from other European Union countries. However, many intra-European imports are actually re-exports of goods originating from outside the European Union. The actual share of clothes and shoes consumed in the European Union but produced elsewhere is much higher; for textile products, it is close to 80 per cent (EPRS, 2020). At the same time, the European Union is the second largest global textiles and clothing exporter, after China (EURATEX, 2020).

The garment industry has undergone major changes due to the dismantling of international agreements that governed the world trade of textiles and clothing, combined with the introduction of information technology (Richero and Ferrigno, 2016). The supply chain in the garment industry is largely buyer driven (ibid.). Value chains in the garment sector are among the most complex production models because globalized production processes have created increasingly fragmented and complex supply chains, with a high share of subcontracting and undeclared, informal work (European Commission, 2018). Globally, supply chains in the garment and footwear industry are multitier, that is, several subcontractors and sub-suppliers in the chain produce the products, and conditions are less visible in places such as the resource or raw material tiers of the supply chain.

Regarding raw materials, such as cotton, the risk of forced labour is especially high. For example, there are reports of forced labour in the Chinese region of Xinjiang, which supplies a fifth of the world's cotton (Davidson, 2020). In general, farms are usually located in isolated locations, and especially during harvest seasons, migrant workers form the majority of the workforce (Know the Chain, 2021:25).

Globally, the manufacturing industry is highly competitive. In particular, buyer-led firms (that is, firms that do not own or directly contract any factories) have increased their share of the market, further increasing price competition. At the same time, manufacturers' margins have diminished through the pricing power of buyers. In the United Kingdom, the increasing pressures for producing faster and cheaper have driven manufacturers to subcontract informally, without knowledge of their client (Hammer and Plugor, 2019). Similar unclear and undisclosed subcontracting is common throughout the garment industry (Richero and Ferrigno, 2016). According to a survey by the ILO, three quarters of garment producers depend on a single main purchaser for one third or more of their sales. The more flexibility those purchasers have, the more precarious the situation of the manufacturers – and eventually of the workers – becomes (EPRS, 2020:3).

Globalization, fast fashion, and intermittent demand create low profit margins and ultimately facilitate the exploitation of workers (David et al., 2019). Women and girls are disproportionately affected by forced labour in the global garment and textile industry (LeBaron et al., 2018). According to LeBaron et al. (2018), in the global textile industry, factory owners are incentivized to force workers to work long or consecutive shifts for less than minimum wages in order to fulfil extremely high quotas; suppliers, in turn, may recruit children, refugees and migrants in an irregular situation, whose desperation, vulnerability and restricted mobility leave them with little choice but to accept illegal working conditions. European factory owners are also likely to face the same pressures.

In the manufacturing sector sexual harassment and gender-based violence, forced labour, excessive work time, occupational health and safety concerns, lack of access to trade unions and lack of collective bargaining, underpayment of wages, and the use of child labour are prevalent challenges (OECD, 2018b).

5.2. European manufacturing policies and workers' rights

In 2014, the European Commission began informal consultations with Member States on a so-called European Union flagship initiative for the garment sector. The initiative aimed to regulate, or at a minimum to guide, supply chains in the fashion industry. On 27 April 2017, the European Parliament adopted a report (EPRS, 2017), which asked the Commission to table a legislative proposal to strengthen the responsibility of European Union-based companies to prevent abuses

in their supply chains. Two days earlier, the Commission hosted the first High-level Conference on responsible supply chain management in the garment sector, marking a milestone towards such a garment initiative. Prior to the conference, the Commission published a staff working document on sustainable garment value chains through European Union development action. The document considers cooperation an effective tool to encourage private companies and governments in third countries to fulfil their sustainability commitments and outlines a range of measures such as bilateral, regional and multilateral dialogue, technical assistance, capacity-building, support for the implementation of trade and other bilateral agreements, as well as European Union action at the multilateral level (European Parliament, 2019).¹⁰

In 2017, the OECD adopted a Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector. The Guidance establishes a common understanding of due diligence in the sector to help companies meet the due diligence expectations laid out in the OECD Guidelines for Multinational Enterprises. The Guidance was developed through a multi-stakeholder process; it was approved by governments adhering to the OECD Guidelines, and has been endorsed by business, trade unions and civil society organizations.

Moreover, in 2020, the European Commission presented an industrial strategy in support of the green and digital transitions, to make the European Union's industry more competitive globally, and enhance Europe's open strategic autonomy. In 2021, the industrial strategy was updated, reaffirming the priorities set out in March 2020, while responding to Europe's industry and economic recovery in light of the COVID-19 pandemic (European Commission, n.d.h). The European industrial policy applies across industries, and aims to encourage industrial competitiveness by securing framework conditions that level the playing field. It is also well integrated into a number of other European Union policies such as those relating to trade, the internal market, research and innovation, employment, environmental protection and public health (European Parliament, 2021).

Policy close up: the green transition and the just transition

The textile industry, especially fast fashion, must undergo structural changes to meet the goals of the green transition, increasingly replacing production with recycling, reusing and repairing. This will have implications for the kinds of work and the number of workers (many of whom are migrants) all along the production chain. For example, digitization and the green transition will require new or different skills sets, and it is possible that the demand for workers in manufacturing will decrease or change as a result, while demand for workers closer to end consumers, as in the case of clothes repair may increase (Finnwatch, 2022).

In 2018, Drift (the Dutch Research Institute For Transitions) published a report on the fashion industry's just transition identifying several pathways to a more just apparel industry, such as increasing collaboration in shorter and more transparent value chains, strengthening the position of workers, and stricter legislation to improve working conditions. To protect migrant workers, the report recommends providing reskilling opportunities and promoting their participation in the discussion on the just transition (Drift, 2018). What this means for the situation of migrant workers in the industry remains to be seen, the green will undoubtedly affect production models and lead to a major restructuring of the industry, including with regard to production locations and workers in the sector.

¹⁰ Since Brexit, the European Union policies presented in this chapter may no longer apply to the United Kingdom.

5.3. Challenges and risks

5.3.1. Working conditions

The challenges and risks concerning working conditions in the global garment and footwear industries are well documented; less is known, however, about the working and living conditions in other subsections of the manufacturing industry. Both migrant workers in a regular and irregular situation face exploitation in the manufacturing industry. For example, workers in the manufacturing of machinery and equipment operate heavy machinery and may be exposed to a number of occupational and safety risks, including arduous and dangerous physical tasks. A study of textile production for German fashion brands in Ukraine, Serbia, Croatia and Bulgaria showed that the non-payment of a living wage, even when workers worked overtime was a major challenge. Workers were also threatened with dismissal and were intimidated to ensure compliance and effectivity; limitations to union rights, and irregularities regarding annual leave, sick leave, dismissal, overtime, short-term labour contracts and maternity leave were also identified (Clean Clothes, 2020).

Unfair working terms – such as low wages combined with long workdays with no breaks – are common risks for migrant workers, regardless of their employment status. Contracts written in languages workers cannot understand, salary deductions, cash payments, and failure to pay a living wage are commonplace. Clean Clothes (2020) argues that the gap between the living wage and the real wage paid is larger among manufacturers in Europe than in Asia. Additionally, accommodation and transportation to the worksite is often arranged by the employer (see Crane et al., 2019; Keryk, 2018; Hall, 2014). In some cases, workers have been deceived to believe they were working illegally, so that they would be afraid to contact any external parties for fear of detention and deportation, resulting in withholding of wages (see Crane et al., 2019).

5.3.2. Exploitation of migrant workers in regular and irregular situations

Know the Chain's 2021 study on the world's largest fashion brands' human rights actions found that 54 per cent of the companies had been accused of forced labour, and only a few were able to demonstrate remedy outcomes for the workers. Migrant workers are also often forced to pay recruitment fees, are dependent on the employer for food and accommodation, and have poor access to grievance mechanisms and collective action (Know the Chain, 2021).

Exploitation in the manufacturing sector shares commonalities with exploitation in other industrial sectors, including the underpayment and non-payment of salaries and statutory overtime, weekend and other pay; unlawful salary deductions for accommodation, food and equipment; intimidation, threats, and control of the workers to prevent them from seeking help. As in other sectors, the manufacturing sector is characterized by multiple tiers as well as vertical and horizontal business relationships in which migrant workers are present. The low visibility of certain tiers and the complexity of the labour migration process challenge the protection of migrant workers both working under regular and irregular conditions.

Case study: Exploitation of Vietnamese migrant workers in a Polish textile factory

In 2012, twelve Vietnamese migrant workers (women and men) were brought to Poland to work at a textile company in Bydgoszcz, engaged in sewing clothing. The owner of the textile company recruited the victims in Hanoi using the services of a Vietnamese recruitment agency and misled the workers to sign blank employment documents that they did not understand. The victims paid the intermediary USD 4,000–5,000 per person (including the flight ticket) to secure a job in Poland. To pay this fee, they took out loans or borrowed money from their family. After arrival in Warsaw, victims shared a two-bedroom apartment with one bathroom, located above the factory where they worked, and they were not allowed to leave the company's premises. They were deprived of their liberty as their passports were confiscated, either on the pretext of fulfilling their residence obligations or without any reason being provided.

The victims were forced to work from Monday to Saturday (including public holidays) for 12–13 hours with a one-hour lunch break and with no extra payment for working overtime or on public holidays. They received wages that varied from 700 Polish Zloty (PLN) to 1 200 PLN (equivalent to approximately €150–260) to no salary at all. The work was supervised by the owner and his family, who rushed them and shouted at them. The owner bought food only once a week. When the workers tried to complain about the conditions, the owner beat up one employee and repeatedly threatened others with deportation or reporting them to the police.

The manufacturing sector is the third most represented sector in the informal economy (ILO, n.d). Cases concerning illegal sweatshops have been uncovered occasionally also in the European context, in Spain, the United Kingdom, and Italy, among others (See for example InfoMigrants, 2020; Pegden, 2020; Favand, 2021).

5.3.3. COVID-19 implications for the manufacturing sector

Recent literature and news articles suggest that labour conditions in the global garment industry have worsened in the wake of the COVID-19 pandemic, exposing vulnerable workers to a greater risk of labour exploitation (Bryant and Joudo, 2021; Know the Chain, 2021:4). For example, in the United Kingdom, some brands have cancelled £100 million worth of orders from suppliers in Asia, which leaves workers without an income (Kelly, 2020). Additionally, work health and safety has been compromised by lack of sufficient PPE and forcing employees to work while infected (Matety, 2020).

Recently, some fashion brands have moved their manufacturing from Asia to Europe, closer to their customers, due to rising transportation costs. This trend has been fuelled by COVID-19, which disrupted global supply chains, including sea freight (Anzolin and Aloisi, 2021). Some fashion chains have for decades manufactured their products in North Africa, near their European markets, to ensure fast supply of products to customers (ibid.). In the European context, production in the garment industry fell by more than a third in 2020, due to the pandemic (Statista, 2020). The recovery of the sector in 2021 was hampered by increased costs of raw materials, energy and shipping (Fibre to Fashion, 2021).

Furthermore, European manufacturing faced problems in 2021 due to shortages of material and equipment. Shortages appear to have deducted some 5 percentage points from the European Union manufacturing output growth between January and October 2021. The losses were heavily concentrated in Germany (around half of the impact) and in a handful of sectors, with the European Union-wide motor vehicle and machinery and equipment sectors accounting for a third of the impact (Axioglou and Wozniak, 2022).

5.4. Good practices

Human rights issues in the garment sector are extremely well known, and the industry has tried for years to tackle them through industry-led certifications and company initiatives. However, “power imbalances and inequalities between companies and workers” remains a structural characteristic of the sector (Know the Chain, 2021:30). Many brands rely on social audit certifications, but several audit schemes are criticized for not involving civil society organizations or trade unions (see BHRCC, 2019). The social auditing business is a growing field, where fashion brands pay the auditors to raise accountability while the garment workers get on with minimum wages (Clean Clothes, 2019).

5.4.1. Ethical business initiatives and public–private partnerships

A number of country- or region-specific ethical business initiatives have been developed in recent years. For example, the Partnership for Sustainable Textiles is a German multi-stakeholder initiative with about 135 members including businesses, government departments, civil society organizations (including trade unions) and standards organizations. Together, they strive to improve the conditions within global textile supply networks, from production of raw materials to reuse and disposal. The initiative recognizes forced labour and child labour as two of the main risks faced by the sector, and that they can occur anywhere in the supply chain (Partnership for Sustainable Textiles, n.d). Business partners commit to establishing a due diligence process regarding child labour and forced labour, and the initiative provides support to improve responsible purchasing practices, such as training courses and assessments. The initiative aims to increase transparency in the industry by sharing information about incidents in their supply chains (see Partnership for Sustainable Textiles, 2020a). An [initiative on grievance mechanisms](#) was also launched in 2020 to support the implementation of complaint mechanisms (Partnership for Sustainable Textiles, 2020b). However, many of the individual initiatives focus on Asian rather than European manufacturing.

In the United Kingdom, in 2018, a public–private partnership was launched by fashion retailers in cooperation with enforcement bodies through the Apparel and General Merchandise Public and Private Protocol (GLAA, n.d). The group aims to develop an integrated approach to tackle the underlying problems, promote good practice and work collaboratively on jointly agreed policy and strategic workstreams. However, to date, despite some initiatives taken by a number of stakeholders, there has not been a coordinated approach that brings together actors from the private and public sectors and civil society (ibid.).

5.4.2. Supply chain transparency

Transparency in the sector is another important element, and for years, some companies have made information about their manufacturing sites available online. In 2016, Human Rights Watch started an initiative with fashion brands to publish information on the manufacturing factories where their products are made. Companies are mapping their supply chains, and according to Human Rights Watch, this initiative helps to identify good and bad subcontractors and enhance monitoring. The more supply chain data are available, the more likely unfair working conditions will be reported (Human Rights Watch, 2018). Information on labour migration processes can add further transparency to supply chains and can increase the protection for migrant workers. Listing manufacturing sites on fashion brands’ webpages publicly is a good way to increase transparency of the supply chains and increase companies’ accountability.

Good practice: United Kingdom Modern Slavery Act and analysis of modern slavery statements made by United Kingdom textile companies

In 2015, the United Kingdom Government introduced the Modern Slavery Act, which covers different types of exploitation, including slavery, forced labour and human trafficking for exploitative purposes (Pekkarinen et al., 2021:20). The act covers demands regarding transparency of supply chains and is one of the first pieces of government legislation to address transparency in this regard. Additionally, companies must publish annual modern slavery statements regarding the actions they have undertaken during the year under review. However, the duty to report on the activities applies only to the largest companies, those with an annual turnover of £36 million or more (Pekkarinen et al., 2021). The act has been criticized for failing to include sanctions for non-compliance, and some companies (including some in the garment and footwear industry) have failed to disclose their actions (Voss et al., 2019).

According to analyses of the first tranche of modern slavery statements of United Kingdom companies in the textile and fashion industries (2016–18), Voss et al. (2019) found that companies have increased their modern slavery reporting. However, due to the lack of enforceable reporting standards on modern slavery engagement and the absence of any meaningful penalties for non-reporting, the modern slavery statements vary significantly in quality and depth.



6. HOSPITALITY

This chapter focuses on the European hospitality sector, starting with a status quo overview of key features of the sector and its workforce, as well as features of the sector in Belgium and Finland, which have witnessed cases of severe exploitation of migrant workers, in particular in restaurants. Challenges and risks, as well as examples of good practice, are presented next. The mapping concludes with recommendations for policymakers and private sector entities.

6.1. Overview

The hospitality sector – also called the hospitality industry or the accommodation and food services sector – is a diverse and fragmented sector that consists primarily of food services such as bars, cafés, restaurants, and the accommodation industry, including hotels, holiday centres and cruise ships. In addition to these free-standing hospitality businesses, the sector includes various leisure and travel venues such as theme parks, theatres, casinos, sports stadiums, attractions and airports (Slattery, 2002:24). Because of the growing need for flexible labour, the sector is reliant on migrant workers (People 1st, 2017). The diverse supply chains of the hospitality sector span to other sectors such as transport, logistics and security which are not typically associated with labour migration. For instance, transportation in the hotel industry is commonly outsourced (IOM, 2022a), and migrant workers might face exploitation of a kind not directly linked to the hospitality sector.

In 2018, the accommodation and food services sector accounted for 8.5 per cent of total employment in the European Union (Eurostat, 2021d). Five European Union Member States created 73 per cent of the total value added in the accommodation and food services sector in 2018, namely Germany (with 21% of the European Union total), France, Italy, Spain and the Netherlands (ibid.). Most companies in the accommodation and food services sector (86%) are SMEs employing less than 250 persons (ibid.). The hospitality industry represents close to 5 per cent of the GDP of the European Union (Hotrec, 2022).

The sector employs a significant number of migrant workers and has a high proportion of temporary workers, women, and young people (ILO, 2015). In 2018, the sector employed nearly 10.7 million employees in the European Union (Eurostat, 2021d), mostly on a part-time basis. In 2017, nearly 59 per cent of the sector's employees were women, and around 16 per cent of the employees were migrant workers: 9 per cent European Union nationals and 7 per cent TCNs (Eurostat, 2019).

The hospitality sector is a seasonally fluctuating industry, where flexible work arrangements, part-time jobs, odd work hours and the use of temporary labour agencies present risks for workers (Aasland and Tyldum, 2016). A study in Norway found that there was a decreasing trend in fixed-term contracts of hotel employees, and non-European migrant workers were more likely to have a fixed-term employment contract but had the poorest terms of employment (ibid.).

For many newly arriving immigrants, the hospitality industry is the first entry point into the labour market (ibid.). In some customer service positions knowledge of the local language may be required; however, other tasks such as food preparation, dishwashing and cleaning can be performed without being fully proficient in the local language. The restaurant industry in particular is very competitive and customer focused, which increases pressures for flexible employees and

flexible compensation (Shiva Foundation, 2021). An additional dimension in the hospitality sector is the recent emergence of platform work: the working conditions and labour rights of platform workers have been discussed widely (see for example Defossez, 2021; European Commission, 2020d), and are examined in detail in section 6.3.5 below.

The common risks that migrant workers encounter in the hospitality sector include poor working conditions, overtime work, receiving less than the minimum wage or no statutory extra wages, and working under demanding conditions with health and safety risks related to hot and cold working environments in kitchens. Serious labour exploitation has been also detected in small restaurants and in subcontracting schemes (see chapter 6.3 on the risks and challenges).

6.1.1. Structural changes

The hospitality industry is sensitive to economic conditions, as it creates jobs and economic growth in times of economic upswing but is vulnerable to economic downturns. The fluctuations in the hospitality sector also affect other interdependent industries, such as agriculture, tourism and food production, including brewing (Gheribi and Bonadonna, 2018). The transnational hotel industry has also been changing, due to an increase in international deals that centralize brands and utilize alternative forms of ownership such as franchising, lease agreements and management contracts, which have created large corporate groups. These changes have implications for workers as well, including non-transparent employment relationships, increase of short-term employment, reduced wages and difficulties for collective bargaining (ILO, 2010). The sector is strongly franchised, which means that the hotel brand, owner and operator may be different actors without proper interaction (Shiva Foundation, 2021). The complex structures make it easier to avoid accountability regarding workers' rights (ibid.). For example, hotel housekeeping is increasingly outsourced as a means of reducing investment and fixed costs (Gustavo, 2013). Besides large multinational hotel chains, stand-alone small hotels are present in the sector and face similar challenges (IOM, 2022a).

The digital transition also affects the hospitality sector, as the emergence of the platform and sharing economy has shown. In the restaurant industry, food delivery services have become increasingly popular amid the COVID-19 pandemic, and accommodation services such as AirBnB have gained popularity as an alternative to hotel accommodation. The risks migrant workers employed in cleaning and maintenance services face (see Williams, 2021:5), are similar to the risks faced by workers in domestic work. The platform or gig economy, where services are delivered via platforms, is one of the major trends in the transformation of work (ILO, 2021b). Platform work is largely used in the service sector, such as in food delivery and cleaning services (ibid.). It provides work opportunities and flexibility over work hours and tasks. Migrant workers form a major part of the platform (gig) economy, a largely precarious and contingent labour model, which shifts social and entrepreneurial risks to workers (Altenried, 2021). Private accommodation online providers have been criticized for their lack of accountability, since "hosts bear responsibility for abiding by the laws in their own countries" and no company is officially responsible for private accommodation (O'Regan, 2019).

6.1.2. COVID-19 implications for the hospitality sector

COVID-19 has impacted the hospitality industry significantly (European Commission, n.d.b). The whole tourism sector was estimated to have lost 70 per cent of its revenue in 2020 due to the pandemic (UNWTO, 2020). The rapid changes in the pandemic and new variants of COVID-19 are still causing uncertainties in the sector, as the Omicron variant showed, bringing back restrictions in the industry in several countries. Even after the restrictions and travel bans were lifted, it will likely take time for the industry to recover.

Migrant workers were disproportionately affected by layoffs and salary reductions, loss of income and security provided by the job (Dempster and Zimmer, 2020). The sector provides few opportunities for working remotely and thus workers were at higher risk of infection while working or commuting. Lockdowns and layoffs drove workers to move to other sectors, deepening the labour shortage within the hospitality sector (European Commission, n.d.b). More reliable employment, fair wages and working conditions and collective bargaining will be required to attract workers back to the industry (ibid.).

6.2. European hospitality policies and workers' rights

There are no sector-specific European Union policies that govern the hospitality sector, but the common European Union-wide directives govern the sector and its migrant workers.

In 2022, the European Commission published a report on the transition pathway for the tourism sector to “accelerate the green and digital transitions and improve the resilience of the tourism ecosystem”. The pathway was co-created with trade unions, and reviewed by stakeholders during 2022 (ibid.). The report highlights the need for collaboration and networking for SMEs, since a large proportion of the companies in the industry are microenterprises and small businesses. The report also calls for competent work inspectors to carry out controls on site and public tourism offices to lead by example in the area of fair employment practices (ibid.).

Policy developments must consider platform work, which is increasing especially in the restaurant sector. Traditionally, employment and entrepreneurship were clearly separated, but platform work combines characteristics of both. Therefore, many countries face problems in addressing platform work, and developing relevant legislation. The European Commission issued a proposal for a directive to improve the conditions of platform work in December 2021, which aims to define the criteria for determining when an employment relationship in platform work is in place (EPRS, 2022). Common criteria are welcome, and many countries are in the process of clarifying the national definitions of the rights of platform workers and the responsibilities of platform companies.

6.3. Challenges and risks

6.3.1. Working and living conditions

Many migrant workers in the hospitality sector face poor working conditions, overtime, underpayment and demanding working conditions. Hospitality workers have the second lowest income after domestic workers across all sectors in European OECD countries (OECD, 2020). Migrant workers are often employed through labour recruiters that might charge illegal recruitment fees and other costs and give false promises about working conditions (Dempster and Zimmer, 2020). A common misperception is that the worker is responsible for recruitment fees and costs. Vulnerable migrant workers sometimes do not have a choice but to bear the costs by taking out loans, which can result in the worker losing a high share of their wage in paying back the loan and result in debt (IOM, 2022a). The salaries may be lower than the standard, or the job might not be what was promised in the job description (Dempster and Zimmer, 2020).

The poor working conditions in the hospitality sector also include health and safety risks related to both physical and psychosocial factors, including physically demanding work, high noise levels, hot or cold working environments, workplace accidents (cuts, burns, slips), as well as atypical and irregular

working hours, long shifts, time pressure and tight deadlines, and dependence on employers (for example, workers may live in their workplace, such as in a backroom of the restaurant, or their accommodation may be arranged by their employer; Jokinen and Ollus, 2014). Discrimination or harassment of workers by customers are also widespread (Aasland and Tyldum, 2016).

Women represent 50–70 per cent of workers in the hotel industry and often work in low-skilled positions where they are vulnerable to poor working conditions, inequality of opportunity, and even violence, exploitation and sexual harassment (ILO, 2015). A study in 2015 by Oxford Brookes University examined the European hotel business environment and concluded that there are over 90,000 persons sexually exploited in hotels in Europe each year, and 4,500 persons subjected to labour exploitation, whereas some 12,500 persons face labour exploitation in restaurants yearly (Oxford Brookes University, 2015).

6.3.2. Irregular work

The hotel and tourism sectors rely on formal and informal employment structures which offer less stability, and security to migrant workers who might not be part of trade unions or who might lack awareness of the minimum terms and conditions of work (Dempster and Zimmer, 2020). Temporary and part-time employment (including other non-standard forms of employment) are widely used, and union density is low among less skilled migrant workers (ILO, 2015) employed both formally and informally. Around 14 per cent of employees in the European Union hospitality sector are in unregistered employment and 12 per cent have no written contract, compared to the 5 per cent European Union average of all workers. Around 2 per cent are in bogus self-employment (as compared to the European Union average of 4.3%), and 6 per cent are estimated to receive envelope wages (compared to the European Union average of 5%) (Williams, 2021:5).

The restaurant industry relies heavily on cash transactions. It is thus vulnerable to various forms of economic crime related to exploitative practices. The use of undeclared labour is commonplace in the restaurant sector. The high personnel costs are seen as the main reason for the existence of illegal practices and the use of undeclared work, including migrant workers. The payment of wages “under the table” may be attractive, especially to smaller restaurants with a small turnover. Moreover, to minimize the staff costs and to better react to fluctuating demand for services, many firms in the restaurant sector also employ workers through temporary work agencies. Migrant workers are employed in areas such as dishwashing and other assisting positions through temporary work agencies that lease them to restaurants (Ollus and Jokinen, 2013:99–101).

6.3.3. Exploitation of migrant workers in the hotel industry

In the hotel industry, migrant workers may work in reception, bookings and systems, housekeeping, kitchen, spas, as drivers or security personnel, which reflects the complexity of the sector with its various connections to other subsectors (see for example IOM, 2022a). Employees who perform such different tasks may be deployed by several independent subcontractors and suppliers. Sometimes employment agencies that recruit also act as the employer, which means that employees may report to a hotel manager with no formal employment relationship with the hotel creating gaps in hotels’ liability in case of violations of workers’ rights (IOM, 2022a). These complex structures with poor governance mechanisms create a space for individuals or companies to exploit vulnerable workers in the industry (Shiva Foundation, 2021). In addition to being employed to undertake tasks on the hotel premises, migrant workers are also employed indirectly in supply chains that are integral to hotel operations, such as in the laundry, textile and construction industries, all of which are known to be high-risk sectors (ibid.).

Moreover, grievance mechanisms in the industry are inadequate (IOM, 2022a). Workers may be unwilling to report their grievances for fear of retaliation or losing their jobs, and many do not have any access to remedy, especially upon return to their countries of origin. The situation is even harder for undocumented migrants, who may fear deportation (Dempster and Zimmer, 2020).

Case study: Housekeeping in the hotel industry

Research and media coverage have uncovered problems relating to the exploitation of migrant workers in the Finnish cleaning industry, including in connection with housekeeping in the hotel sector (Ollus and Jokinen, 2013; Teittinen, 2020b), including labour exploitation and trafficking for sexual exploitation (COMBAT study by Oxford Brookes University, 2015). Systematic underpayment in hotel cleaning among Eastern European students has also been reported in Germany, France, Italy and Greece (Oxford Brookes University, 2015).

Hotel cleaning is a special branch of cleaning, which nowadays employs several migrant workers. Housekeepers are usually expected to clean a certain number of rooms in a certain amount of time. The more rooms, the faster they have to work. The trend of minimizing the time per room has been observed in Finland as a result of competitive bidding of cleaning services. These developments are the result of extreme competition over the prices of hotel cleaning and the tendency to outsource cleaning to private companies (Ollus and Jokinen, 2013). Sometimes hotels accept bids with the lowest price without any consideration of factors other than the price (Ollus and Jokinen, 2013:95). Hotels subcontracting cleaning services should consider other determinants besides price in their decision making, or hire housekeepers directly.

6.3.4. Exploitation of migrant workers in the restaurant sector

The restaurant includes a variety of small businesses and relatively autonomous labour market enclaves which are relatively secluded from other sectors of work and employment (Wright and Pollert, 2006). Such businesses often lack the time and resources to follow all statutory and legislative obligations affecting the sector. This creates protection risks for workers. Moreover, recruitment and referrals often depend on social networks (gatekeepers, kinship, friendship), which makes workers particularly vulnerable to exploitation. Workers may find it difficult to report problems in businesses owned by relatives or acquaintances, or may feel indebted to their employers for their help in securing work and accommodation.

In Finland, cases of labour exploitation and trafficking of migrant workers from Asia and the Middle East have been reported in international restaurants (Jokinen et al., 2011; Ollus and Jokinen, 2013; Ollus, 2016; Jokinen and Ollus, 2019). In 2019, a long investigative newspaper article uncovered the systematic exploitation of migrant workers in Nepalese restaurants (Teittinen, 2019).

6.3.5. Platform work in the restaurant industry: The situation of food couriers

In several European countries, migrants employed in the platform economy, irrespective of status, face several risks, ranging from poor working conditions, irregularity and unpredictability of the work, low wages, to lack of social benefits, lack insurance for accidents and paid sick leave (ILO, 2021b). For example, in Finland, self-employed workers are not entitled to a pension fund unless they pay an entrepreneur's supplementary pension cost (Vero, 2021). While in some cases workers face long working hours, in other cases, the irregularity of the work may lead to fewer work hours than desired and thus little payment. Moreover, workers usually have to use their own work equipment, such as a phone, car, or bike, and are responsible for any costs related to their repairs and renewal. Self-employed workers are also responsible for making legal deductions such as taxes, social costs and pension payments themselves. Thus, their net earnings may in fact be low.

Most platform companies are able to avoid employer responsibilities over self-employed persons and save on employment costs. Platform workers also lack the ability to collectively bargain and other benefits of unionizing. Algorithms of the platform are usually in charge of connecting customer orders with delivery persons, and they also automatically monitor the worker and their performance (ILO, 2021b). The algorithms of some platforms have been criticized for unfair and non-transparent treatment of workers in providing work shifts (Drahokoupil and Piasna, 2019).

In the United Kingdom, Spain and France, some fraudulent actors have made a business of renting delivery accounts to undocumented migrants (Altenreid, 2021; Bryan, 2019). In Italy, the “caporali” (see chapter 3.3.1) have been found to hire migrants to deliver food for platforms, through already-existing accounts while deducting large shares of the couriers’ earnings, thus engaging in systematic labour exploitation (Allaby, 2021). An additional risk detected in relation to the home delivery of food is the growth of so-called dark kitchens, also known as ghost or cloud kitchens or virtual restaurants. These are commercial kitchens that sell meals exclusively for delivery through an app or for customers to pick up; that is, they have no restaurant space where customers could eat. These kitchens are often located in remote and non-traditional premises (such as shipping containers) and may avoid restaurant regulations, causing concern over the working conditions of the kitchen staff (Williams, 2021:5).

6.3.6. Hotels as a venue for human trafficking

Along with the risks of labour exploitation in the hotel industry, hotels have been found to be a major host for traffickers, who exploit victims in their rooms (Shiva Foundation, 2021). The COMBAT study related to the hotel and tourism sectors in Romania, Finland and United Kingdom identified a range of cases of human trafficking, including domestic servitude within five star hotels, forced criminality and forced labour within hotels and their supply chains, and forced prostitution of adults and children (Oxford Brookes University, 2015).

Even though larger hotel chains have committed to anti-trafficking policies, there is still a general need to develop reporting and auditing processes. The main issues identified in the COMBAT study included a lack of awareness of trafficking, and confusion between trafficking for sexual exploitation and prostitution. The risk of becoming involved in trafficking increases when hotel ownership is separated from hotel management. The risk also increases due to digitization, such as online registration and check-in systems, which means less human monitoring of access to rooms. Similarly, the provision of a certain level of anonymity for hotel guests, – such as not requiring identification or registration of all guests – may hide traffickers and their victims (ibid.).

6.4. Good practices

6.4.1. Materials and initiatives on ethical recruitment in the hotel industry

The Sustainable Hospitality Alliance (previously known as the International Tourism Partnership), a member organization of global hotel chains, has established a working group on human rights, which is composed of 16 hotel companies. Over 60 hotels are participating in their human rights programmes. Additionally, the Sustainable Hospitality Alliance has introduced three principles on combatting forced labour: “(1) every worker should have freedom of movement; (2) no worker should pay for a job; and (3) no worker should be indebted or forced to work” (Sustainable Hospitality Alliance, n.d.). The Alliance has published extensive resources, including a guideline for checking recruitment agencies, a training course on modern slavery risks in labour sourcing, and know-how guides on human rights.

Furthermore, the Sustainable Hospitality Alliance and IOM have partnered within the [Ethical Tourism](#) initiative to promote ethical recruitment practices in the hotel and tourism industry in Latin America and the Middle East. They bring together employment agencies in countries of origin, hotel groups in destination countries and local governments to collaboratively improve working conditions. They focus on increasing awareness of workers' rights and ethical recruitment practices by providing guidelines to the hotel companies, creating online training courses and tools for the sector, supporting agencies and improving information availability for workers. In 2022, the Sustainable Hospitality Alliance and IOM published guidance on the ethical recruitment of migrant workers in the hotel sector (see IOM, 2022a).

Good practice: Responsible recruitment of Nepalese chefs

In 2019, Victim Support Finland, the Service Union United PAM, the Finnish Hospitality Association MaRa, and a group of Finnish companies (HOK-Elanto, Fazer Food Services, Sodexo Finland) launched a project aiming to employ chefs working in Nepalese restaurants in responsible workplaces (Teittinen, 2020a; National Assistance System for Victims of Human Trafficking, 2021). The objective was to ensure that as many victims of labour exploitation as possible get the opportunity to leave their current employer, if they were experiencing labour exploitation.

At the beginning of the project, workers' interest in being employed in a Finnish company was mapped. After securing contacts with potential employees, the companies followed the usual recruitment practice where each applicant was interviewed and hired for genuine need as *à la carte* chefs. At the beginning of the employment, the restaurant managers put a lot of effort into the new workers' orientation, including helping them adapt to a responsible workplace. The chefs employed during the project are now respected members of their work community. Through this project, they have had the opportunity to participate in the Finnish society. According to the employer companies, applicants outnumber the available posts (Teittinen, 2020a; Jokinen et al., 2021:121).

6.4.2. Defining the rules for platform work

In Belgium, a rather advanced action aimed at improving the rights of platform workers has been developed. Already in 2016, a local workers' cooperative partnered with food delivery platform companies. As an alternative to continued self-employment, workers were offered the option to be employed by the cooperative, thus gaining employee benefits. As an employee of the cooperative, workers would pay a fixed share of their earning to the cooperative and be entitled to, for example, insurance and guaranteed minimum work hours. By early 2017, 90 per cent of the couriers were already employed by the cooperative. However, later in 2017 the companies announced that they were updating their remuneration systems and terminated their partnership with the cooperative (Kilhoffer and Lenaerts, 2017). This put workers in a more precarious position back as self-employed workers (Drahokoupil and Piasna, 2019).

Belgium has also introduced another type of employment status in the platform economy, called the "collaborative economy" category. This category applies to occasional gig work for extra income through licensed platforms (Euronews, 2021). The system sets a threshold for the extra income, with low taxation for workers (Deliveroo, 2021). In February 2022, the Belgian Government announced that it was imposing new obligations for platform companies. If sufficient criteria are met, the self-employed worker will be defined as an employee, which will set employer obligations to the platform companies (Haeck, 2022).

6.4.3 Identifying human trafficking

Many hotels, especially multinational hotel chains, have established policies and training courses regarding labour exploitation and human trafficking in the sector. The hotel chain Marriott International (2021) launched an updated training course on human trafficking awareness, aiming to train all of its employees who work on hotel premises to recognize and respond to potential signals of human trafficking by 2025. The original training course was published in 2017. It includes scenarios of cases and enhanced guidelines for responding to such situations, and was developed in collaboration with human trafficking survivors. In addition, the hotel chain has other targets related to human rights, such as embedding human rights criteria in recruitment and sourcing policies, and investing in training marginalized employees, such as women, young people, people with disabilities and refugees (Marriott International, 2021). Similarly, the European hotel chain Nordic Choice Hotels has, together with UNICEF, launched a campaign in its hotels to raise awareness of trafficking, and especially child trafficking (Nordic Choice Hotels, 2017).

The COMBAT toolkit developed by Oxford Brookes University and partners helps companies to identify trafficking in human beings during “the victim’s journey”, regarding both workers and clients staying in a hotel. The toolkit includes multiple reference guides, case studies and training materials for companies and staff members, such as hotel managers (Oxford Brookes University, 2015).

7. FINAL RECOMMENDATIONS

Human rights concerns have been reported in European countries in many different business sectors. The identified incidents reflect only a fraction of all presumed cases barriers to reporting and remedy prevail. Companies' HRDD processes can help identify potential and actual human rights risks. It is essential to map supply chains in order to prevent, mitigate and account for the negative human rights impacts of business operations. However, the complexity of supply chains and labour migration processes as well as the multiplicity of intermediaries that facilitate migration, underline the need to also map the labour migration processes to better understand the presence of migrant workers within supply chains and the risks they face along the migration continuum.¹¹ Additionally, complaint mechanisms, complaints through national human rights institutions, equality and Ombuds institutions, company-level grievance mechanisms or other CSR programmes are essential to uncover human rights incidents, including with the support of media and civil society. However, grievance mechanisms might be limited if they fail to cater to migrant workers' specific needs. Hence, steps should be taken to improve migrant workers' effective access of grievance mechanisms, including accommodating requirements of cross-border remedy, potentially involving bilateral cooperation between public authorities.

While different sectors present unique risks to the protection of migrant workers' rights, many risks – as well as mitigation measures – apply to all sectors. Therefore, based on the risks and good practices identified in the previous chapters, a summary of general recommendations for policymakers and the private sector has been collected below.

7.1. Recommendations for policymakers

Manage the risk of migrant labour exploitation in business operations

- In order to ensure a level playing field for compliant businesses, States should strengthen their oversight, sanctions, and enforcement mechanisms against companies that neglect their responsibilities and exploit migrant workers.
- States are encouraged to introduce legislation to strengthen corporate responsibility to offences related to labour exploitation. The European Union proposal for a [directive on corporate sustainability due diligence](#) increases liability in the subcontracting chain by requiring companies to perform human rights and environmental due diligence in their value chains and operations. While some Member States have already introduced national legislation on the topic,¹² once adopted, all Member States will have to transpose the Directive into national legislation.

Ensure migrant workers' access to regular, safe and orderly labour migration pathways

- Safe and regular migration channels to Europe can be enhanced by introducing suitable labour mobility schemes, that rely on strengthened partnerships between countries of origin and destination and consider the optimization of labour migration procedures including timelines, costs and information available to both workers and employers.

¹¹ See IOM CREST (2022) for labour migration process mapping tools.

¹² For example, Germany, where the Act on Corporate Due Diligence Obligations in Supply Chains has a wider scope than the proposed European Union Directive.

- Ensure that migrant workers can seek employment without sectoral restrictions, even if their original work permit is limited to a specific sector, and avoid granting work permits to companies that violate labour or criminal laws at least until it can be verified that they have corrected their practices.

Ensure ethical recruitment and employment

- Thoroughly examine and regulate posted worker or similar schemes to prevent and combat exploitation and trafficking.
- Introduce legislation, licensing or registration systems to regulate the activities of recruitment agencies and informal labour providers. The [Montreal Recommendations](#) provide relevant insights on effective licensing and registration of labour recruiters that increase transparency and legal accountability across jurisdiction and within supply chains. This responsibility should be assigned to a specific authority, such as the labour inspectorate or other institution with a mandate to monitor, investigate and enforce regulation.
- Improve the monitoring and oversight of labour recruiters. The [IRIS: Ethical Recruitment initiative](#), has established a standard and voluntary certification scheme to promote ethical recruitment.
- Put in place legal provisions to ensure that migrant workers are not charged any fees or costs for recruitment and placement, directly or indirectly, and ensure that the information regarding the prohibition of recruitment fees is disseminated to the workers in a language they understand following the [Employers Pays Principle](#).
- Strengthen the understanding of and responses to bogus self-employment. Bogus self-employment creates vulnerability in particular for migrant workers, who are not fully voluntarily entering into self-employment, and who might not be aware of the consequences of their entrepreneurial status. A better understanding of the phenomenon and an expanded mandate of enforcement and oversight bodies would enable more efficient and targeted enforcement activities.

Foster migrants' economic and social inclusion and inform migrants of their rights

- Ensure that appropriate pre-departure and post-arrival orientation and support measures are made available to prepare and inform migrant workers on their rights and responsibilities (including sector-specific information on topics such as minimum wages, working hours and the union or collective agreement of the sector). This requires bilateral cooperation between countries of origin and destination to ensure consistency between pre-departure and post-arrival support.
- Ensure that information is disseminated in a language that workers understand, recurring to impartial interpreters if necessary, through different formats and means, by a wide range of stakeholders including migration officials, labour inspectors, employment offices, businesses hiring migrants, and NGOs working with migrants, among others.
- Encourage trade unions and NGOs to work in partnership with cultural mediators who can facilitate the communication with the workers and perform outreach work in communities difficult to reach or who demonstrate little awareness of local labour rights and services available.¹³

¹³ For more information on cultural sensitivity in relation to the protection of migrant workers, please see the IOM [Human resources guidebook on employer obligations and cultural sensitivity](#) (2021), which focuses on these issues in the context of Thailand.

Safeguard decent working and living conditions

- Ensure that migrant workers earn a living wage and have effective easy-to-access grievance mechanisms including claiming unpaid wages in case of non-compliance. Some European countries have minimum wage legislation whereas in others, sectoral collective agreements define the minimum terms of work that all companies must comply with.
- Ensure equality in wages and working conditions between migrant workers and locally hired counterparts and eliminate discrimination on the basis of migration status, origin or gender.
- Ensure that migrant workers enjoy decent living conditions. A designated authority should have a clear mandate to inspect housing conditions when a suspicion arises of substandard accommodation provided by the main contractor or labour intermediary.

Strengthen authorities' capacity to protect migrant workers and raise public awareness

- Strengthen and adequately resource labour inspectorates and other relevant inspection authorities and ensure that they are effective in investigating all stages of the recruitment process. Workplace inspections should aim at protecting the fundamental rights of migrant workers at work and at preventing abuse, labour exploitation and human trafficking, beyond focusing on workers' immigration status or the use of undeclared labour.
- Provide enforcement authorities (e.g. police, labour inspectors, border guards and tax authorities, among others) opportunities for training on migrant workers' protection rights and the detection of labour exploitation.

Impose sanctions on exploitative employers

- Disqualify companies that do not adhere to regulation or follow adequate standards of workers' human rights protection from European Union or State funding. Such a practice of social conditionality is introduced in the framework of the new Common Agricultural Policy (see chapter 3.2). Such companies should also be excluded from the award of public contracts.
- Ensure that jurisdiction is established over the offence of trafficking in human beings, where the offence is committed for the benefit of a legal person (business) including when the offence is committed outside of their territory.

Ensure that workers have access to grievance mechanisms, justice and remedy

- Ensure that the provisions of the Employers' Sanctions Directive are transposed into national legislation and implemented. Among these are provisions regarding workers' rights to back wages (article 6) and the facilitation of complaints (article 13).
- Expand the range of remedies and provide support to migrants seeking financial compensation from their employer where they have been charged recruitment fees or otherwise been extorted or exploited by the recruiter used by that employer.
- Consider the possibility of trade unions or NGOs being able to represent workers in court. This may remove some of the obstacles related to court proceedings such as potentially high costs associated with hiring a lawyer, or workers' fear of retaliation from the employer, or of becoming targets of immigration (or other) enforcement themselves.
- Consider the role of employment tribunals, work dispute committees or similar bodies as useful alternatives to traditional court proceedings in civil matters, to optimize the processes and related timelines, especially for straightforward cases such as wage disputes. This could be particularly beneficial to migrant workers, unable to participate in lengthy court processes.

7.2. Recommendations for the private sector

As per the UNGPs, all companies must respect human rights and set processes to manage human rights risks in their operations and supply chains. Preventing adverse human rights impacts is not only a responsibility, but also important for business, since HRDD can lower the risks of becoming involved in cases that would lead to remedy, loss of reputation, loss of clients and investors, and long processes, which require additional staff resources. Social responsibility measures also improve the wellbeing and safety of workers, and thus lead towards better productivity.

Manage the risk of migrant labour exploitation in business operations

- Assess and understand the risks. To become aware of potential pitfalls in their operations, companies should conduct risk assessments and map the supply chain in line with the company's size, operational environment and resources and [consider challenges and risks experienced by migrant workers at all stages of labour migration](#). Companies should increase their awareness and understanding of regular and irregular entry routes of migrant workers to supply chains in order to recognize risks and estimate compliance with national legislation.
- Proactively identify and address potential risks to migrant workers' rights to ensure ethical recruitment and fair working conditions. Merely reacting to problems as they are uncovered can cause reputational damage to the company. Businesses should follow forerunners and sector-specific good practices on the commitment of businesses to protecting migrant worker's rights in order to stay on top of their own efforts.
- Implement HRDD with specific consideration for migrant workers. Effective HRDD consists of assessing the operations' actual and potential human rights impacts, integrating and acting upon the findings, tracking the responses, and communicating how those impacts are addressed. Businesses should also estimate the effectiveness of the HRDD processes on a regular basis and when possible, promote HRDD among their suppliers and partners. Businesses can rely on the UNGPs, the [OECD Guidelines for Multinational Enterprises](#) (2011), the [OECD guidance for due diligence](#) (2018a), and the [CREST Migrant worker guidelines for employers](#) (IOM, 2022b) as a basis for incorporating the concept of HRDD to business operations with special consideration to protecting the human and labour rights of migrant workers.
- Develop clear management procedures on sharing responsibilities, ensuring sufficient resources and skills of staff for general due diligence tasks, and integrating the protection of migrant workers' rights into the corporate culture and everyday management.
- Use leverage. A company's leverage is affected by how much of the supplier's business the company represents, among other things; if the company sources directly or through a buying agent; whether the agreements are long or short term; and the possible harm to the supplier's reputation, if the company was to end the business relationship (OECD, 2018b:78). Companies can use this leverage to work with their partners in protecting workers' rights.

Manage supply chains responsibly

- Know the partner and the chain and assess the possible suppliers before entering into business with them. Find information about the company, its key personnel, and whether they have been involved in fraudulent business before. Ask about the company's recruitment processes and assess whether they follow responsibility principles.

- Reduce the number of suppliers and partner with them. In long-term relationships, companies know their partners and have a better understanding of the local operating environments, thus they are better equipped to understand the local risks in the supply chain. Moreover, when the number of suppliers is kept reasonable, the companies have enough resources to monitor them (OECD, 2018a:75).
- Limit the length of the supply chain. In order to have a better grasp of their supply chain, businesses can introduce contractual clauses that limit the length of the chain to one or two tiers. This can help with oversight as the employment relationships within the chain become more apparent.
- Utilize specific contract terms (for example, regarding working conditions) when entering into business with others, follow compliance and ensure a rapid response to contract breaches. Use sanction models to safeguard workers' rights and consider the option of giving an agreed length of time to correct the situation. Before terminating a contract, it is important to consider what possible repercussions this action can have to avoid exploitation continuing elsewhere.
- Monitor the supply chain and improve visibility. Site audits, risk assessments, and collaboration with the supplier on improving the working conditions are the common practices of global companies.
- Adopt responsible purchasing practices. Understand the impact of competitive bidding and tight margins of suppliers, among others, on workers. Analyse the price structure and consider adjusting it so that the workers can be paid at least living wage.
- Enhance transparency. According to ETI (2017), evidence from companies show that transparency – such as published supply chain information and labour standards, and companies' willingness to openly share information – has in many cases increased their competitive advantage. One key factor is increased trust with investors and access to capital. Many investors are conducting due diligence investigations before investing, and consumers have become more concerned about human rights issues in the supply chains of the products they buy (IOM, 2021a).

Adopt ethical recruitment practices and inform workers of their rights

- Adopt ethical recruitment principles and practices, especially in international recruitments, for example by following the [IRIS standard](#). Relying on licensed and ethically operating actors, such as those that commit to achieving [IRIS certification](#) is also a good practice. Ensure that the worker does not pay any fees or costs related to their recruitment or employment.
- Educate human resources personnel on the risks faced by migrant workers and the best ways to protect them. In multinational corporations, streamline recruitment and procurement practices and create clear processes that all individual offices adhere to, so there is little room for potentially problematic local practices.
- Inform workers of their rights during inductions. All migrant workers working at company's premises (including employees of partners) should be informed about the local employee rights, working conditions and where to seek for help in case any issues arise.

Protect the social and labour rights of migrant workers

- Provide safe and adequate living and working conditions. Assist migrant workers in finding accommodation in the housing market. If the company provides accommodation, ensure that it is appropriate, safe and that the cost is reasonable.
- Respect freedom of association and the right to unionize and bargain collectively for all employees and ensure this is communicated to all business partners throughout the supply chain. Take steps to reduce any obstacles that may stand in the way of migrant workers raising their voice on matters related to their recruitment, migration and employment.
- Engage with the employees to learn about specific issues and challenges faced by different genders, age groups or minorities. Include migrant workers as part of the operational culture and promote social cohesion.
- Adopt a gender perspective. Protection risks differ based on gender. Tools and frameworks have been created to integrate a gender perspective into the private sector's actions in safeguarding migrant workers' rights, including the [gender dimension of the UNGPs](#), the [Women's Empowerment Principles](#) by the United Nations Global Compact and UN-Women, and the IOM CREST [Gender Strategy](#) (IOM, 2021a:8).

Consider multi-stakeholder partnerships

- Partner with non-profit or research organizations to systematically target high-risk areas and conduct research, mapping or reports that dive deep into the issues and suggest solutions to tackle challenges.
- Collaborate through multi-stakeholder or multi-sectoral channels working in social responsibility, through business-led initiatives or with the help of trade unions.
- Share good practices and examples. Companies that have taken effective steps to protect migrant workers can provide good examples from which other companies can learn from. Responsibility should not be a competition but a shared effort within sectors.

Ensure that workers have access to grievance mechanisms, justice and remedy

- Ensure that there are processes in place to provide remedy in case of adverse impacts for migrant workers caused by the company's operations or supply chain (IOM, 2021b). These company-specific measures are additional to any judicial and State-based non-judicial mechanisms (OECD, 2018b:94). Operational-level grievance mechanisms are means to raise concerns regarding the firm or at site level about the impact that the company has on individuals or groups. Ideally, both well-implemented government-led and company-led grievance mechanisms should be available.
- Assess the suitability of the grievance mechanisms at regular intervals. The availability and effectiveness of remedy mechanisms is crucial for migrant workers' rights. Many examples show that the regulative frameworks as well as CSR policies often fail the workers when they seek remedy.
- Engage the workers and trade unions in the development of effective and accessible grievance mechanisms that consider the entire migration continuum, even once workers have returned home.

ANNEX A. RELEVANT LAWS AND REGULATIONS

European Union

- 1996 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.
- 2009 Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.
- 2011 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
- 2014 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.
- 2014 Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (European Union) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').
- 2014 Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups.
- 2019 Directive 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain.
- 2019 Directive 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.
- 2020 European Parliament resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis (2020/2664(RSP)).
- 2020 Communication from the Commission. Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak (2020/C 102 I/03).
- 2021 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (COM(2021)592).
- 2021 Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (European Union) No 537/2014, as regards corporate sustainability reporting (COM/2021/189 final).
- 2021 Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work (COM/2021/762 final).
- 2022 Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (European Union) 2019/193.

Finland

- 2004 Aliens Act (301/2004).
- 2021 Act on Amendments to the Aliens Act (554/2021).

Germany

- 2008 [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory](#), 25 February, last amended 17 February 2020.
- 2009 [Act on Mandatory Working Conditions for Workers Posted Across Borders and for Workers Regularly Employed in Germany](#), 20 April, last amended 10 July 2020.
- 2021 [Act on Corporate Due Diligence Obligations in Supply Chains](#) (Lieferkettensorgfaltspflichtengesetz, LkSG), 16 July.

Italy

- 2016 [Provisions on combating the phenomena of undeclared work, labour and wage realignment in the agricultural sector](#) (Law No. 199/2016, Provisions to address the phenomenon of undeclared work, labour exploitation and wage adjustment in the agricultural sector).

Netherlands (the)

- 2015 [Act on Sham Arrangements](#) (Wet Aanpak Schijnconstructie, WAS).

United Kingdom

- 2015 [Explanatory memorandum to the Modern Slavery Act 2015](#) (Transparency in supply chains) regulations 2015 (2015 No. 1833).

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