

# LABOUR EXPLOITATION, TRAFFICKING IN HUMAN BEINGS AND SLAVERY TODAY

**Trafficking in human beings** takes many forms, spans a variety of different areas and affects many layers of society. **Labour exploitation**, which is present in all modern societies, is one of the manifestations of trafficking in human beings.

In the **fight against** trafficking in human beings, **labour inspectors** also identify **indicators of forced labour and labour exploitation** in the course of their inspection procedures.

**Labour exploitation** is a violation of the fundamental rights of the worker, e.g.:

- an employer fails to pay all or part of the salary for several months,
- does not pay holiday pay,
- does not pay compulsory health and pension insurance contributions,
- commits violations of working time provisions, etc.

The violation of fundamental labour rights may be only one of the indicators of **trafficking for the purpose of forced labour**.

## LEGISLATIVE FRAMEWORK

### Slovenian legislation

In Slovenia, the criminal offence of trafficking in human beings is defined by the Criminal Code.

Slovenian legislation also contains a large number of other regulations and laws directly or indirectly related to the fight against trafficking in human beings and the protection of and provision of assistance to victims.

### International legislation

The Council of Europe Convention on Action against Trafficking in Human Beings (2005) defines **trafficking in human beings as a combination of three elements**:

**Action** This is what the perpetrator has done, i.e. the recruitment, transportation, transfer, harbouring or receipt of persons.

**Means (use):** How this is done, i.e. by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

**Purpose:** Why this has been done, i.e. for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

## ASSISTANCE TO VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Care for victims of trafficking in human beings is the responsibility of the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in cooperation with the non-governmental and humanitarian organisations that actually provide the care.

### IMPORTANT CONTACTS / national institutional framework

#### 1. Ministry of the Interior: Police

If you suspect a **possibility of trafficking** in human beings for the purpose of **forced labour** or if you are **in contact with potential victims**:

- **inform the police** on the **113** telephone number or **080-1200 confidential** telephone number, or
- send an **anonymous e-report** to the:  
<https://e-uprava.gov.si/podrocja/drzavadruzba/kazniva-dejanja/prijava-trgovine-z-ljudmi.html>

#### 2. National Anti-Trafficking Coordinator

Štefanova ulica 2,  
1501 Ljubljana  
Tel: +386 1 428 56 47

#### 3. Service for the Prevention and Fight Against Trafficking in Human Beings

Štefanova ulica 2  
1501 Ljubljana  
Tel: +386 1 428 57 56  
Email: [spbtl.mnz@gov.si](mailto:spbtl.mnz@gov.si)

#### 4. Labour Inspectorate of the Republic of Slovenia

Štukljeva cesta 44,  
1000 Ljubljana  
Tel: +386 1 280 36 60  
Email: [gp.irsd@gov.si](mailto:gp.irsd@gov.si)

## DRIVERS OF TRAFFICKING IN HUMAN BEINGS

In real life, an individual can be quickly misled and defrauded to accept **working conditions** that subsequently turn out to be **different to and worse than promised**. This means that they **did not voluntarily choose to do this work**, as they were **not actually aware of the real working circumstances**.

**When a worker wishes to leave their job, they cannot do so because if they do not work, they are exposed to threats or penalties, confiscations and other negative consequences.**

**Coercion is not only a physical threat or physical violence, but also a threat that the worker will not receive the wages they have earned, etc.**

**As a result of these situations, they feel at risk and continue in an employment relationship in which they are exploited by the employer and in which they would not continue under normal circumstances.**

## WHY VICTIMS DO NOT REPORT EXPLOITATION

One important reason why victims do not report such crimes is their **financial dependence on exploiters**.

In return for exploitation (forced labour, labour exploitation, etc.), victims receive part of the remuneration for debt repayment, costs, etc. – provided, however, that they accept certain internal rules. This remuneration is still higher than the earnings of the victim in their country of origin.

**Victims therefore often do not even identify themselves as victims of trafficking in human beings in identification procedures, and usually do not want to take part in police procedures.**

Another frequent control tactic of traffickers is to offer potential victims work abroad, involving **free transport or a loan from the employer**. When victims reach their destination, they find that **the work does not exist** as advertised or is **different from the work presented**.

**They therefore remain trapped and try to repay their debt through work.**

## SECTORS OF THE ECONOMY WHERE FORCED LABOUR OR LABOUR EXPLOITATION MAY OCCUR

**Forced labour** often takes place in industries that employ **large numbers of unskilled and relatively low-paid foreign workers**, including, among many others:

- construction,
- catering,
- agriculture,
- transport,
- logistics,
- forestry and
- the food industry.

Workers are most often recruited on the basis of **recruitment and education advertisements**, either in **newspapers or online**. Business **offers from known or unknown persons** also attract jobseekers. An increasing role is played by **human resource intermediaries who are not authorised** to carry out such activities or **are not entered in the register** of foreign employers.

## INDICATORS OF FORCED LABOUR OR LABOUR EXPLOITATION

### Forced labour requires two conditions:

1. that it is work or service that is assigned to someone **under threat of punishment** and
2. is carried out **involuntarily**.

### The threat of punishment can also take other forms, such as:

- physical sanctions,
- financial sanctions,
- psychological and emotional sanctions, and
- the loss of rights or privileges.

### Emotional sanctions, such as:

- various psychological threats, and
- threats that the police will be called, which happens when a person's status is illegal.

### Financial sanctions in the form of:

- debt dependency: non-payment of wages,
- threats of loss of work if a person refuses overtime, and
- coercion by document confiscation and victim intimidation.

The condition of voluntariness is not met if the worker accepts work because they have been misled or defrauded, or if they cannot withdraw their consent to work for various reasons.

### The typical of people who have been trafficked for the purpose of labour exploitation:

- they live in groups in the same place where they work, rarely (if ever) leaving that place;
- they live in poor and inadequate housing conditions (agricultural and industrial buildings);
- they are not properly dressed and do not work with inadequate protective equipment;
- they have a lack of food (daily meal not provided);
- they have no access to their own earnings;
- they do not have an employment contract and are not registered for social security insurance;
- they work excessive long hours;
- they are dependent on their employer, and do not have their own transport, accommodation;
- they never leave their workplace without the employer being present;
- their freedom of movement is restricted;
- they are kept in the workplace by security measures;
- they are subject to penalties, to threats of being reported and having their pay removed, etc., and to insults, abuse, threats and violence for failing to comply with rules;
- they lack the skills for the work they do (unskilled workers).

In cases of the **trafficking in human beings for the forced labour of adults**, those indicators, in combination with other indicators, actions and means, demonstrate that **a person is a victim of trafficking in human beings** or of the criminal offence of trafficking in human beings.

## THESE INDICATORS ARE:

### a) Working conditions

- the worker does not have the relevant education and experience to perform the work;
- the employer does not have an employment contract at the time an inspection is performed;
- the employer does not pay health and social security insurance contributions;
- work contracts are in a language that the worker does not understand;
- the worker does not have the required work permit and is therefore vulnerable;
- the worker does not know where they live and work in Slovenia;
- workers report that the transport provided by the employer is the only way to come to and leave work;
- on arrival at work, the worker has signed a new (other than originally offered) employment contract;
- there is a suspicion that the worker's documentation is false.

### b) Remuneration

- workers are paid less than agreed, are not paid at all, or receive remuneration that does not match the remuneration of the majority population for similar work;
- the worker is required to work in excess of full-time working hours without adequate remuneration;
- the worker has had to pay for the employment or transport service;
- the worker is forced to work (unpaid) overtime and is subject to threats if they do not work overtime;
- the worker is forced to pay excessive rent for residence, for their food or for work tools, or these costs are deducted from their wages;
- the employer has provided the worker with a loan or advance that prevents the worker from leaving the employer;
- wage payment records show that the wages of all workers are paid into the same bank account;
- the worker does not know how much they are paid;
- the worker says that they have paid to be employed;
- there are discrepancies between working time records, payrolls and bank statements.

### **c) Breaks and rest periods**

- working time is defined very loosely or not at all;
- the worker must be available 24 hours a day, 7 days a week to perform the work;
- the worker performs work at unusual hours;
- the worker is not permitted a break, a day off work, free time or annual leave;
- the worker is not granted employment rights (paid leave);
- the official roster of working time is displayed at the workplace, but there is another roster in another room or area (e.g. two sets of records kept);
- the worker reports that they have no leave or days off work;
- the worker reports that they work excessively long hours.

### **d) Occupational health and safety**

- the worker is required to carry out work and dangerous work without adequate safety protection, or the working conditions are substandard;
- the worker works in an unhealthy working environment, with poor lighting, poor ventilation and heating, and irregular access to sanitary facilities;
- workers show signs of abuse or malnutrition and/or other signs;
- workers appear to be exhausted;
- the worker must work when sick or when in the late stages of pregnancy.

### **e) Living conditions**

- the worker lives in the area where they perform their work (e.g. there is a bed or mattress, a suitcase and/or a large number of personal effects in a work room or warehouse);
- the worker performs their work in the employer's private place of residence;
- the worker is forced to sleep at the workplace;
- the worker stays in an environment that is provided by the employer and is not suitable for accommodation (too many people/workers in rooms, inadequate hygiene conditions, poor sanitation);
- the worker lives with their employer;
- living conditions are substandard on the farm or other location where workers are provided with accommodation close to the workplace.

## f) Other

- the worker is forced to perform unauthorised and degrading work;
- the worker must hand over their work documents (e.g. 'work permit') or other documentation (passport, identity card) to the employer;
- when a worker's identity document is required, it is held by the employer or presented to the inspector by the employer;
- the worker and their family have suffered physical and/or psychological violence (the worker has bruises or cuts, their family have been threatened with forced labour);
- the worker has visible injuries (bruises, cuts, cigarette burns, etc.);
- the worker reports threats against them or their family members (threat of violence or of being reported to the state authorities, police, etc.);
- the worker did not know where they were going to work before arriving in the country of destination;
- the worker has an irregular legal status (e.g. migrant);
- the worker belongs to a group that is discriminated against or does not have the same rights in society (e.g. the Roma community);
- the worker does not speak the local language;
- the worker is reluctant to talk about their religious or cultural beliefs;
- there are visible signs that the worker is not allowed to leave the workplace freely (barbed wire, sticks, armed guards or other similar restrictions);
- the worker does not know at what location they are working or does not know where they are working at all;
- the worker does not have access to means of communication (telephone, email, internet, etc.);
- the employer acts violently;
- the employer monitors the worker's contacts with others, or insists on answering questions on behalf of the workers;
- the employer prohibits the inspector from interviewing workers;
- the employer answers all questions on behalf of the workers;
- the company employee/worker does not answer questions and tells the inspector to ask the employer.

**It is difficult for foreign workers to trust national authorities, and even more difficult to report irregularities. They often do not understand that they are victims of trafficking and do not want to talk, especially in the presence of their employer.**

They fear that they will be overheard by the employer or by other workers. In inspection procedures, it is important to interview workers who are present and to ask them about their remuneration (wages, allowances, etc.), working hours and living conditions at least.

Where an employer cooperates in an inspection procedure and submits documents that are formally valid in law, this does not necessarily mean that they are not exploiting their workers in various ways.

**Workers should be informed of their rights, be provided with information on how they can contact the labour inspectorate (telephone number, email address), and be informed of the options for seeking assistance (leaflets, cards).**

If it does not attract too much attention, the inspector may take a photograph of, for example, the victim's living conditions. It is also important for an inspector not to use the employer as an interpreter (where possible, an official interpreter should be used).