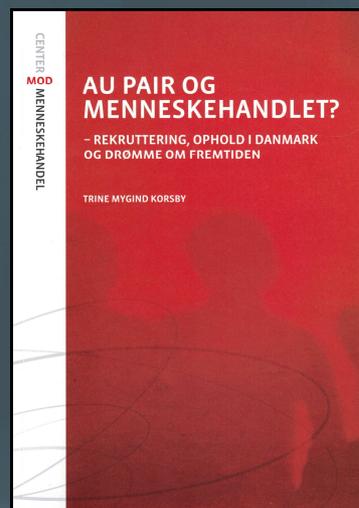
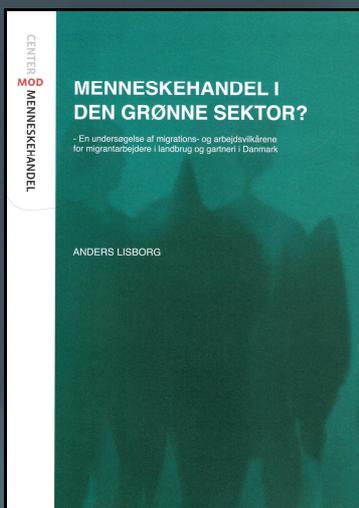


HUMAN TRAFFICKING FOR FORCED LABOUR IN DENMARK?

A SUMMARY REPORT BY ANDERS LISBORG

Migration and working conditions for a group of migrant workers employed in the cleaning industry, in the green sector or as au pairs.
(only in danish)



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Design: Bysted A/S
Price: Free of charge

Published by:
The Danish Centre against Human Trafficking

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You can download the report from www.socialstyrelsen.dk or www.centermodmenneskehandel.dk

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Contents

Introduction	6
Background.....	6
Human trafficking for forced labour in Denmark?	6
What is human trafficking for forced labour?.....	7
Surveys of three sectors.....	9
Results and interdisciplinary analysis.....	10
Facts and figures about foreign labour in the green sector, the cleaning industry and the au pair sector.	10
Migration and recruiting.....	11
Living and working conditions.....	14
Conclusion – human trafficking for forced labour?	18
Recommendations	20
Further reading	20
Literature	22

Introduction

The issue of human trafficking for the purposes of forced labour has attracted increasing international attention in recent years, and several European countries have recorded a rise in cases in this area.

Up until now, initiatives in Denmark to combat human trafficking have primarily been centred on the area of prostitution, and little knowledge has been built up about human trafficking for forced labour in other professions. It is against this background that the Danish Centre against Human Trafficking (CMM)¹ has launched a number of surveys of the migration, working and living conditions of foreign workers in a number of sectors, with a view to establishing the extent to which these sectors make use of human trafficking for forced labour. The first report, entitled “Au pair and trafficked? – recruitment, residence in Denmark and dreams for the future”, was published in 2010. It was followed up in two new reports centred on the green sector (agriculture and nurseries) and the cleaning industry, published in 2011.

This report presents a brief summary of the most important survey results and conclusions from the three reports mentioned above, as well as an interdisciplinary analysis of the topic of human trafficking for forced labour in Denmark.²

Background

Human trafficking for forced labour in Denmark?

A number of EU countries have reported numerous incidences of human trafficking for forced labour in the areas of agriculture and nurseries, the cleaning and service sector, private housework, and a variety of processing industries, to mention just a few examples (Anti-slavery, 2006; OSCE, 2009; Lisborg, 2012, Andrees, 2008; Anderson et.al , 2005, Skrivankova, 2009, ILO, 2009).

In recent years, Denmark’s neighbouring countries – Norway and Sweden – have similarly reported several incidences of human trafficking for forced labour, and these have resulted in further investigation and even criminal prosecution in some cases. In Sweden, several experts and recent reports have, for example, documented major exploitation of foreign labour as well as cases of human trafficking for forced labour among migrant workers, particularly in the area of seasonal berry picking in the Swedish forests, for which thousands of migrant workers are recruited from Eastern Europe and Asia every year (Kegö & Leijonmarck, 2010; Woolfson *et al*, 2010, Lisborg, 2011; Vanaspong, 2012; Lisborg, 2012).

Up until 2009, only a single person had been identified in Denmark as a victim of human trafficking for forced labour, but the number of victims identified has risen sharply in step with the increase in focus on this problem area. During the first half of 2012, there were 15 cases involving human trafficking for various forms of forced labour, and five people were

¹ The Centre against Human Trafficking (CMM) manages the social dimension of the Danish government’s action plan to combat human trafficking. The CMM has three executive goals: a) to improve the social assistance offered to victims of human trafficking, b) to coordinate collaboration between social organisations and other public authorities, and c) to collect and convey knowledge in the field of human trafficking.

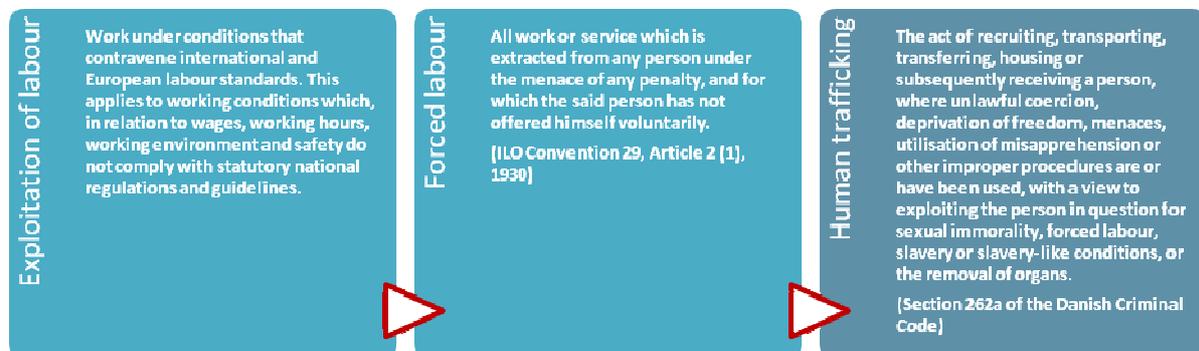
² There are, of course, great differences between the conditions in the different sectors and industries largely because the issue involves different employment conditions and different nationalities, etc. This report is thus primarily intended to provide an introduction to the issue of human trafficking and forced labour, as well as to the conditions in the three sectors and industries mentioned. All the interview quotes in this report are drawn from the original reports. Additional documentation and details are presented in the individual sector reports (To read the reports (some available in Danish only), visit www.centermodmenneskehandel.dk)

identified during the first five months of the year. This means that in 2012, one new case of human trafficking for forced labour was identified every month, and it seems likely that the rate will increase even further when more employees from authorities and organisations such as the police, the tax authorities (SKAT), the Danish Working Environment Authority, the trades union movement, sector associations become more skilled at identifying human trafficking for forced labour and in reporting such cases to CMM.

As yet, no-one has been successfully prosecuted for human trafficking for forced labour in Denmark, but the increasing number of cases both in Denmark and abroad indicates the necessity of intensifying efforts to prevent and combat this form of criminality.

What is human trafficking for forced labour?

Fundamentally, it is important to clarify what human trafficking for forced labour actually covers and how it can be defined. The sections below present definitions of some of the key concepts that are particularly relevant in this context.³



A significant element in the definition of forced labour has to do with whether the work is initiated under threats of punishment, understood as reprisals and negative consequences for the individual work if the work is not carried out. As it can be difficult in practice to determine situations in which coercion and threats of punishment are brought to bear, the ILO has prepared a list of six general indicators of forced labour (Danish Centre against Human Trafficking, 2010: 25–26):

1. Physical and sexual violence (threat or performance).
2. Confinement and restriction of movement, to the workplace or to a limited area.
3. Debt bondage, where the worker works to pay off debt or a loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt.
4. Withholding of wages or excessive wage reductions that violate previously made agreements.
5. Retention of passports and identity documents, so that the worker cannot leave, or prove his/her identity and status of passport or identity documents so the person cannot leave the place or document his/her identity and status.
6. Threat of denunciation to the authorities, where the worker has an irregular immigration status. This may lead to criminal prosecution, deportation or deprivation of rights and goods.

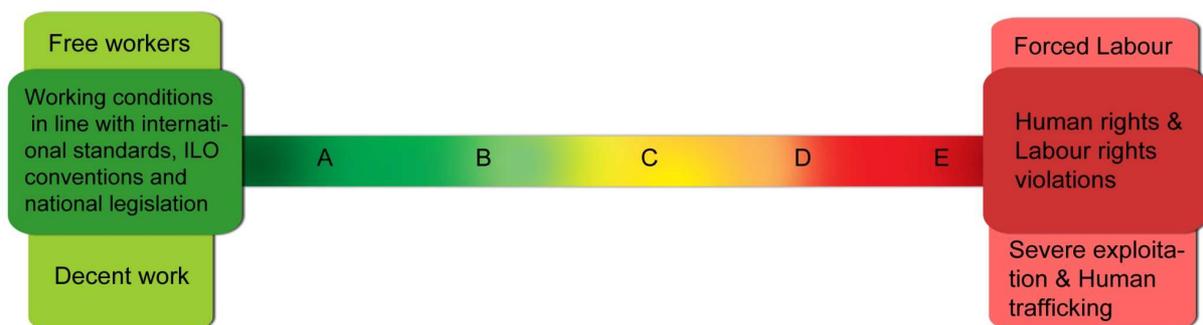
³ There is as yet no direct definition of forced labour in Section 262a of the Danish Criminal Code (*Straffeloven*), which deals with human trafficking. However, the preliminary work (i.e. the special comments on the definition of human trafficking in section 262a of the Danish Criminal Code) does state that the expression “forced labour” is to be interpreted in accordance with the applicable international instruments, including ILO Convention No. 29 on forced labour.

In practice, it is usually a question of a combination of several of the actions described being applied. Anti-Slavery International, which is one of the leading organisations in the work to combat human trafficking, recommends that a thorough investigation should be launched in cases where a single one of these indicators is established, and that the case should be viewed as forced labour in cases where two or more elements of coercion are identified. The organisation emphasises that situations in which a person has had his/her documents and/or wages withheld should not be viewed more leniently than cases in which the person has actually been threatened (Anti-Slavery International 2006).

The definitions presented above contribute to a more precise understanding of the phenomena: human trafficking, forced labour and labour exploitation. It is necessary to establish and apply such definitions – particularly for the authorities and for it to be legally possible to make decisions in specific cases and to evaluate whether a case actually does involve human trafficking. However, these definitions do not always capture the complexity that often distinguished specific, individual cases. As such, they can be difficult to apply in practice. The element of coercion is crucial, but the degree of coercion is often difficult to establish and to prove when dealing with migrant workers in vulnerable situations. The people in question may possess a greater degree of autonomy and opportunities to act than the element of coercion may immediately suggest. At the same time, it is a dynamic process, where what begins with agreements and consent may develop into exploitation and coercion.

In order to illustrate the complexity of the issue, the definitions presented above for human trafficking, forced labour and labour exploitation can be represented on a continuum, where decent, lawful working conditions are positioned at one end, and human trafficking is positioned at the other.

Figure 1.2: Working conditions on a continuum – from decent work to human trafficking⁴



- A. **Workers in decent work conditions. General good standards including good living conditions and fair wages.**
- B. **Workers who knows the type of work they are recruited for and the working conditions, but who experience relatively hard conditions and low wages – all within the limits of national labour law and international standards and legislation.**
- C. **Workers / victims, who knows the type of work and working conditions they are recruited for, but do not have sufficient information, insight or experience that allows them to predict unreasonable pay and working conditions, and who may feel that they are trapped in the given situation on account of limited options and limited knowledge of their rights. Here, the working relationship involves actual labour exploitation and breaches of labour legislation.**
- D. **Victims of false information (misapprehension) in the recruitment process, who, during the work, may also be subjected to threats of reprisals (e.g. redundancy without pay, etc. to which they are entitled). Their vulnerability is being exploited, and they may be sent to do work other than that which they were promised and/or forced to work under other conditions. They cannot leave the place without reprisals.**
- E. **Victims who have been forced and severely exploited including victims who have experienced kidnapping, confinement (locked-up) and physical violence. Here, the working relationship is purely human trafficking and forced labour.**

⁴ It should be noted that items A–E on the continuum function as illustrative examples of a given situation, and are not fixed definitions.

The continuum illustrates how human trafficking, forced labour and labour exploitation can be viewed in relation to each other. At the same time, it demonstrates how the degree of exploitation is not a stationary concept, but one that can develop within the poles of the continuum.

Surveys of three sectors

The Centre against Human Trafficking has provisionally conducted surveys of three sectors. This work has resulted in three reports about au pairs, the green sector (agriculture and nurseries) and the cleaning industry. These three sectors were selected because they all employ a relatively large proportion of unskilled and low-paid foreign workers, and because countries other than Denmark have identified examples of exploitation and human trafficking for forced labour within precisely these sectors. The purpose of the surveys was to establish whether human trafficking for forced labour really does – or may – take place within the three sectors chosen.

With a view to illuminating the problem, the surveys focused on the conditions for a group of foreign workers who have been employed within these sectors. More specifically, the surveys focus on where these workers come from, how they were recruited, and how they themselves perceive their working and living conditions in Denmark.

The reports are based on a series of qualitative interviews with a group of migrant workers, as well as interviews with selected professionals with special knowledge of the conditions for foreign workers within the chosen sectors. Interviews were conducted with a total of 68 people, both migrant and experts, as illustrated in the table below.

Table 1: Number of interviewees by sectors examined

	Migrant workers	Experts	Total
Au Pair	27	-	27
Green sector	15	6	21
Cleaning	14	5	20
Total	56	11	68

In addition, observations were made of the migrant workers' working and living conditions, and existing material about the area was analysed. Finally, professional advisory groups consisting of relevant authorities, institutions and people, have had the opportunity to meet during the surveys to discuss and comment on methods and results. These included the Danish Immigration Service, the Danish Union of Public Employees (FOA), the 3F union, the Danish Working Environment Authority, the Red Cross, the Danish Agricultural Council, the Danish National Police's Domestic Investigative Centre (NEC), the Danish Institute for Human Rights (IMR), various sector organisations and specific researchers who work in the fields of migration and foreign labour. The advisory groups did not have any direct influence on the content of the reports, but the participants did function as sounding boards in the process. The discussions and comments of the advisory groups were assessed and, if possible, incorporated into the surveys.

As mentioned above, the surveys are built on qualitative interviews with a small sample of the migrant workers employed in the three sectors in Denmark. As such, they are not statistically representative. The purpose is *not* to provide an exhaustive description or a quantitatively based exposé of the situation of the migrant workers, but to contribute qualitative insight into some of the problem areas that exist – and may arise – for these groups.

Results and interdisciplinary analysis

Facts and figures about foreign labour in the green sector, the cleaning industry and the au pair sector.

In recent years, there has been an increase in the number of foreigners in Denmark working in the cleaning industry, in the green sector (agriculture and nurseries) and as au pairs. In particular, a stream of migrant workers from Eastern Europe has arrived following the expansion of the EU to the east and the expiry of the “East Agreement”, which has, in effect, resulted in the free movement of labour in Europe.

From the expansion of the EU in 2004 until 2008, a total (all professions) of 35,605 work permits have been issued to individual migrant workers from the new EU member states.⁵ Over and above the individual migrant workers from Eastern Europe, it is also necessary to include other groups of “migrant workers” in the form of employees on overseas postings or contract employees,⁶ independent entrepreneurs, migrants without legal residence status (illegal immigrants)⁷ and migrants employed under internship or au pair schemes.

A closer look at developments within specific sectors clearly reveals a rise in the number of foreign workers. A qualified estimate thus indicates that 30–35% – or around 1/3 of paid workers in the agriculture and nurseries sector – are foreigners (both officially and unofficially employed) and that the vast majority of these workers come from Eastern European countries such as Poland, Estonia, Latvia, Lithuania, Ukraine, Romania, Bulgaria, Hungary and the Czech Republic.

In the cleaning industry, it is estimated that almost 1/5 (19%) of the 126,476 people employed are foreigners, primarily from Poland, Romania, Lithuania, Germany, Bulgaria and China, as well as small groups from various African countries.

Finally, the number of au pairs in Denmark has risen sharply in recent years. Over a period of five years (2003–2008), the number of work permits granted to au pairs has more than doubled, and it is estimated that around 4,400 foreigners are currently working as au pairs in Denmark. To this figure should be added the (former) au pairs who remain in the country without an au pair work permit, and working without declaring their income – whose number it is, by definition, impossible to calculate. The vast majority (73.6%) of au pairs come from the Philippines, followed by small groups from Ukraine, Russia, Brazil, Sri Lanka, Kenya and Thailand. Au pairs from the Philippines are thus clearly the largest group of au pairs in Denmark. The increase in the number of au pairs in the country is primarily attributable to the rise in the size of this group from 211 in 2003 to 2,163 in 2008. This is actually equivalent to a ten-fold increase in the number of au pair work permits issued to Philippine nationals during this period. It also illustrates that the au pair field has altered significantly in recent years, when it has developed from a cultural exchange programme primarily for Europeans who wished to travel abroad and familiarise themselves with languages and cultures in other countries, to the situation today, where it is principally used by people looking to travel to the West to earn money.

In this respect, there are many similarities with the internship scheme in the green sector, where questions can be asked about the importance that many agricultural interns from abroad attach to the educational aspect – on which the scheme was originally based. As such, the internship scheme has in reality become a channel for labour migration and a source of relatively inexpensive foreign labour.

⁵ The Danish Immigration Service estimates, however, that around 20% of the work permits issued are “repeats” – i.e. issued to people who have previously been granted a work permit in Denmark. If these “repeats” are deducted from the original total, it can be calculated that around 28,485 individual workers from Eastern Europe (known as the EU-10 countries) have worked in Denmark in the period from the expansion of the EU until 2008.

⁶ Foreign workers who are taken on by a company registered outside Denmark and then posted to Denmark for the purpose of completing a specific work assignment/contract. This is also called “labour hire” or “the outsourcing model”.

⁷ Several sources in the Danish police who work in this area estimate that there are 20–40,000 illegal immigrants in Denmark. <http://www.dr.dk/Nyheder/Inland/2012/03/29/191724.htm>

Table 2: Foreign wage-earners/employees in figures and percent, development in recent years and primary country of origin, divided between the three sectors.

	Au Pair	Green sector	Cleaning
Number of persons (per year) / officially registered	4,400 (2008)	9,077 (2009)	24,073 (2009)
Development over time	Number doubled in the period 2003–2008	From 2% in 1993 to 6% in 2006 and 28.6% in 2009.	-
Estimated percentage of labour migrants in the sector	100%	30–35 % (official and unofficial) of wage-earners	19% (official) of employees
Primary country of origin	Philippines (73.6%, ten-fold increase over five years), Ukraine, Russia, Brazil, Kenya, Sri Lanka and Thailand	Poland, Estonia, Latvia and Lithuania, Ukraine, Bulgaria, Romania, Hungary and the Czech Republic	Poland, Romania, Lithuania, Germany, Bulgaria and China

Sources Statistics Denmark – statistics bank (www.dst.dk) and *Udlændingeregisteret* (The Danish register of foreign nationals), the Danish Central Office for Personal Registration, the Danish Central Business Register, DetailCOR, the Danish Register of Foreign Service Providers (RUT) and the Danish Immigration Service (www.nyidanmark).⁸

Migration and recruiting

Many foreign workers enjoy good, decent conditions, but there are also examples of exploitation, and the three surveys document how a number of migrant workers in the cleaning industry and the green sector (agriculture and nurseries) and au pairs in Denmark are being exploited by the recruiting agencies and/or their employers. A number of the respondents from the three surveys have been misled or cheated during the recruiting phase, where they were promised better conditions and wages than they actually received on arrival, and in many cases they have paid excessive fees to the recruiting and staffing agencies to obtain a job in Denmark.

Almost all the migrant workers interviewed initially – on account of the socio-economic conditions in their home countries – expressed a desire to emigrate and work abroad. The vast majority mention poverty and unemployment in their home countries and the opportunity to enjoy new experiences and to take on new challenges as their principal motivation to emigrate. The financial motivations for migration and the opportunities to earn higher wages and enjoy a higher standard of living are not surprisingly taking into account that the average gross annual pay in Denmark is generally seven times higher than the gross average pay in Poland, for example, and almost ten times higher than the pay in Lithuania (Pedersen & Andersen, 2007). The differences in wages are even bigger between Denmark and the developing countries which supply migrant workers to Denmark, including the Philippines. In addition to this, the unemployment rate is higher in many of the immigrants' countries of origin.

As regards migration to Denmark, there are no examples of enforced migration *per se* – i.e. where ringleaders have made actual threats – which is suspected in some human trafficking cases elsewhere. The vast majority of the respondents had actively investigated their opportunities to emigrate, either via their own social networks (friends and family) or through professional recruitment agencies. As such, they usually consented willingly to make the journey.

⁸ The figures above are based on different sources and calculations, which means that some reservations should be applied to comparisons across the three sectors. Similarly, it is important to note that the percentages stated for the number of labour migrants within the individual sectors are estimates.



Things are not good in Bulgaria, there's no money ... The pay is very low. It's hard to look after your children there.

KALINA, BULGARIAN WOMAN, CLEANING



I heard that life was better here ... that the pay was better. That's what my friends told me.

LUKASZ, POLISH MAN, NURSERY

In many cases, it seems that while social networks are very important in providing migrants with information about jobs and potential earnings in other countries – and thus have a great influence on their desire to emigrate – these networks are rarely sufficient to provide new migrants with work contracts and to organise recruitment and travel in practice. Most of the respondents from the surveys of the green sector and au pair work have instead used professional or semi-professional mediators, in the form of recruitment agencies, official migration and education programmes, or contact with former emigrants. They function as self-appointed mediators and profit from their familiarity with the supply of and demand for labour in Denmark and the emigrants' countries of origin. In this context, it is a question of social networks – family or friends with experience of migration – that become “professionalised” by demanding a fee for passing on information about job opportunities and direct contact with Danish employers. This form of mediation is particularly widespread among agricultural interns from Ukraine and au pairs from the Philippines.

Respondents who have used the services of such professional mediators and recruitment agencies have, however, paid very different sums – from DKK 600 to as much as DKK 20,000 – for the opportunity to emigrate to Denmark to find work. Respondents from countries outside the EU, i.e. primarily the Ukrainian agricultural interns and Philippine au pairs, who can only obtain a visa, entry permit and work permit by completing an application process and receiving a contract via the Danish Immigration service, had usually paid the highest sums, and there is evidence to suggest that the emigration costs for this group are rising. In the same way as in other parts of the world, there is thus a clear, even proportional, relationship between immigration restrictions and the emigration costs to the individual migrant. The harder it is to enter a country and penetrate its labour market, the more the individual migrant needs professional facilitators, and the higher the total costs become. Ukrainian interns who came to Denmark 4–6 years ago typically paid around DKK 7,500, while those who entered the country more recently paid DKK 15–18,500 for the same service. Many of the respondents stated that today it typically costs up to DKK 22,500 to emigrate to Denmark from Ukraine as an agricultural intern, while some had heard of prices as high as DKK 30,000. A number of the au pairs interviewed had likewise had to pay disproportionately high sums to agencies, recruiters and middle-men in order to travel to Denmark as au pairs. Several of the Philippine au pairs had amassed total migration costs of around DKK 10–20,000. These included payments to facilitators/agents, air ticket costs and, in some cases, bribes to the authorities in the Philippines for an exit permit.



It's expensive when it's all on you

BEATA, POLISH WOMAN, CLEANING

Many of the respondents in the survey of the cleaning sector have also paid relatively large sums to facilitators – both before and after their arrival in Denmark – to secure work in the cleaning industry in the country. It should be noted that many of the respondents from the cleaning sector did not emigrate to Denmark with a view to working as cleaners, but simply found work in the sector after gaining residence in the country on various other grounds. As such, it is not necessarily a question of ‘recruitment for a job’ in the sense that access to the job was linked to emigration to Denmark. Approximately half of the migrant workers from the cleaning sector who were interviewed had paid between DKK 1,900 and 72,000 for the chance to obtain a job. The highest sums that the respondents paid (DKK 36,000 and DKK 72,000 respectively) were so high because they involved fixed monthly payments of around DKK 3,000 over a 2-year period, while the highest one-time payments were around DKK 12,500. Here again, the highest costs were charged to migrants who come to Denmark from developing countries and who remain – or work – in the country illegally. Two African respondents from the cleaning sector who had paid the very high sums mentioned above had paid middle-men in Denmark and Germany for the opportunity to “rent” a European identity, so as to be able to obtain a Danish social security (CPR) number – and thus gain access to the labour market.



They bring you up here, they promise you work and you're dependent on them ... and you have to work – it's in your own interests as well, of course – but then you find yourself working more hours than agreed, and you work and work, and all you can think about is getting out from under ... but the only way you can do that is to work even more, only then can you start to live a normal life [...] And you can't go to the police because you're guilty too in some way when you're working off the books and don't have a contract.

BEATA, POLISH WOMAN, CLEANING

In combination with the relatively low wages – particularly for agricultural interns and au pairs – the high payments for the opportunity to migrate and/or find work mean that in reality, the people involved find themselves working for no pay for several months just to cover their costs. A great many of the respondents from all sectors even had to take out loans in order to be able to pay for the recruitment and migration process. This aspect is extremely important as it places the migrant workers in a vulnerable position as they often find themselves having to pay off their debt for a large part of the time they remain in Denmark. For some, it means that they are obliged to – or expected to – take on extra undeclared work to make enough money to pay off their debts. Among the respondents who had taken out loans to cover their migration expenses, most borrowed money from their relatives or acquaintances in their networks, while others borrowed from more distant acquaintances, often at very high interest rates. As such, only a few of the respondents had a direct loan obligation relationship with their recruitment agencies or employers. It is, however, important to note that even loans accepted from family members in their home countries contribute to putting pressure on the migrant workers and potentially making them vulnerable to exploitation. Overall, the debt situation means that some migrant workers are highly dependent on their jobs to be able to pay off their loans. In some cases, this results in their accepting work situations and conditions that they would never otherwise have accepted, purely from fear of losing their job.

Misapprehension is a key concept in relation to human trafficking, as stated both in the international definition – see the Palermo Protocol – and in section 262a of the Danish Criminal Code. Human trafficking can comprise physical coercion, deprivation of freedom or threats, but in practice it is much more often a question of what is known as misapprehension or misguidance in that migrant workers encounter other and poorer working conditions than those they had been promised during recruitment. In the three

surveys, it was considered important to examine in more detail what the migrants had been promised and what they themselves expected, in contrast to the actual living and working conditions they experienced.



They (the recruitment agency) said one thing, but it turned out to be very different when I arrived.

SABINA, ROMANIAN WOMAN, NURSERY

Many respondents felt that they had been given quite a lot of information about living and working conditions before they travelled to Denmark. Most stated that they had been given information about what the work involved, wages and working hours, although they had not been told as much about accommodation, health, safety and their opportunities to leave their jobs. However, there is much to suggest that the respondents' expectations regarding their working lives in Denmark were unrealistically high, and it is difficult to establish whether this is due to their own visions of a better life, or whether it stems from other people's exaggerated reports about life in Denmark. The reality is, however, that many respondents describe great disappointment with their actual work situation and working conditions. The majority of the respondents from the green sector thus reported a disconnect between what they had been promised and what they actually encountered. This clearly expresses that in reality, they feel misinformed and misled. Most felt primarily misinformed about pay conditions, overtime payment (or lack of same), the high number of working hours, and the poor accommodation.

Living and working conditions

Typically, the foreign workers work long days, have few days off and earn low pay. Most of the respondents from the green sector and the cleaning industry typically work 7–9 hours a day, while a large proportion of them work more than 9 hours a day. Among immigrants who work as au pairs, there were many who reported working much more than the prescribed max. 5–6 hours per day, six days a week. For example, a few au pair respondents reported working up to 10 hours a day.

Migrant workers from all three sectors likewise unanimously reported having few days off or holidays. Many respondents from the green sector had only one day off or fewer per week – typically 2–4 days off per month – and a number of respondents from the cleaning sector reported that they worked without a day off for periods of up to six months at a time.



I worked for more than 8 hours [a day]. And she [the host mother] did not allow me my off-day.

SHARON, PHILIPPINE WOMAN, AU PAIR

Long working days and few days off may at first glance appear to be an indicator of exploitation, but in many cases the situation is much more complex than it immediately appears. While some respondents feel obliged or forced to work long hours through fear of losing their jobs or suffering reprisals, there were also many who, taking the circumstances into account, chose to work long hours to make up for the relatively low pay and thus earn more money.

In relation to standard Danish conditions, the wage level was consistently low in all three sectors. Many respondents, particularly in the green sector and the cleaning industry, were underpaid or paid late. Some were paid just DKK 30–45 an hour – in one case as little as DKK 15 per hour – for piece-rate work. Very low wages and insecure income conditions are particularly widespread among migrant workers employed via staffing agencies and among those “posted abroad”. Through what is known as “posting abroad”, a company registered outside Denmark can be commissioned to carry out a specific assignment (contract), and the company then supplies workers (either hourly waged or piece-rate workers) at wages that match what they would be paid in their country of origin – Poland, Lithuania or Romania, for example. This means that foreign workers in Denmark can, in reality, be paid at Lithuanian or Romanian rates. This challenges the Danish collective bargaining agreement model and forces the wage level down to a previously unheard-of level in relation to standard Danish conditions. For example, a number of staffing agencies state that they can supply foreign workers for DKK 80 per hour, all inclusive – i.e. including transport, holiday pay, etc. – and some even advertise their capacity, on a trial basis, to deliver workers who cannot speak English for as little as DKK 60 per hour. After deduction of expenses – principally the staffing agency’s profits – the foreign workers are usually left with only half, or even less, of the hourly rate. This often translates into an hourly wage of just DKK 30–40.



At the end of the contract, the manager gave us our pay and everyone could see that it was only half what we had been promised.

SABINA, ROMANIAN WOMAN, NURSERY



I did the same work as the Danes but at half price, because I am Polish.

RZEKA, POLISH WOMAN, TEMPORARY STAFF, NURSERY

It is important to state here that there is no statutory minimum wage in Denmark, and that employers are not obliged to enter into a collective bargaining agreement under the regulations currently in effect. Employers and staffing agencies without a collective bargaining agreement can thus pay whatever wages they choose, and companies and agencies registered abroad can pay their workers according to the local conditions in their home countries, even though the work may actually be performed in Denmark. Underpayment is thus assessed here on the basis of what the respondents were promised, or what can immediately be considered unreasonable in relation to the minimum wage for the area set through the lowest collective bargaining agreement. Added to this is the fact that many workers have been denied conditions to which they were actually entitled, such as wage supplements and overtime payment. Some respondents complained about lack of payment for hours worked, and about periods in which they were not paid at all. The pay conditions vary greatly, and it is difficult to calculate average wages as a number of factors apply, such as employment conditions, tax level, accommodation expenses deducted at source by the employer, hours worked and overtime, commission and piece-rate work, etc. While it is clear that the wage level in general is low compared to the typical wages paid to Danish workers in the same sector, there are many migrant workers who received monthly pay packets with which they were satisfied, particularly on account of tax benefits and the large number of hours they worked.

Many of the migrant workers interviewed – particularly from the green sector and, to an extent, from the cleaning industry – live in accommodation that the staffing agency or employer found for them. This involves their living close to the workplace, typically in small rooms, offices, site huts or caravans and subsequently having accommodation expenses deducted at source from their wages by their employer. It is on this point in particular that

many of the workers feel cheated and exploited as their accommodation conditions are often very poor and expensive in relation to what they had been promised, or what could be considered reasonable. In several cases, the staffing agency or employer charged almost usurious rent, while in others, they charged expenses that they typically deducted directly from their employees' wages. Most of the respondents state that after the first few weeks of their contract, they are free to find their own accommodation. In practice, however, it is often difficult for foreign workers to find other accommodation when they are working on short-term contracts, especially if they are working in rural areas where the lack of transport options to and from the workplace can be a challenge.



There was no heat and it was very cold ... when it froze outside the electricity didn't work ... I wanted to go back to Romania but I had no money.

SABINA, ROMANIAN WOMAN, NURSERY

Employers forcing migrant workers to live in poor quality, expensive accommodation may immediately appear to be an indicator of exploitation and human trafficking for forced labour, but here, too, the situation can sometimes be more complex and not necessarily as unambiguous as it may look at first glance. Some respondents from the green sector and the cleaning industry were clearly being exploited in relation to their accommodation, but there are also cases where, under the given circumstance, the migrant workers themselves chose what would immediately seem to be unacceptable accommodation even though they were offered something else and better, simply because they prioritised saving as much money as possible and chose to keep their living expenses to a minimum.

Over and above the problem issues mentioned above, a number of respondents from all three sectors describe feeling that they must constantly be at the disposal of their employers. They feel even more marginalised and isolated on account of their limited language skills or because they live and work in sparsely populated areas, or work at times of the day when they do not meet other people. Moreover, many have only limited knowledge of their rights (international standards, Danish legislation, and Danish labour rights) and do not know where to go for additional information or help.



We didn't have time to eat. We ate in the van, and that was our dinner [...] And it doesn't matter if it is 10 in the morning or 2 at night, he [the employer] called me [...] We must always be ready [...] Yes, it's like he owns me.

BEATA, POLISH WOMAN, CLEANING

Finally, many migrant workers experience what is known as a double or multiple dependency on their employers or recruitment agencies in that not only do they provide work and income, but in many cases also take care of accommodation and transport (in outlying areas), grounds for residence (for migrants from outside the EU) and even contact with the healthcare sector, etc. In many cases, the employer thus becomes guarantor of the entire basis of existence for the migrant worker, and simultaneously has the power to withdraw this basis at any time without notice. This translates into an actual and perceived sense of insecurity and dependency.



We think that if you say no the family will not be good to you [...] and you are living with them.

KAREN, PHILIPPINE WOMAN, AU PAIR



They threatened the workers, saying that they would all be sent back to Romania.

SABINA, ROMANIAN WOMAN, TEMPORARY STAFF, NURSERY

The reports document how some foreign workers have been subjected to threats – particularly threats of immediate dismissal, eviction from accommodation and repatriation without pay. The threat of immediate dismissal may at first glance appear paradoxical in the context of a discussion about forced labour. However, the issue should be viewed from the perspective of a group of migrant workers who are already poorly off and, in some cases, indebted, and who are faced with the prospect of losing their source of income and basis for existence without warning while living in a foreign country. For the Ukrainian interns or au pairs, this also threatens to remove the basis for their residence permits, as these are linked to a contract with a specific employer. The terrorising effect of such threats on migrant workers is thus to be viewed in the context of their lack of options in the given situation. Moreover, many of them understand it as a threat that they will not receive the salary they may have owing at that time (whether or not this fear may be justified), and against that background, many workers may feel “compelled” to continue working under conditions and for wages that they would not otherwise have accepted. Some migrant workers have thus experienced not having a genuine option to leave a work situation without fear of reprisals – which is a key element of the definition of forced labour.

Conclusion

- human trafficking for forced labour?

This report and the underlying surveys have focused specifically on critical work conditions for foreign workers in three fields – cleaning, agriculture and nurseries, and au pair work – including potential cases of human trafficking, forced labour and exploitation of migrant workers. In this context, it is important to stress that all three sectors employ thousands of people who enjoy good, decent working conditions. Migration and the demand for foreign labour are, in many ways, a natural development in a globalised world – particularly in the context of an expanded Europe – and the injection of foreign labour into the three sectors can be seen as both useful and necessary. The vast majority of labour migrants benefit from the opportunity to emigrate and find work in other countries with a view to earning more money, which, at the end of the day, can make a major contribution to improving the socio-economic conditions for themselves and their families, both in Denmark and in their countries of origin. In other words, well-regulated labour migration is, in the vast majority of cases, positive for the country of origin and recipient country, for the employer and – in particular – for the migrant workers themselves. This also applies in general for the three sectors in Denmark.

That said, these sectors do have – as documented in the reports – a number of challenges and problems to overcome, and all three sectors feature “rotten apples” and “dubious practices” in the form of employers, staffing and recruiting agencies that are willing to exploit vulnerable migrant workers as far as possible by forcing them to accept living and working conditions that are far below the normal standard in Denmark. All in all, the conclusion is that there are no incidences of actual human trafficking among the people interviewed, who work in the cleaning industry or as au pairs. In contrast, there are many examples of exploitation of labour, and in some cases there are indicators of human trafficking for forced labour, although not to an extent where it is possible to identify actual cases of human trafficking.

The report on the green sector concludes that a single case of “human trafficking-like” conditions has been identified among the respondents to the survey, and that this one respondent was recruited together with 16 other migrants who all worked at the same workplace under the same critical conditions. Moreover, it is likely that this single case actually covers additional cases of “human trafficking-like” conditions. Despite the fact that no cases of actual human trafficking have been identified among the other respondents to the surveys, it is important not to rule out the risk of human trafficking taking place in the future. The recently identified increase in the number of victims of human trafficking for forced labour within a variety of sectors in Denmark (after the surveys mentioned here were prepared) indicates that additional cases are to be expected in future.

As indicated by the continuum model presented at the beginning of this document, it is not normally so much a matter of actual human trafficking as of a series of grey areas, with various examples of exploitation of a potentially vulnerable and exposed group. A number of the respondents have been subjected to systematic exploitation to varying degrees, especially in relation to general underpayment, misinformation during the recruiting process, poor quality and expensive accommodation that they were forced to pay for, and long working days and very few days off without compensation in the form of additional pay or time in lieu. Taking the afore-mentioned continuum model as the starting point, there is a single respondent (from the agreement) who is assessed as being at the critical end (in the red zone) of the scale, while several respondents from all three sectors are considered to be in the mid-

critical range (the yellow zone), i.e. they have been subjected to a number of unreasonable demands and problematic conditions, without it actually being possible to characterise the situation as human trafficking for forced labour.

The three surveys highlight a variety of critical conditions that put pressure on the migrant workers and make them vulnerable to additional exploitation and potential human trafficking.

Firstly, there is a tendency constantly to demand flexible, “willing” and cheap labour, where the respondents not only worked long hours and long periods of days for relatively little money, but also reported feeling that they had to be available at all times, and thus lost their sense of self-determination and the opportunity to enjoy a more normal social life.

Secondly, feelings of isolation and marginalisation are widespread as many of the migrant workers have limited language skills, live and work in sparsely populated rural areas, are generally unfamiliar with their rights and have no contact with trades union or others who can help them in difficult situations such as conflicts of interest with their employers.

Finally, many migrant workers experience what is known as a double or multiple dependency on their employers or recruitment agencies in that not only do they provide work and income, but in many cases also take care of accommodation and transport (in outlying areas), grounds for residence (for migrants from outside the EU) and even contact with the healthcare sector, etc. In many cases, the employer thus becomes guarantor of the entire basis of existence for the migrant worker, and simultaneously has the power to withdraw this basis at any time without notice. This translates into an actual and perceived sense of insecurity and dependency. In other words, employers or staffing agencies have what is known as “*the power to harm or to help*” (Davidson & Anderson, 2003) in many cases. This means that they are in a position of power where they can help the migrant workers – as many reputable employers in the sector do. However, the bad employers can exploit the migrants’ double dependency and vulnerability as is documented in several incidences in this report.

These conditions are primarily the ones that contribute to making some of the foreign workers vulnerable. At the same time, it is the workers’ consciousness of this vulnerability that creates feelings of insecurity and concern among some migrants – insecurity that, at the end of the day, can constitute a significant lever for threats and exploitation.

If exploitation of the migrant workers’ vulnerability is allowed to continue without active efforts being made to remedy the situation, there is a risk that more incidents of human trafficking and forced labour will be identified. This will damage not only the vulnerable migrant workers, but also the industries and sectors involved, as well as all the employers, staffing agencies, supermarkets, hotel chains, consumers and other parties in whose interest it is to maintain reasonable and decent conditions for everyone.

Recommendations

Focus on human trafficking and forced labour will create new challenges for the parties involved, because it has to do with the purchase of standard goods and services with which we all come into contact in our everyday lives. The following general recommendations are made with regard to preventing and combating human trafficking for forced labour:

- Training and education of relevant parties who are already working “in the field” within the different sectors in Denmark, and who are therefore likely to make contact with the vulnerable groups of migrant workers and potential victims of human trafficking.
- Closer collaboration between the players who are already present in the area – employers, trades union, sector associations, NGOs and different public sector institutions. This need for closer collaboration should also apply at international level, where efforts should be made to share information and experience with key organisations and institutions in other countries.
- Initiatives, that are based more firmly in Corporate Social Responsibility (CSR), especially with regard to focus on generating more transparency in supplier chains and chain responsibility with the objective of avoiding exploitation of vulnerable workers.
- Initiatives to increase awareness among the general population (i.e. individual consumers) in relation to the risk and consequences of using exploited, forced labour – possibly even resulting from human trafficking – in the context of purchasing various goods and services.

Further reading

For additional information and documentation, see the survey reports from the individual sectors:

- **Au pair and trafficked?**
 – recruitment, residence in Denmark and dreams for the future. A qualitative survey of the incidence and risk of human trafficking in a group of au pairs – personal situations and stories.

By Trine Korsby, National Board of Social Services, 2010

In Danish only:

- **Menneskehandel i rengøringsbranchen?**
 - En kvalitativ undersøgelse af migrations- og arbejdsvilkårene for en gruppe migrantarbejdere i Danmark.

// **Human trafficking in the cleaning industry? – A qualitative survey of migration and working conditions for a group of migrant workers in Denmark.**

By Trine Korsby, National Board of Social Services, 2011

- **Menneskehandel i den grønne sektor?**

- En undersøgelse af migrations- og arbejdsvilkårene for migrantarbejdere i landbrug og gartneri i Danmark.

- // **Human trafficking in the green sector? – A survey of migration and working conditions for migrant workers in the agricultural and nursery sector in Denmark.**

- By Anders Lisborg, National Board of Social Services, 2011

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THE DANISH CENTRE AGAINST HUMAN TRAFFICKING

- identify, protect and support victims of human trafficking
- organizes the social dimensions in the fight against human trafficking in Denmark
- is a national source of specialized knowledge in the field of human trafficking
- coordinates collaboration between social organizations and authorities nationally

WE ARE RESPONSIBLE FOR

- social outreach work nationwide in massage parlours, the escort business, the penal system, on the street and in accommodation centres for asylum seekers
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WHO CAN RECEIVE THIS ASSISTANCE?

Women, men and children trafficked into for instance prostitution, labour exploitation, begging or crime

MORE INFORMATION?

Contact us on +45 72 42 41 00

E-mail: cmm@socialstyrelsen.dk

Read more at www.centermodmenneskehandel.dk

The Danish Centre against Human Trafficking manages the social dimension of the Danish government's action plan to combat human trafficking.

The Centre is organised under the Danish National Board of Social Services.

