



Research

**“How are people recruited for work in Latvia:
the relationship between recruitment practices
and labour exploitation and trafficking in
human beings”**

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SUMMARY

The objective of the research paper is to identify the connection between recruitment practices and human trafficking for the purpose of labour exploitation. The object of the research paper is persons who have encountered forced labour and/or labour exploitation, as well as experts of the competent authorities. The tasks of the author of the research paper to achieve this objective are to identify, what recruitment practices exist in the countries of origin of labour migrants, how these practices facilitate labour exploitation in Latvia, to establish the target groups subjected to the labour exploitation risk, what are expectations and faced reality of labour migrants, what is the experience and practices of the competent authorities in labour exploitation cases, and what obstacles experts recognise that complicate prevention of exploitation of labour migrants. After summarizing the regulatory enactments that regulate this area, it was concluded that human trafficking for the purpose of labour exploitation is not mentioned in regulatory enactments and it is a relatively new term. Secondly, it was concluded that by properly aligning legislation regulating migration and labour rights, the risks of labour exploitation as a form of human trafficking will decrease.

In general, representatives of the study target group reveal that there is a correlation between what recruitment practices exist in the countries of origin of labour migrants (and their differences compared to employment practices in Latvia and the rest of Europe) and human trafficking for the purpose of labour exploitation.

The employment practice in the countries of origin of labour migrants (Tajikistan, Uzbekistan, India) is characterised by (a) non-formal and non-systematic process, (b) job seeking only through familiar contacts, (c) oral agreement on the job (and all related aspects), (d) relying on and trusting in countrymen and information provided by them (information is not verified). It was established that employment practices in the countries of origin of labour migrants facilitate their labour exploitation in Latvia, because (a) labour migrants do not request an employment contract and other documents, (b) they trust all the information provided by the recruiter, especially when the recruiter is a countryman of

the victim, (c) are not familiar with information on job placement and employment conditions in Latvia, and (d) allow non-formal organisation of employment (without accounting of working hours and salary, labour safety etc.). Practically all labour migrants, who have suffered from labour exploitation in Latvia, have paid amounts up to 3,000 euros to recruiters for job placement in Latvia.

As a result of the research, five main expectations of labour migrants and, respectively, the faced reality concerning their employment in Latvia were identified. Firstly, it is salary. A specific and regularly disbursed salary is promised to labour migrants, but in reality a salary is paid irregularly (or is not paid at all), without justification (for what it is paid), insufficiently, reducing the salary through artificially generated debts, penalties and other deductions (for accommodation, clothing, food) and creating debt slavery. Secondly, it is accommodation. Labour migrants are promised to have proper and paid accommodation, but in reality they are accommodated in inappropriate and frequently anti-sanitary conditions (basements, halls of old stores, on site in the manufacturing department, on old mattresses etc.), making deductions from the salary for such accommodation. The third expectation of labour migrants is job duties. Labour migrants have expected one particular employer and specific job duties (for example, mechanic); however, in reality they are involved in the employee rental business, being rented out to various employers and in different occupations. The rental process has not been explained to labour migrants, it has not been understandable, expected or their own choice. The fourth aspect that was expected from employment in Latvia is working conditions. Instead of the promised specific and proper job duties and working conditions, labour migrants have experienced long working hours (up to 18 hours a day), irregular and unpredictable working hours without a possibility to take days off, or on the contrary – forced downtime for an indefinite period. Working conditions are also characterised by threatening and using of physical violence, aimed at forcing employees to perform their job duties in these specific conditions. Whereas the fifth aspect, which was expected, was arranged documentation that ensures lawful employment in Latvia. When paying the recruitment service fee, labour migrants expected that a visa, travel documents, residence permits and other required documents will be arranged without an additional charge payable to the recruiter. In reality, only a visa was arranged and tickets were bought. Additional fees (deductions from the salary) are charged for preparation of other documents, frequently these documents are not returned to labour migrants (passports and residence permits), whereas employment contracts, applications

and other documents are prepared into Latvian language and have to be signed without any explanations.

Opinions of experts of the competent authorities reveal that State Labour Inspectorate, Information Centre for Immigrants and State Police have the most frequent contact with the potential victims of labour exploitation. The rarest contact is observed with State Employment Agency, Latvian Building Sector Trade Union and employers. The experience of the competent authorities shows that the potential cases of labour exploitation are easier to identify and prevent, when several authorities cooperate. State authorities are able to act only within their competence; therefore, cooperation with other authorities increase the amount of resources and capacity that can be used to identify and prevent cases of labour exploitation.

The research paper reveals that various obstacles exist for prevention of exploitation of labour migrants in Latvia. Firstly, these are shortcomings in regulatory enactments. The main deficiencies of regulatory enactments, which are indicated by experts, are requirements of the Office of Citizenship and Migration Affairs to work placement service providers (so called 'temporary work agencies'), when they employ persons from third countries, causing a situation, when it is impossible to follow, by which employer a migrant is employed, as well as the permitted interpretation of terms "minimum salary" and "amount of finances required for a foreigner". Secondly, combating of labour exploitation is made difficult by the aspect that frequently it is an international chain, where Latvia is only one link, and the complexity of cooperation with the competent authorities of other countries. Thirdly, experts reveal that also cultural differences which exist between labour migrants and the local community complicate solving of labour exploitation cases and providing assistance to victims. The main differences involve understanding of such processes as employment, legislation, seeking assistance, as well as understanding of the situation, which persons have found themselves in. Also the lack of cooperation among the competent authorities and lack of capacity for monitoring activities of work placement service providers were mentioned as obstacles.

During the research the content created by public media (news) portals in 2019 on the topic of labour exploitation was analysed. The analysis revealed that particular attention by media was paid to the case when 16 persons from Tajikistan became victims of human trafficking as a result of labour exploitation, the court proceedings in the case where two workers (milkers) were exploited in Latvia, as well as the campaign of the movie "Oļegs" dedicated

to the topic of labour exploitation. The content of public media news on the topic of labour exploitation is created not only from major events, but also from opinions of experts of various competent authorities. As a result, media reflect content that educates society on the risks and the true “face” of modern slavery, draws attention to the problem of labour exploitation and the shortcomings that prevent elimination of this problem, as well as calls society to be active and participate in prevention of this problem.

The results of the research show that various preventive measures are required for prevention of exploitation of labour migrants. The main measure (or a set of measures), which has to be implemented, is education of society and labour migrants (on the employment system, recruitment, regulatory enactments, rights, obligations and risks). Experts indicate that to achieve this objective it is required to improve the existing tools (for example, the web site of the State Labour Inspectorate) and create new ones (for example, a mobile app on job opportunities in Europe). To prevent labour exploitation more successfully, experts call the competent authorities for closer cooperation, which will facilitate detection and prevention of labour exploitation cases, as well as provision of assistance.