

EXPERT FORUM
ON PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

Identification of victims in the country of destination and of origin

Case no 3279
„A story about three men“

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The call and ... eyecontakt



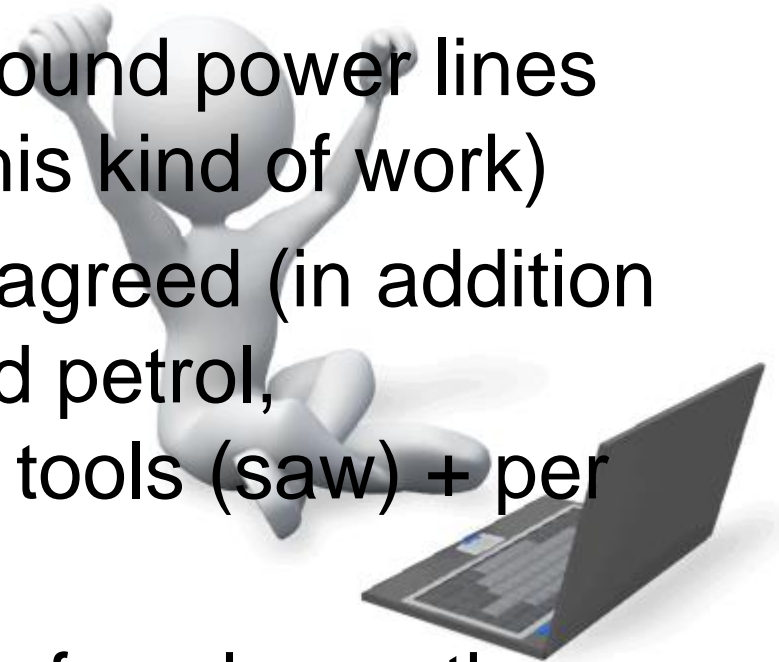
...We should known better

- ✓ 25.06.2012 call to Human Trafficking Prevention and Victim Help Hotline +372 6607 320
- ✓ **„We would like to tell you everything“**
- ✓ After 2 days we meet in office with three Estonian speaking men in age 47, 43 and 32
 - Long and „emotional“ talk about what happened
 - Feeling **stupid, guilty and embarrassed**
 - **„We should known better“** talk
 - How „he“ (employer) can behave with people like that!?



...cutting tree branches around power lines

- ✓ workers found the employer through advertisement
- ✓ work since May till December 2012 (8 months)
- ✓ cutting tree branches around power lines (workers had skills for this kind of work)
- ✓ salary for the work was agreed (in addition free accommodation and petrol, reimbursement for work tools (saw) + per diems)
- ✓ payday on 15th and 1st of each month



Reality



...drive to work in a trunk of car

„Free“ accommodation



... an empty room in unfinished house

- ✓ an empty room in unfinished house
- ✓ men **slept on a floor** on mattresses without pillows and blankets;
- ✓ there were **no tables or chairs**, so men were eating sitting on the floor, lacking of basic dishes
- ✓ **house was not heated**, so on chilly days rooms were cold and had to go often to work in wet clothes

- ✓ employer didn't sign occupational safety papers, didn't carry out occupational **safety training and occupational safety demands were ignored**
- ✓ men were **not provided with safety equipment or clothing**
- ✓ men were often had to work during the rain, clothes were all wet, but employer **was not willing to provide protective clothing**
- ✓ one man of three had to **drive to work in a trunk of employer's car**

500 km from Helsinki



... Working without safety equipment or clothing

Work hours



... Working 25 days without any days off

- ✓ Employer **decided when workday starts and ends**
- ✓ Employer worked together with men but he made them conduct the hardest, most complicated and dangerous tasks, while leaving easier work for himself
- ✓ During period from 10.05.2012 till 03.06.2012 men worked without any days off
- ✓ **Salary rates were changed constantly**



Humiliation from employer

... employer hired only foreigner workers
for their lack of knowledges about local laws and language

„For Estonian you ask too many questions“

„You are lucky that you work for me and at least you have a roof above your heads“

„You are stupid and deserve what you get“

„Nothing will happen to me, even if you go and tell anybody“

„Who will believe a strong men like you?!“

„You can't go anywhere you still own me“

Starting the case no 3279



...in the beginning of summer (vacation times)

- ✓ Writing down everything what is important
- ✓ Repeated contacts with the men for clarifications
- ✓ First letter to employer – no answer
- ✓ Second letter to Finish Occupational Safety and Health Administration – referred to...
- ✓ ...Third letter and many calls to Regional State Administrative Agency for Southwestern Finland – **got replay**

Conclusion on 19.09.2012: 4 pages about different violations

Folders

Last Refresh:
Wed, 3:39 pm
[Check mail](#)

[INBOX](#)
[Drafts](#)
[Sent](#)
[Trash \(Purge\)](#)
[spam](#)

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Subject: [REDACTED]
From: "Laakkonen Merja" <merja.laakkonen@avi.fi>
Date: Wed, September 19, 2012 12:32 pm
To: "info@lft.ee" <info@lft.ee>
Priority: Normal
Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#)

Please find enclosed the inspection report on the case mentioned above. My conclusion is, that [REDACTED] has failed to fulfill several employer's obligations. I have issued for the employer written advices on these matters in my report. I have also forwarded the report and all the material regarding this case to our lawyer, who will study the case and consider, if there has been committed any punishable act by finnish law. If you need more information or want to discuss, you can reach me either by phone or email after 1st October 2012.

BR

Merja Laakkonen, Inspector
Occupational safety and health
tel +358 29 501 6978
exchange +358 29 501 6800
email given name.last name@avi.fi

Regional State Administrative Agency for Eastern Finland
Visiting address: Vuorikatu 26 A, 5th floor
Postal address: P.O.Box 1741, FI-70101 Kuopio
www.avi.fi/ita
www.tyosuojelu.fi

-----Alkuperäinen viesti-----

Lähtettäjä: Living for Tomorrow [<mailto:info@lft.ee>]



Aluehallintovirasto
Työsuojelun vastuualue

Tarkastuskertomus 12/826

1 (9)

18.9.2012

Työsuojelutarkastus ulkomaalaisen työvoiman käytöstä

Tarkastuspäivä ja -aika 5.9.2012
Toiminnan harjoittaja [REDACTED], yksityinen elinkeinonharjoittaja
Osoite [REDACTED]
Y- tai rekisteröintitunnus [REDACTED]
Tarkastaja Merja Laakkonen
Osallistajat suositin tarkastuksen kirjallisten selvitysten perusteella

[REDACTED], palveluksessa 10.5. – 3.6.2012 olleet ulkomaalaiset työntekijät ovat pyytäneet Itä-Suomen aluehallintoviraston työsuojelun vastuualueelta tarkastusta, jossa selvitetään, onko työnantaja heidän työsuhteessaan käyttänyt työnantajavelvoitteenaan Suomen lakien ja työehtosopimuksen mukaisesti. Edellä mainittu vastuualue on asiassa toimivaltainen, koska työn tekeminen on tapahtunut Itä-Suomen alueella.

Lähetin 23.8.2012 selvityspyyntöä työnantajalle, jossa annoin määräajan 7.9.2012 selvityksen antamiselle. Työnantaja toimitti kirjallisen selvityksensä 5.9.2012.

1 Toiminnan harjoittajalle annettavat toimintaohjeet

1.1 Työnteko-oikeuden varmistaminen

Työnantaja on selvityksessään ilmoittanut ulkomaalaisten työntekijöidensä työnteko-oikeuden perusteeksi suomalaisen verokortin. Verokortti annetaan kuitenkin kaikille, joilla on verotettavaa palkkatuloa. Verokortti ei osoita työnteko-oikeutta, sillä se ei sisällä sellaista tietoa, joka osoittaisi mahdollisen työntekijän oleskeluluvan tai ettei sellaista tarvita.

Työnantajan on selvitettävä palvelukseensa tulevien ulkomaalaisten työnteko-oikeus. Työnantaja voi varmistaa työnteko-oikeuden työntekijän passista. EU tai ETA-maiden kansalaiset eivät tarvitse työntekijän oleskelulupaa. Henkilökortilla voidaan osoittaa EU tai ETA-maiden kansalaisten työnteko-oikeus silloin, kun siinä on merkintä henkilön kansalaisuudesta.
Ulkomaalaislaki (301/2004) 73 §

1.2 Tietojen säilyttämismvelvollisuus

Katso perustelut kohta 1.1.

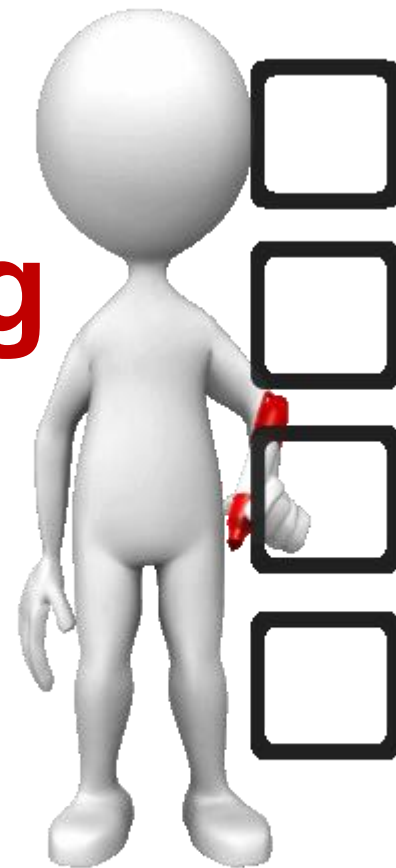
Työnantajan tulee säilyttää työpaikalla tiedot palveluksessaan olevista ulkomaalaisista ja heidän työnteko-oikeutensa perusteista. Yksinkertaisimmin tämä hoituu esimerkiksi ottamalla kopio ulkomaalaisen työntekijän passin henkilötietosivusta, sekä siitä sivusta, josta ilmenee työntekoon oikeuttava peruste

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Indicators of trafficking of adults for labour exploitation (ILO)



INDICATORS OF DECEPTIVE RECRUITMENT

Medium Indicators

- ✓ Deceived about content or legality of work contract
- ✓ Deceived about housing and living conditions
- ✓ Deceived about wages/earnings

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

- ✓ Control of exploiters
- ✓ False information about law, attitude of authorities

INDICATORS OF EXPLOITATION

Strong Indicator

- Excessive working days or hours

Medium Indicators

- Bad living conditions
- Hazardous work
- Low or no salary
- No respect of labour laws or contract signed
- No social protection (contract, social insurance, etc.)
- Very bad working conditions
- Wage manipulation

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

- ✓ Isolation, confinement or surveillance

Medium Indicators

- ✓ Under strong influence
- ✓ Withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

Medium Indicators

- ✓ Dependency on exploiters
- ✓ Difficulty to live in an unknown area

