

Indicator checklist

Labour exploitation, forced labour and human trafficking

1. RECRUITMENT

1.1. Was the employee deceived during recruitment?

- Did recruitment take place through informal channels? (e.g. via internet or acquaintances, without precise information about working conditions)
- Was the employee offered a contract that was illegal in Germany?
- Was the employee misled about earning potential?
- Are the work and working conditions (time, place, environment) not the conditions promised during recruitment?

1.2. Was the employee in a particular state of need during departure or entry?

- Is this the employee's first time abroad?
- Was the employee dependent on third parties for the preparation and/or organisation of the trip (ticket, travel documents, permits)?
- Did the employee enter irregularly?

2. COERCION IN EMPLOYMENT RELATIONSHIPS

2.1. Is the employee in debt to the employer or intermediary?

- Do the travel costs have to be paid back or paid for by the employee?
- Are there high upfront fees before starting work, e.g. for placement?
- Did the employee take out large loans in their country of origin to pay debts to the employer/intermediary?
- Are the debts increasing due to new/subsequent (unreasonable) demands from the employer (for accommodation, fees, etc.)?
- Are repayment modalities unclear and/or difficult to verify for the employee?

2.2. Are wages withheld in full or in part?

- Are wages initially withheld with the promise of later wage payment?

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- Did the employee receive only a small amount at the beginning of the job, but then no further payment?
- Does the employee not have access to their earnings? (e.g. wages paid to third parties)

2.3. Is the employee isolated/ locked up/ monitored?

- Is it the case that the employee
 - ... is not allowed to choose their accommodation freely?
 - ... does not have free access to telephone/ internet?
 - ... cannot move about freely? (e.g. because his/her identity card has been taken away)
 - ... has restrictions regarding social contacts (e.g. with neighbours, fellow employees)?
 - ... does not know the surroundings and is perhaps transported to the workplace (and back) by the employer/intermediary?

2.4. Is the employee being intimidated?

- Is it the case that the employee
 - ... Shows signs of abuse?
 - ... seems restless, scared and/or insecure?
 - ... is/was threatened with violence?
 - ... is threatened with being reported to the authorities?
 - ... is coerced into lying to authorities? (e.g. pre-arranged answers during inspections)
 - ... is threatened by the employer with even worse working conditions or a "punitive transfer" to another job?

2.5. Is the employee's lack of knowledge about legal provisions concerning work or residence or their helplessness being exploited?

- Is it the case that the employee
 - ... has irregular residence status?
 - ... is bound to the employer in terms of residence law?
 - ...lacks a work permit?

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- ... has no financial means of their own (e.g. to leave the employer/for the journey home)?
- ... cannot or can barely make themselves understood in Germany?
- ... is unaware of their labour rights in Germany (working hours, minimum wage in the sector, time off rules, etc.)?
- ... accepted extremely poor working conditions over a long period of time?

3. EXPLOITATIVE EMPLOYMENT

3.1. Are things wrong with the employment contract or wage payments?

- Is it the case that...
 - ... there is no employment contract?
 - ... the employment contract is written in a language foreign to the employee?
 - ...there is an unofficial "second contract" with worse conditions?
 - ... the working hours stipulated in the contract are clearly understated or overstated?
 - ... the pay is lower than the minimum wage?¹
 - ... there are wage deductions as "penalties"?
 - ... no overtime is paid?
 - ... payroll records are manipulated?²

3.2. Are the working hours in excess of the legal limits?

- Is it the case that there are ...
 - ... regular overtime hours?
 - ... no breaks or only extremely short ones (which may be interrupted arbitrarily)?
 - ... no days off?

¹ less than half of the (statutory or collectively agreed) minimum wage, including, if applicable, normal supplements and special payments

² e.g. unsigned timesheets; no payslips or incorrect ones/ no receipts for wage payments or incorrect ones; excessive deductions for accommodation / food / clothing

3.3. Are social protections or occupational health and safety measures lacking

- Is it the case that...
 - ... the employee is denied sick days?
 - ... the employee does not receive protective clothing from the employer or that protective clothing is insufficient?
 - ... the employee was injured during working hours, but did not receive appropriate medical care after the occupational accident or was the employee denied such care?
 - ... that occupational accidents were not reported to the employers' insurance?

3.4. Is the employee's room and board of poor quality?

- Is it the case that there is ...
 - ... poor accommodation? (too many employees housed in a small space; unhygienic conditions; no heating or no electricity).
 - ... inadequate food/bad general employee health?

SECTOR-SPECIFIC INDICATORS

3.5. Construction

- Is the employee's only contact a foreman or forewoman who may have given a false name/telephone number?
- Did the employee have to pay a "deposit" to the recruitment agency that is withheld if they engage in trade union activities or strikes in the destination country?

3.6. Building cleaning

- Is the employee paid per room cleaned, but the amount per room is set so low that the hourly earnings are extremely meagre?
- Does the employee also have to pay for cleaning equipment and cleaning products despite low pay?

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3.7. Food industry

- Did the employee have to pay a "deposit" to prevent them from "running away"?
- Does the employee have to do additional work that is not in the employment contract (e.g. cleaning/gardening in the employer's household, looking after children/ family members in need of care of the employer)?
- Does the employee live where they work? Is the employee at work around the clock? Does the employee have no privacy?
- Was the employee registered with the authorities only after having to start work?
- Does the employer assume the right to speak on behalf of the employee to others (e.g. in hospital)?

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