

CHALLENGES AND OPPORTUNITIES IN IDENTIFYING TRAFFICKING FOR FORCED LABOUR 5 YEARS ON

MIGRANT RIGHTS CENTRE IRELAND

€91,000 for 'slave' worker

Slave man €86k

Restaura

by Noel Baker

AN award-winning restaurant was hit with a heavy blow last week when the court ordered its owner to pay a migrant worker the €86,000 it owes him after being found guilty of gross exploitation. The Labour Court has ordered Anjad Hussain, owner of the Poppadom restaurant, to pay Muhammad Younis after becoming aware that the restaurant made him work 77-hour weeks for below the minimum wage. The Pakistani man said working at the restaurant was like "I feel I had to be forced out. I have been housed for 15 years out of my family. I owned a business, but because of the loss of my wife and kids, I was left with no money." The Labour Commission heard...

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PAID €50 A WEEK AND NO DAYS OFF

By SARAH STACK

A RESTAURANT boss has been ordered to pay a migrant worker €116,000 compensation — after leaving him with just €50 a week and giving him almost no days off for five years — it emerged last night.

Restaurant boss must pay migrant worker €116k for shocking abuse

He had virtually no days off. His employer — who cannot be identified — kept his passport and threatened him with the loss of his work permit and deportation if he complained, the commission heard. He was sacked when he sought help. The Migrant Rights Centre Ireland — which represented the man at the hearing last December — said the case contained all the elements of human trafficking for forced labour. ● The Rights Commissioner's ruling can be appealed at an Employment Appeals Tribunal.

Labour Court ordered Poppadom restaurant chain owner Anjad Hussain pay Pakistani chef Muhammad Younis €91,000 over breaches of employment rights. Mr Younis said he was forced to work 77 hours a week as a Tandoori chef at Poppadom take-away in Clonsilla, with Christmas Day his only time off during the seven years he worked there.

During that time he was paid just €16 an hour between 2002 and 2005, although he secured increases to €4.46 an hour in 2005 and €6.25 an hour in 2006, all well below the minimum wage.

Undocumented

Mr Younis said he was also



The Poppadom takeaway premises where Muhammad Younis worked for seven years. IAIN CONNOR

under the National Minimum Wage Act 2000 and €5,000 under the Organisation of Working Time Act 1997.

However, Mr Younis may now face another legal battle to get his money, as the MRCI said it may have to seek an order for



Muhammad Younis, originally from Pakistan, said he was forced to work 77 hours a week. TOUAK MURPHY

Item seeks allowance of €15,000 a week, and has been seeking a new job to secure a work permit. The case is one of 150 taken by the MRCI in the past six years — including five cases this year — for a variety of workers including domestic and restaurant staff, farm and clean workers



MRCI

- ❖ National organisation working to promote justice, empowerment and equality for migrant workers and their families
- ❖ Workplace Rights Low-wage sectors – Restaurant, agri-food, domestic work, cleaning, - most at risk of Forced Labour
- ❖ Trafficking & Irregular Migration
- ❖ Community Work- Leadership Development
- ❖ Campaigns - Short & Long term



Identification

- ❖ Only centre that identifies, rescues and supports victims of Trafficking for Forced Labour (TFL) mainly in at risk sectors e.g. domestic work, restaurants, agriculture
- ❖ Operates all over Ireland
- ❖ In the last 6 years uncovered approx. 200 cases of slavery and referred 22 cases (1 pending) to the Garda National Immigration Bureau



Support provided to victims

- ❖ Provide assistance to leave situation
- ❖ Transport and place in direct provision hostel
- ❖ Assess case and prepare report for An Garda Siochana
- ❖ Assess employment breaches and liaise with solicitor to seek compensation
- ❖ Refer externally and liaise with specialised services
- ❖ Meet with the person regularly to provide information and assess needs
- ❖ Support participation in action groups for support and in campaign work

KEY CHALLENGES IN IDENTIFICATION

- ❖ **Element of threat and control that is used by perpetrators to keep victims in a subservient position- need to be more comprehensively understood**
- ❖ This control involves psychological or physical abuse, or both resulting in the victim losing complete control of their own life – loss of freedom or autonomy.
- ❖ Perpetrators' techniques are becoming increasingly sophisticated.
- ❖ They use their power to exploit victims' vulnerabilities, putting the person in a subordinate position



CHALLENGES

- ❖ Victims need to be identified and avoid creating secondary trauma
- ❖ Reflection and recovery period which would achieve early identification no longer operates –victims live in a terrible limbo
- ❖ No prosecutions – Criminal law (Human Trafficking Amendment) 2013 Act could change this
- ❖ Proactive targeting required to uncover cases- needs to be resourced




CHALLENGES


- ❖ New forms of forced labour emerging e.g. forced criminal activity
- ❖ Loop holes in law and policy need to be addressed- status of undocumented workers/legal channels of migration and employment permit conditions
- ❖ Greater role for National Employment Rights Authority in the investigation of TFL required in cooperation with An Garda Siochana



NEW OPPORTUNITIES

- ❖ **New National Action Plan to combat Human Trafficking –Take on Board recommendations of GRETA**
 - ❖ **Measures pending to protect Domestic Workers in Diplomatic Households**
 - ❖ **Amendment to the legislation in place which enables forced labour in all its forms to be prosecuted**
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Opportunities Continued

- ❖ Openness to address victims rights/need to reinstate Reflection and Recovery period
 - ❖ Greater role for NGO's in identification-Multi-agencies approach
 - ❖ Greater understanding of psychological impact of slavery needed
 - ❖ Victims of Crime Directive to be transposed - strengthen rights
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FOR MORE INFORMATION

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