

ESTONIAN MIGRANT WORKERS AS TARGETS OF TRAFFICKING FOR FORCED LABOUR AND LABOUR EXPLOITATION

Kadri Soo and Anna Markina

1. Introduction

The last two decades have been a period of increased migration between Estonia and other European Union countries. The process started after the independence of Estonia in 1991, intensified with the accession of Estonia to the EU in May 2004 and has continued since then. The main driving force in this process has been the large difference in income levels between the "old" and "new" European countries. The economic crisis, accompanied by a high level of unemployment, has contributed to the process of labour migration from Estonia even more. While for the majority of persons labour migration has been a successful experience, this has not always been the case. Each year brings more and more stories about the bad experiences some persons have had in the entire process of migration – starting from dishonest job facilitators and ending with tragic stories of slavery-like working conditions. This experience, however, has been so new that people have been left alone with their problems. It becomes clear that the topic of exploitative labour and trafficking for labour exploitation needs the attention of practitioners, victim assisting NGOs and researchers.

In 2009–2010 Tartu University together with HEUNI and Warsaw University conducted an EC funded research project entitled FLEX: Trafficking for Forced Labour and Labour Exploitation. While discourse on human trafficking at that time was primarily focused on trafficking in women for sexual exploitation, the FLEX project was the first attempt to move beyond a narrow understanding of the phenomenon. The research confirmed the existence of the problem of trafficking for forced labour and labour exploitation from Estonia to other EU countries and, to a lesser extent, from third countries to Estonia (Kask & Markina 2011.)

When the FLEX research project was conducted, one of the main challenges encountered by the research team was lack of awareness, usually expressed as little interest towards the topic of forced labour and labour exploitation. The researchers experienced this lack of awareness among experts as well as among Estonian people who met with problems while working or seeking employment abroad. The research found that among the general public the level of knowledge regarding human trafficking as well as regarding exploitation, labour rights and human rights in general is rather poor. This strongly influences their behaviour as migrant workers. (Kask & Markina 2011.)

The report also concluded that the low level of interest in the topic among the relevant experts could be attributed to a number of reasons, including the lack of trafficking-specific legislation. Cases that involved features of human trafficking that have reached the court were usually prosecuted as facilitation of prostitution, and most of the cases that might be related to labour exploitation or forced labour end up in court as fraud cases, even when they involve trafficking elements. (Kask & Markina 2011.)

In respect of Estonia as a destination country for labour trafficking, the report found that the main reason that authorities do not identify cases of trafficking for forced labour and labour exploitation is that law enforcement institutions lack relevant jurisdiction. In 2010, no institution had jurisdiction or a legal obligation to control the factual situation at workplaces, and the interviewed experts demonstrated no appreciable interest in changing the situation. (Kask & Markina 2011.)

This overall lack of awareness resulted in a situation where on one hand people who have been exploited while working abroad were not identified as victims by the state authorities and, on the other hand, they felt ashamed and blamed themselves for ending up in the exploitative situation. It was nearly impossible to find respondents with first-hand knowledge. As a result, the FLEX research was mostly based on interviews of experts and mass media accounts on trafficking for labour exploitation. (Kask & Markina 2011.)

1.1 Aims of this report

This report was prepared as part of the ADSTRINGO project: Addressing trafficking for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches. The project is implemented with the financial support of the Prevention of and Fight against Crime Programme European Commission – Directorate-General Home Affairs.

The objective of the present study is to analyse existing evidence on forced labour and labour exploitation more systematically, looking into the elements of labour exploitation, which are the coercive recruitment and employment practices in certain labour market sectors.

The project seeks to answer the following questions:

- What are the main sources of evidence when studying labour exploitation and trafficking for forced labour in Estonia?
- What are the target sectors and countries for migration?
- What are the main problems leading to labour exploitation in the recruitment process?
- What kind of exploitative situations do Estonian nationals face abroad?
- What are the main mechanisms of exploitative employment practices?

- What are the main risk factors for labour exploitation?
- How do current legislative and institutional means respond to labour exploitation situations and trafficking for forced labour to and from Estonia?

Taking into account our experiences with the FLEX project, the problems referred to above were addressed while planning the research for the current ADSTRINGO project. First, we widened the spectrum of official documents that could be used as a source of information for research on labour exploitation. For example, we did not limit our search to criminal cases only but included also labour dispute cases, documents related to the revoking of licences of labour exchange agencies. Second, while there are still no relevant court cases in Estonia on trafficking for labour exploitation, we read through all fraud cases in order to identify those court decisions that are relevant to issues of labour exploitation. Thirdly, we used our local network as well as the network of our international partners to access people who have experienced different forms of exploitation. Because for Estonia, as a source country in the trafficking process, labour exchange and recruiting are important issues, we also decided to give voice to labour exchange agencies and recruitment firms.

1.2 Existing laws and actors dealing with labour trafficking in Estonia

The existing legislation regulating the sphere of human trafficking was analysed in detail as part of the FLEX report (Kask & Markina 2011, 261–268). The main problem regarding the legislation on trafficking was that until 2012 Estonia lacked a trafficking-specific law. Existing laws did not adequately prohibit and punish all forms of human trafficking, including the transportation, harbouring, obtaining, or recruitment of a trafficking victim and the use of coercion as a means to traffic a person. In April 2012 the enslavement provision of the Estonian Penal Code was amended to include the notion of trafficking in human beings. The Penal Code was amended by adding new paragraphs criminalizing trafficking in human beings. These paragraphs are:

§ 133. Trafficking in human beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by 1 to 7 years' imprisonment.

(2) The same act, if: 1) committed against two or more persons; 2) committed against a person of less than 18 years of age; 3) committed against a person in a helpless situation; 4) committed in a torturous or

cruel manner; 5) serious health damage is caused thereby; 6) danger to life is caused thereby; 7) committed by two or more persons; 8) committed by taking advantage of official position, 9) serious consequences are caused thereby; is punishable by 3 to 15 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.

§ 133. Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in any situation specified in subsection 133 (1) of this Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to 5 years' imprisonment.

(2) The same act, if: 1) committed against two or more persons; 2) committed against a person of less than 18 years of age; 3) committed against a person in a helpless situation; 4) committed by taking advantage of official position, shall be punished by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.

§ 175. Human trafficking in order to take advantage of minors

(1) A person who influences a person of less than 18 years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of this Code, and a person aiding the above-mentioned activities of a person of less than 18 years of age, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of 83² of this Code.

In addition to three paragraphs that define human trafficking precisely, there are several paragraphs that contain certain elements of trafficking. As the results of legislative changes, Estonian laws now cover all elements of human trafficking set out by article 2 of EU directive 2011/36/EU.

According to the Estonian Penal Code, trafficking in human beings refers to “placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person”. This new definition covers various forms of human trafficking: sexual exploitation, forced work, begging and forced criminal exploitation. The issue of consent that was often a matter for discussion is also explicitly stated in the definition: the consent is irrelevant if the trafficker took advantage of the helpless or vulnerable situation of the person. The new Estonian definition of human trafficking has no reference to migration. This is in line with the recommendation of ILO and EU experts group on trafficking in human beings, according to which the main focus in identifying trafficking should be on the situation of exploitation rather than on the movement element (European Commission 2004).

Estonia has a national action plan on reducing violence, which includes preventing and combating human trafficking as one of its four objectives. In 2009, Estonia issued official guidelines for practitioners on human trafficking victim identification. The guidelines have served the purpose of awareness raising among law enforcement agents and other practitioners. Today the guidelines are being updated according to the changes in Estonian law.

In the following is a short description of the agencies which are the most likely to come across cases of trafficking for forced labour and labour exploitation.

The Labour Inspectorate is a government agency operating under the Ministry of Social Affairs.¹ The Labour Inspectorate arranges for the exercise of state supervision in the working environment and labour relations, resolves individual labour disputes and implements state measures on the basis and to the extent prescribed by law. The Labour Dispute Committee subordinated to the Labour Inspectorate solves disagreements under private law over an employment contract between an employer (registered in the Republic of Estonia) and an employee. If the basis of the claim is a contract for services, an authorisation agreement or some other agreement based on the Obligations Act, then the labour dispute committee does not proceed with the application. The employee may turn to the labour dispute committee if he/she wishes the

¹ The official webpage of the Labour Inspectorate: <http://www.ti.ee/index.php?page=10&>

committee to rule on the nature of the contract, i.e. to recognise the contract as an employment contract.

In 2012 labour inspectors visited 539 enterprises with the aim of inspecting labour relations (Labour Inspectorate 2013). The number of applications submitted to the Labour Dispute Committees was 2,983 for the same period, out of which 335 were from employers and 2,648 from employees. The majority of applications were submitted by construction workers and the most frequent claim was non-payment of wages (1,207 times). Unfortunately, the cases related to migrant and local workers were not distinguished in the statistics of the Labour Inspectorate, nor were incidents that can be considered to be labour exploitation.

The role of the Police and Border Guard Board, more specifically the Division of Citizenship and Migration, in respect of human trafficking, is to control labour migration on the border and detect illegal migrant workers. The division conducts random raids in enterprises that may employ foreign labour in order to check that these persons have the necessary residence and work permits. The police also conducts crime investigations in cases of human trafficking and fraud, among others.

Estonian embassies and missions play an important role in helping Estonians who have gone to work abroad and face labour exploitation. According to the Consular Act, the missions provide consular services to Estonians in foreign states and protect them abroad. They shall provide consultation and assistance to Estonians in distress due to an accident, falling victim to a crime or other circumstances in order for them to contact their families, return to Estonia or in order for their rights to be protected. A consular officer or an honorary consul shall assist a person who has fallen victim to a crime in finding medical and legal assistance. If necessary, they organise communication between that person and the law enforcement authorities of the receiving state. However, there is no information about the number of Estonians who have turned to the embassies for assistance in the case of labor exploitation.

Living for Tomorrow (LFT) is an NGO with the aim of preventing human trafficking and providing victim assistance, including hotline services. The hotline provides information to individuals who plan to go abroad to work or assist those who have been victimised. The LFT professionals help people exposed to labour exploitation or trafficking to prepare a statement for the relevant authorities and provide some legal help. In 2011 the LFT identified 20 cases of labour exploitation (4 women and 16 men). In 2012 the number was 14 (all men) (LFT 2011; 2012).

The Estonian Trade Union Confederation (ETUC) represents the interests of employees in collective agreements and protects the rights of employees in employment relations, consults employers on developing a sustainable labour market and the government on developing a socially sustainable economic

model.² The ETUC comprises 20 branch unions that represent state and municipal government officials, education workers, health care workers, transport workers, industrial workers (including energy, light industry, food industry, timber and metal industry) and people employed in the service sector (postal, communication, trade, hotel and cleaning sector workers, etc). However, the role of trade unions is relatively unimportant in respect of the human trafficking cases of migrant workers.

1.3 Definition of human trafficking for forced labour

The notion of trafficking for forced labour needs clarification. In the definition of forced labour, most often the list of indicators suggested by ILO is used. These indicators are (ILO, 2012):

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

ILO notes that the presence of a single indicator may in some cases imply the existence of forced labour, while in other cases several indicators should be examined together in order to point to a forced labour case. Anti-Slavery International, one of the leading organisations combating forced labour (2006, p.8), notes that indicators of forced labour are often present in combinations of two or more. It is recommended that even when at least one indicator listed by ILO is identified, an investigation should be initiated, and when there are two and more indicators present, the case should be identified as forced labour.

It is not always clear whether an individual case could be identified as exploitative labour conditions, forced labour or a trafficking case. As many authors note (Lisborg 2012; Skrivankova 2010), for working people there is a

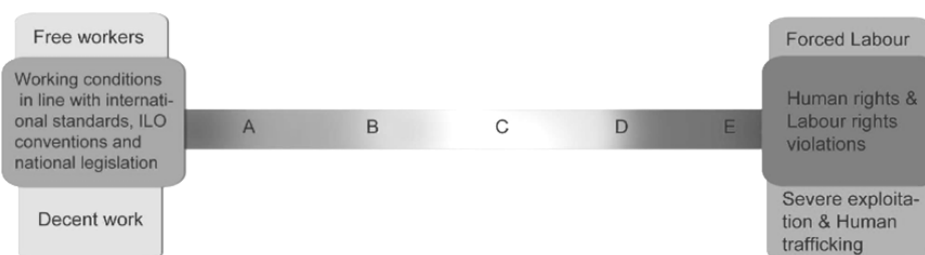
² Official website of Estonian Trade Union Confederation:
<http://www.eakl.ee/index.php?pid=418&lang=7>

continuum of experiences ranging from decent work to extreme exploitation in the form of forced labour.

According to Skrivankova (2010), trafficking is a sub-set of forced labour rather than a synonym of forced labour. The author notes that if forced labour is punishable only when linked to trafficking, those in non-trafficked forced labour find it even more difficult to seek justice. She argues, therefore, that the idea of a ‘continuum of exploitation’ is useful in order to understand the situations of forced labour in its complexity. There is decent work on the one (positive) extreme of the spectrum, and forced labour on the other (negative) extreme.

Lisborg (2012), in defining trafficking for forced labour, also presents working conditions on a continuum, ranging from free workers and decent work on one side of the spectrum and forced labour on the other side (Figure 1).

Figure 1. Working conditions on a continuum – from decent work to human trafficking



- A. Workers in decent work conditions. General good standards including good living conditions and fair wages.
- B. Workers who know 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 know 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.

Source: Lisborg (2012).

Migration, as has already been mentioned, is not the crucial element in trafficking for labour exploitation. Instead, it is the migrant status that puts a person in a vulnerable situation that could be easily abused. Haynes (2009) argues that not only are migrants likely to be economically vulnerable during the relocation, migrants often face a situation where they cannot rely on the protection of the state they left behind and also have not yet procured the protection of the state in the destination country. Therefore, Haynes suggests, the protection granted by law should be extended not only to those whose

situation fits the definition of trafficked persons but to all cases of exploitation of migrants.

Different situations of exploitation need different interventions provided by law, in particular criminal and labour law. According to Skrivankova (2010), “within the complex environment of causes and contributing factors, forced labour should be addressed both as an issue of labour (human) rights as well as through the criminal justice system” (ibid., 21).

The approach applied in the current research reflects this understanding. We looked at the working conditions on the continuum and while collecting data we paid attention to all ILO indicators. Moreover, and, rather differently from the approach we had in the FLEX project, we broadened our understanding and the scope of the data collection from criminal law to other areas of law, particularly labour law. Bearing in mind that the issue of forced labour does not necessarily involve moving from one country to another, for the purpose of the current project we concentrate on cases of labour exploitation involving migrant workers. Usually, these are migrants from Estonia seeking employment in EU countries, mostly Finland.

In this report the terms “human trafficking for forced labour”, “work-related human trafficking“, and “labour trafficking” are used interchangeably, bearing in mind the theoretical concept of the continuum between decent work and severe exploitation and trafficking. The terms used refer to situations where various elements of exploitation are present.

2. Data and methods

In this study different sources have been used to obtain an overview of the patterns in, and of the victims and perpetrators of, work-related human trafficking and labour exploitation, and also the court judgments of cases involving labour exploitation. The main data of the study comes from qualitative interviews and various documents, which are further described below. In addition, we used media reports and expert opinions of professionals (collected during seminars and personal communications) who are closely engaged with labour exploitation problems.

2.1 The interviews

2.1.1 Interviews with migrant workers

In the winter and spring of 2013 we conducted nine semi-structured interviews with persons who have experienced labour exploitation. The aim of the interviews with the victims was to examine their experiences of exploitation during the recruitment period and while working in a foreign country. First we planned to find the victims using social media and personal contacts. We posted an invitation to participate in our study to our personal Facebook account walls both in Estonian and in Russian and asked our friends to share it. In the invitation we avoided labelling such persons as ‘victims’ because those who have experienced labour exploitation may not identify themselves as victims. The Estonian version of the invitation was shared about 40 times, the Russian version was not shared once. In addition, information about the study was forwarded via emails and we wrote to a person who warned others in his/her social media pages about dishonest employers based on his/her personal experience. However, these methods were not successful, since no one contacted us.

The recruitment of respondents using social media is used in various areas of sociological, marketing or health research. It has been successfully employed in studies of hidden populations, for example in a study of illicit drug users (Miller & Sønderlund 2010). Encouraged by these examples, we hoped for success in our research. Looking back at the attempt, we can see several reasons for the failure of this strategy in the case of the project at hand. First of all, recruitment of vulnerable respondents on a non-systematic, voluntary basis could be best described as snowball sampling. For this approach it is crucially important to establish the first contact that would create an atmosphere of trust. As we did not begin with personal contact with a migrant worker, we missed the chance to start the chain of recruitment. The second reason for the failure of our strategy would be that we did not take seriously the fact that social networks of female researchers working at the university would be different from those of migrant workers. Hoping that at some point the networks will overlap was not a fruitful strategy. It would be wise to reach the networks of migrant workers via middlemen who have important contacts with persons who

have experienced labour exploitation. The third reason is that we took for granted that at least some considerable part of migrant workers use social media (particularly Facebook) for communication. Although no specific question on social media was asked, the respondents we finally recruited for the interviews never mentioned using social media for communication or information search.

Next we turned to a non-governmental organization (NGO), called 'Living for Tomorrow', in order to find interviewees. This NGO offers counselling for victims of human trafficking and labour exploitation. With the help of this NGO we managed to contact three migrant workers. Another seven participants were found via the Finnish project partner, HEUNI. HEUNI used the help of the Labour Inspectorate of Finland and the Umbrella Organization for Multicultural Women's Associations (Monika-Naiset Liitto). To be more precise, the specialists working in these organisations informed their clients (who came from Estonia and Russia) about the possibility of participating in the study. The researchers got in touch with those who provided the approval for participating in the study and found a suitable place and time for the interview to take place. In Finland, the interviews with workers were conducted in Helsinki and in Estonia in Tallinn. In both cities the interviews were conducted in places that were convenient to reach for the respondents and also guaranteed a safe environment for conversation. In Tallinn interviews were conducted in cafes or in the office rooms of the University of Tartu, in Finland either at the HEUNI office or at the Monika-Naiset Liitto office. The same thematic interview template developed in the ADSTRINGO project and used in Finland was used in our study. In the interviews we focused on the following themes: the duration of work in the foreign country, getting information about the work advertisements, the process of recruitment, the description of the employer, living and working conditions, the format and signing of the employment contract, the experiences of labour exploitation, asking for and obtaining help, suggestions for other victims of labour exploitation and how to prevent these cases in the future.

The interviewees participated in our study voluntarily and were guaranteed anonymity. During the interview they had the option of not responding to question(s) which were uncomfortable or traumatising for them. In addition, we promised to ensure the confidentiality of any personal and sensitive information provided. The length of the interviews ranged between 20 and 90 minutes. The interviews were conducted either in Estonian or in Russian. Out of nine interviews, eight were individual interviews and one was a group interview. In total we interviewed ten persons who had experienced labour exploitation. Of the interviewees seven were females (two of Russian and five of Estonian origin) and three were males (all of Russian origin).

Six of the interviews (with persons who had worked in Finland) were translated into English by a translation firm and also used as data in the Finnish national study under the auspices of this project. The Finnish and Estonian researchers

met in Tallinn in May 2013 to discuss the use of the interviews in order to avoid overlap.

2.1.2 Interviews with agencies and employers

We planned to involve the employees of labour recruitment companies and labour exchange agencies in our study as experts who could tell us about their practices in labour exchange services and about their experiences regarding labour exploitation. For that reason we conducted a search on the internet and in databases and found eleven companies which declared that their main activity was personnel services, i.e. labour exchange services and renting labour to foreign countries, and which advertised these activities also on their internet homepages. We sent an email introducing our study to these companies to invite them to participate in individual interviews. In the email we stated that the aim of our interviews was to find out experiences and practices regarding labour exchange services and the recruitment of foreign labour. We did not emphasize that the focus of the project is to examine also patterns of labour exploitation.

Four companies responded to the email. Three of them agreed to participate in the interviews and one refused. A second email was sent to the other companies, and we followed up by telephone. We managed to get in contact with five companies by phone, but they refused participation due to a busy schedule and because they felt that they did not fit the profile we were looking for. We were not able to contact the remaining two companies at all.

Of the three companies which agreed to participate in our study, two were involved in both renting labour and in labour exchange services; and one only with renting services. Two companies provide labour exchange services for workers with Estonian citizenship mainly to Finland and to a lesser extent also to other EU countries; one company imports foreign labour to Estonia rather than providing labour exchange services. By profession, two persons we interviewed were personnel consultants and one was a manager.

In the interviews we focused on themes such as how to find and evaluate appropriate labour and clients; the procedures of labour renting and labour exchange services; regulations and responsibility concerning ensuring the safety of the workers; problems arising in their everyday activities; and also the description of those companies which engage in illegal activities.

All the interviews were conducted in March or April 2013. One interview was a personal interview; another two interviews were conducted via Skype. The duration of the interviews ranged from 35 to 90 minutes. Participation in the study was voluntary. We promised to ensure anonymity to them, and therefore we refer to their opinions in the analysis as those of 'labour exchange or rental companies'.

2.1.3 Interviews with experts

The first set of expert interviews was conducted already in the first stage of the project, during the preparation of the first national meeting in August–October 2012. The interviews were conducted before the main part of data collection (migrant workers and labour facilitators). Because the national meeting was prepared in co-operation with the national rapporteur on Human Trafficking and NGO Living for tomorrow, all three representatives were involved in the interviews. The aim of the interviews was to become familiar with the particular field of expertise, to look at possible issues related to trafficking for labour exploitation and to ensure co-operation with the experts. The interviews were carried out as group discussions with several participants, and included:

1. two meetings with the national rapporteur on Human Trafficking and a representative of the NGO Living for Tomorrow;
2. a meeting with the national rapporteur on Human Trafficking, a representative of the NGO Living for Tomorrow and a representative of EURES;
3. a group interview with the national rapporteur on Human Trafficking, a representative of the NGO Living for Tomorrow and two police officers from the Economic Crime division;
4. a group interview with the national rapporteur on Human Trafficking, a representative of the NGO Living for Tomorrow and two representatives of the Labour Inspectorate;
5. a group interview with the national rapporteur on Human Trafficking, a representative of the NGO Living for Tomorrow and a representative of the Ministry of Social Affairs, licensing division.

These first interviews were conducted in the form of a free discussion. In order for the participants to speak freely, the discussions were not audio recorded. However, extensive notes were taken during the discussions.

During the data collection phase, a formal semi-structured (using thematic interview template) group interview with two Labour Inspectorate lawyers was conducted. The aim of the interview was to find out which types of cases they have handled in their practice and what type of help is provided to the exploited persons. The characteristics of victims and perpetrators, and the mechanisms in which labour exploitation can occur, were topics covered also during the interview. This interview was audiotaped and transcribed.

2.2 Administrative documents

Decisions of labour dispute committees. As an additional source of data we planned to use applications to labour dispute committees and the decisions concerning the applications. The aim was to find out about problems related to labour exploitation abroad as described in applications made to the committee, and what are the decisions in these cases.

We applied for a permit from the Labour Inspectorate to access the labour dispute documents. During the application process it turned out that the identification of those cases which are related to labour exploitation in foreign countries is very complicated and we therefore had to limit our scope. This was caused by the fact that around 3,000 applications are sent to the labour dispute committees a year, and in more than 2,000 applications a decision is made. This would have meant a large amount of work for the officials of the Labour Inspectorate to find the relevant documents for us and to make them anonymous. In addition, they do not register applications and decisions based on the country where the work was done and this needs to be checked separately for each document. Therefore we applied to obtain access to 20 applications (concerning the non-payment of wages) that had ended with a decision by the labour dispute committee in 2012. To be more specific, we asked for decisions which concern persons who had not been paid their wages when working abroad.

Of the 20 decisions, 14 were included in our analysis. The reason for excluding six decisions was the insufficient amount of information about the case or the case had been withdrawn by the applicant during the proceedings.

The decisions of labour dispute committees include information about the claims and clarifications of the employees, the comments and demurrals of the employers to the claims, the rationale of the committee, the legal basis and the resolution. The objects of the claims were mainly related to unpaid wages, holiday pay and remuneration and additional wages concerning business trips; in some cases also claims concerning the identification of an employment contract.

Decisions to delete agencies from the Register of Economic Activities. In order to obtain an overview of the illegal practices of agencies we applied to the Ministry of Social Affairs for access to decisions made by the Ministry regarding the withdrawal of licenses to provide labour exchange services. The Ministry of Social Affairs is responsible for registration of private legal entities and self-employed employers as labour exchange services providers. On the basis of the Labour Market Services and Benefits Act (TTTS, §12 section 2), service providers are prohibited from collecting fees from job seekers. Fees can be collected only from the employer or another private legal entity. If the service provider asks for a fee, then the Ministry of Social Affairs can begin an administrative procedure (based on the application of the person) to clarify the details and to reach a decision concerning the deletion of the company as a labour exchange service provider from the Register of Economic Activities.

From the Ministry of Social Affairs we manage to identify six decisions made between 2009 and 2012. The decisions include the description of the applicant concerning the actions of agencies, requests for and payment of illegal fees and the amount of the fees, the description of the service providers, the evaluation of the Ministry of Social Affairs, and the decision regarding deletion from the Register of Economic Activities.

2.3 Media materials

To gain additional information about labour exploitation and human trafficking, we collected articles published in major Estonian newspapers from 2011 to 2013. We used web archives of the newspaper dailies Postimees, Eesti Päevaleht ja SL Õhtuleht and the weekly Eesti Ekspress. The articles were searched using different keywords and also combining the keywords. The keywords were: human trafficking, labour rental, agency, working abroad, mobility of labour, foreign labour, fraud, enslavement, forced labour, and slave labour.³

Since the aim of the analysis of the media was to find specific cases as told by victims or specialists, we excluded articles which were focused on the topic of human trafficking and labour exploitation in general or focused on the introduction of laws, policies or possibilities of getting help. During the period of study, we were able to identify only eight published articles covering one or several cases of human trafficking and labour exploitation.

³ In Estonian: “inimkaubandus”, “töövahendus”, “töövahendusfirma”, “töötamine välismaal”, “tööjõu mobiilsus”, “võõrtööjõud”, “pettus”, “sunnitöö”, “orjatöö”, “orjastamine”.

3. The target countries and sectors of labour migration

According to data from the 2011 Population and Housing Census (REL 2011), 24,907 permanent residents of Estonia went to work abroad. This is 4.4 % of all employed persons. The main destination countries were Finland (15,140 migrant workers), Norway (1,872), Sweden (1,532), Russia (1,357), the United Kingdom (732), and Germany (616). In line with the data from the Census, in the current study the most popular target country was Finland. This appeared not only from the interviews with the employees (most of whom have been identified through the Labour Inspectorate of Finland and the organisation helping the victims) but also from the decisions of the labour dispute committees and the statistics concerning phone calls to the help line of the NGO 'Living for Tomorrow' (LFT 2013). According to our data, and in addition to Finland, Estonian migrant workers have been working also in Norway, Sweden, Germany, the UK and the Russian Federation.

Finland is the favourite target country for Estonian workers because of its geographical proximity; travel between Estonia and Finland is relatively cheap and simple. A key factor is also the small language barrier, since Estonian and Finnish are relatively similar languages; a large community of Estonians in Finland helps in spreading information concerning different work possibilities (see also Krusell 2013). A large proportion of companies which focus on renting labour and on labour exchange services are oriented towards the Finnish market, thereby increasing migration to this neighbouring country. The Border Interview Survey conducted in Finland (Statistics Finland 2013) shows that in 2012, there were around 30,000 persons working in Finland whose permanent residence was in Estonia.⁴

Based on the interviews, the decisions of labour dispute committees and the media analysis, we conclude that the main sectors where people have experienced labour exploitation were the construction and cleaning sectors, and the restaurant sector. There were also examples from the fishing and forest industry, agriculture, accommodation services and transportation. Men who went to Finland and Sweden worked mainly in the construction sector, while women worked mainly as cleaners, dairy workers, kitchen staff or in agriculture. Those who went to Norway worked in the fishing industry, the construction sector or cleaning services.

3.1 The reasons for going to work abroad

The interviewed workers stated that the main reasons for seeking a job in a foreign country and going there for work were long-time unemployment due to the economic recession, or a part-time or temporary low-paid job which does

⁴http://www.stat.fi/til/rajat/2012/rajat_2012_2013-05-30_en.pdf

not make it possible to cope satisfactorily and support their families. The motives also included difficulties in paying bills and loans (mainly mortgage). Since for them finding a job with satisfactory wages in Estonia had not succeeded, then a solution was seen in going to work abroad to earn better wages. Other studies have also indicated that an important factor for labour mobility is a significant difference in wages between the home and the target country (Krusell 2013). Other motives for going to work abroad were earning and saving money to buy some large item (for example, buying a car) or going to live with someone close who was already working abroad. These factors are illustrated in the following quotes from interviews with migrant workers.

And since all the jobs I had in Estonia had disappeared. I had perhaps less than a half-time job left from all the jobs, so the choice was simple. It was like either go or keep on suffering want in Estonia.

It wasn't possible to find a job in Estonia. [...] I mean, a normal job. A well-paid one. Because they had been holding back wages [...] in Estonia since 1998. (Quotes from interviews with the migrant workers)

4. Recruitment

Mostly the persons who had experienced labour exploitation were recruited already in Estonia. Very often the job was found using personal relationships and networks. For example, the interviewees described how they heard about vacancies from acquaintances, (former) colleagues from Estonia or Finland. Information about new jobs spread like wildfire as in the example below:

It goes so that one person tells someone and another person tells someone else. She goes to a hairdresser in Pärnu. She tells her hairdresser. A lot of women go to the hairdresser. From there word is passed on. (Interview with a migrant worker)

The data demonstrate that getting a job using social networks does not guarantee that labour exploitation would not happen. Several interviewees told about cases where the new employer who had been recommended by acquaintances did not follow the agreements or regulations and laws. This was manifested, for example, in not making a written employment contract, not paying wages, manipulating agreements on wages and work conditions, demanding overtime work and not paying for such work.

In addition to using acquaintances, jobs were sought also from the internet using certain keywords (i.e. “cleaning company in Finland”), sending one’s CV to labour exchange portals (CV-keskus, CV-online) or just browsing job advertisements. Preferred sources were the portals focused on advertisements. The respondents were sceptical about the CV portals as there was usually a lack of feedback to their applications:

Why those portals? Because there everything happens fast. Either a positive or a negative answer but there you get faster feedback compared to official channels. Because if you search using CV-keskus or Cv.ee then, as much as I’ve tried, sending my CVs, a few employers answer my application. And if they answer, then after waiting a week, a month until someone answers. Mostly they do not answer at all. You just sit and don’t see any point in all of that. (Interview with a migrant worker)

The interviewees mentioned that the advantages of advertisement portals are rapid feedback and direct contact with the employers. This helps to prevent long waiting times without any work and a situation where it is not clear what will happen next. While the feedback through advertisement portals was quick, the information provided and the work respondents found via portals was often not what was promised. For example, the same migrant worker who described the advantages of advertising portals was victimised three times after accepting job offers through the portals.

The experts who have dealt with cases of labour exploitation said, and also the court judgments and the decisions to delete labour agencies from the economic registry confirmed, that recruiting in a hurry, when the person is not provided an opportunity to see the contract, and the legislation of the target country or

the work responsibilities and obligations are not specified, is a factor indicating possible exploitation.

4.1 Getting a job via agencies

A few employees had experiences with finding work abroad via agencies. However, those who had such experiences stated that their contact with those companies were not without problems. For one woman a good first impression was made based on a preliminary phone conversation and a job interview but she was then requested to immediately travel abroad and start working on a farm, and the information given about the further activities was not satisfactory. For example, when she arrived there was no representative of the company waiting for her and the woman did not know where she should go. Another interviewee found a job advertisement in a newspaper and contacted the recruitment company. Initially the agency promised to send her to work in the fishing industry in Norway, and after that offered a similar job in Sweden. Finally, the agent found for her a cleaning job in Finland, even though the woman did not want to be employed in the cleaning sector. She had to pay a fee of 100 euro for the services of the company.

By law, labour exchange services involve giving information about the situation in the labour market, about personnel services and benefits, career counselling and labour exchange. Labour exchange services are defined in TTTS (§ 12) as for an unemployed person or a person seeking a job finding an appropriate job and for the employer finding appropriate employees. In other words, the agency helps to bring together job seekers and employers. Not all labour exchange services engage in illegal conduct, but for those who do, the illegal activity mostly involves asking for a fee for labour exchange services from the job seekers. This is prohibited by both the Labour Market Services and Benefits Act (TTTS, § 12 section 2) and also International Labour Organisation Convention no. 181 on private employment agencies.

Next we describe the actions of law-abiding labour exchange services.

4.1.1 Description of the activities of law-abiding agencies

The representatives of the interviewed agencies assured us that they do not charge a fee for any of the services that they provide to the job seekers. They considered it very important to provide high quality services, which means a good contact with the potential employers and also when finding and evaluating the future workers. To ensure that the job seeker is not exploited by the employer, the intermediary examines the background of the employer using different registers and the internet. They exclude collaboration with companies which have debts, and who pay minimum or illegal (i.e. not taxed) wages.

To find a suitable worker, the companies publish advertisements about vacancies in labour exchange portals and on their homepage, or they search for people in databases using suitable parameters. First they conduct a phone

interview in which they try to find out the experiences and interests of the person. Then they meet for a real-life interview. Depending on the job, the applicant may also be tested or background information may be requested about companies where the job seeker had been or is currently working. The companies emphasized that a relevant criterion is good knowledge of foreign languages, which is a basis for good coping abroad and for preventing labour exploitation.

The agencies note that finding accommodation for the person is not their responsibility but if necessary they inform the job seeker about the possibilities. They instruct the job seeker on how to register him/herself in a foreign country to be able to work legally, how to apply for an ID and a work permit, how to fill in documents, and other formalities. They provide the person with a guide prepared by the company which contains important information for people going to work abroad. The guide also contains information about getting help, and contact information regarding the relevant authorities and instances.

4.1.2 Examples of illegal recruitment practices using agencies

We now turn to analysing more in depth the decisions to delete agencies from the Register of Economic Activities, linking it with the interviews conducted with the workers and also with the representatives of agencies. Figure 2 shows the pattern of action of agencies, from contacting the job seeker to giving explanations to the Ministry of Social Affairs. The activities, including illegal and irregular practices of the agencies, are described next.

Making contacts between an agency and a job seeker. As a rule, the job seekers found a job advertisement on the internet or through the work exchange portals. The ad had been published by the agency. More specific information about the job and the employer was usually missing. The job seekers then contacted the agency in order to obtain more information. In some cases the job seekers had to send or to fill in their CV on the company's home page before getting information about vacancies abroad. In other cases, the agencies could contact the job seekers and made suggestions concerning jobs. For instance, the agency may have found the CV of the job seeker and the description of the preferred job from a labour exchange portal and then contacted him/her.

Conclusion of contract to provide (agency) services. As the next step the agencies concluded a contract to provide labour exchange services concerning finding a job. It is noteworthy that the agencies did not term the contract and the services as 'labour exchange services'. They considered the contract to be an agreement on the provision of information and/or consultancy services. They defined the services provided as the giving of information about job possibilities, legislation and conditions in the target country; help in writing a CV and filling out visa applications; and arranging job interviews with potential employers. The services listed in the contracts also included 'discussion with the job seeker', helping to fill in the necessary applications

and forms, forwarding information about the job seeker to the employer, and guidance in travelling and coping abroad.

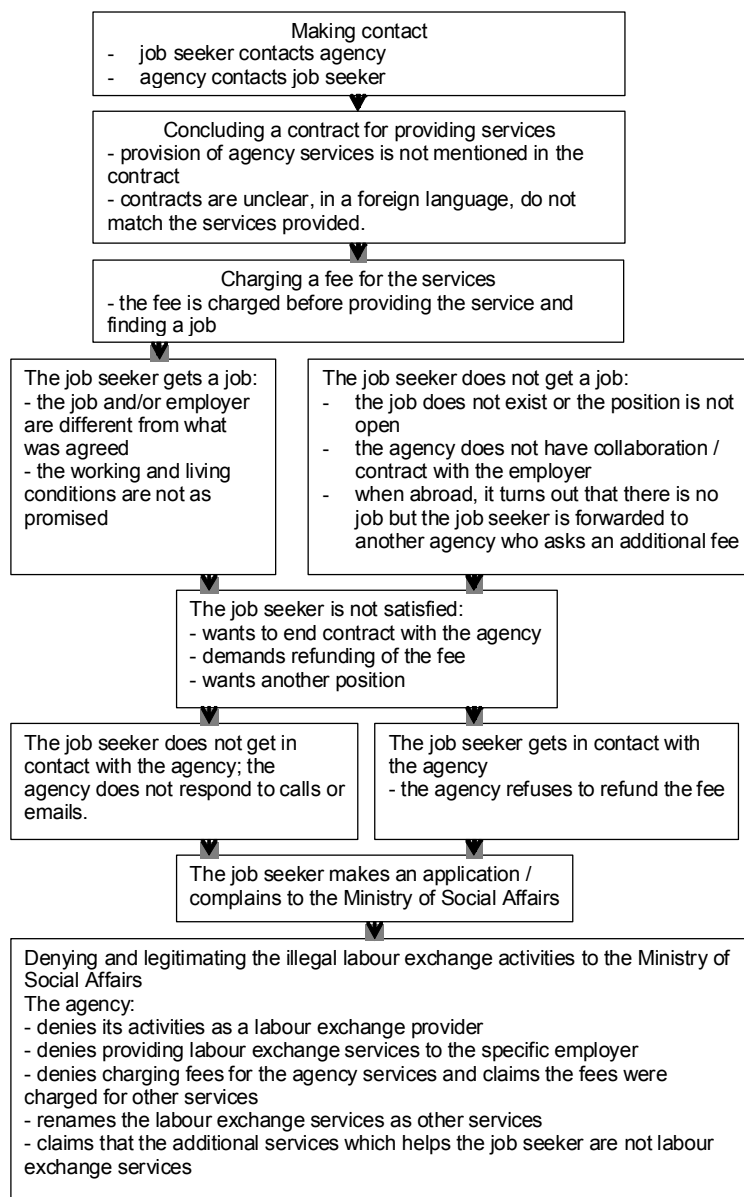
The analysis of the data indicated that the employment contracts were not legally correct. These might be ‘standard contracts’ or contracts meant to provide some other services and not adjusted to the real activities. There were situations in which the job seeker had to sign a contract written in English, a language that they did not know.

Charging a fee for recruitment services. The aim of the agencies engaging in illegal practices is to charge the job seekers a service fee or fees. Some of the agencies (which have already been deleted from the Register of Economic Activities) had demanded a fee even before signing a contract. One agency had asked first for a ‘consultation fee’ of 7 euro and after reaching an agreement, a fee (386 euro) for the main services (Decision 14.2-2/2105-3, 08 May 2012). Another agency used a two-part payment system – first the job seeker had to pay a part of the fee as a non-refundable deposit and the rest just before starting to work (Decision 14.2-2/1183, 08 April 2010).

According to the analysed decisions, the agencies asked the job seekers for a fee for their services which ranged from 190 to almost 400 euro, and some agencies required that this be paid in cash. In charging a fee the agencies took advantage of the job seekers’ poor knowledge of the law and also their helpless situation. A person who has been unemployed or working for low wages is in a helpless situation because of economic difficulties. The person may be willing to pay a relatively large service fee (perhaps even knowing that this is not legal) in order to get a steady and well-paid job abroad (Decision 14.2-2/2105-3, 08 May 2012).

Service fees were requested for forwarding data about vacancies, consultation, arranging a job interview, preparing a CV and making appropriate tests. The job seekers had to pay separately or with some other services also for introductions or the arrangement of transportation, arranging for a person who would meet the job seeker in the target country, buying a telephone card, and assisting in visa applications. There were situations where the job seekers were told that the service fee includes the office costs.

Figure 2. The illegal and dishonest behavioural patterns of agencies



Getting a job with the help of an agency. The illegal activity of agencies does not only include charging a fee for the labour exchange services but also cheating job seekers and exploiting them in getting the job. Paying the service fee to the agencies does not guarantee that the job seeker will be provided with the job. The analysis of the decisions to delete agencies from the Register of Economic Activities indicated that some job seekers actually received a job. However, they experienced several problems with those jobs. For example, a job seeker was promised a job in the food industry in the UK, but after arrival it became obvious that this job had already been taken and that she was expected to work on a farm (Decision 14.2-2, 16 June 2009). Not receiving the

promised job, the job seeker had to return to Estonia, and was deprived of the already paid fee.

It also turned out in some cases that the employer was another company and that the work and living conditions were not as agreed in advance. Two persons who made a joint complaint to the Ministry of Social Affairs stated that an agency had arranged for them a job in a hotel in Greece (Decision 14.2-2/1183, 08 April 2010). The job seekers paid the agency fees and signed the employment contracts, and brought them in order to have them signed by the employer in Greece. Because of problematic living and working conditions (e.g., longer working days and not receiving the three meals a day agreed in the contract), the job seekers looked up the representative of the hotel, upon which it turned out that the second party in the contract was not the hotel but instead a Greek recruitment bureau. They failed to find a new job or get in touch with the agency in Estonia.

Other agencies used similar methods. One job seeker stated that when he/she arrived in the UK to work in a hotel it turned out that he/she was sent to another agency which demanded an additional fee of 100 pounds for finding a job (Decision 14.2-2/4216, 15 September 2010). The job seeker phoned the Estonian agency who advised him/her to turn to another agency and pay an extra 50 pounds, but the job seeker refused and returned home.

Some job seekers could not go to work abroad because of incorrect information given by the agency. For instance, in accordance with the advice of the recruiter, a person applied for a type B visa from the embassy of the USA to go to work there as a constructor (Decision 14.2-2/2105-3, 08 May 2012). However, the embassy refused to issue such a visa because the type B visa is a tourist visa which does not allow the person to seek employment. There was also an example where the agency had forwarded to the employee incorrect details of the employer (e.g., phone number and name of contact person) as a result of which he/she could not contact anybody or get a job (Decision 14.2-2/134, 19 March 2010). Later it turned out that the agency had no collaboration with that employer.

Dissatisfaction with the agency and submitting a complaint. It is not known how many persons have gone to work abroad and paid illegal fees for services. Only a few will make an application to the Ministry of Social Affairs to control the activity of the agency. There is a low level of knowledge about the regulations, and the possibility of becoming a victim of fraud is large. An official in the Ministry of Social Affairs said that only those people who have had serious problems with their job or in getting a job lodge a complaint; similar findings emerged also in respect of the decisions regarding the deletion of agencies from the Register of Economic Activities.

The people who had lodged the complaints were not satisfied with the quality of the services provided by the agencies. Those job seekers who realised, once they were abroad, that the job or the employer was not as agreed, asked the agency to find a new job for them. But generally also the new job dissatisfied the applicants, because it did not correspond to their demands. People

understood that they were cheated and demanded the cancellation of the contract and the refunding of the service fee. Some of the job seekers were no longer able to get in contact with the agency, and those who could contact the agency came to realise that the company was not planning to refund the money. One agency promised to pay back the service fee but ultimately did not do so. The cheating and the refusal to refund the service fee motivated people to make complaints to the Ministry of Social Affairs.

Denying and 'legitimizing' illegal labour exchange activities. After a job seeker lodges a complaint, the officials in the Ministry of Social Affairs initiate an administrative procedure to control the activities of the agencies. Concerning all analysed cases, the results of the procedure indicated that the recruitment agencies had in fact provided labour exchange services. In addition, the agencies presented their activities as labour exchange services on their internet home pages. When the authorities of the Ministry asked for an explanation for why the agency had charged job seekers a fee, the representatives of the companies responded with denials, renaming their activities and making excuses. They generally explained that the object of the contract with a job seeker was not labour exchange but education, consultation, providing information about the situation in the labour market, or even counselling on how to go abroad, how to behave and how to manage in a foreign country. They considered the contract to be a general agreement which they used in providing different services, including consultation concerning how to apply for a visa (e.g., Decision 14.2-2/2105-3, 08 May 2012). The agencies claimed that if there is no direct reference in the contract to a certain employer or position, then the activity cannot be regarded as labour exchange services (e.g., Decision 14.2-2/2105-3, 08 May 2012). Furthermore, they did not consider 'booking a job position' or assisting in labour recruitment activities (e.g., booking flight tickets, providing training) to be labour exchange services but rather supporting and providing consultation for a job seeker, activities for which they believed a fee could be charged (e.g., Decision 4.2-2/3991, 11 September 2012). Using the tactics described above, the recruitment agencies sought to demonstrate that their activities were legal and not exploitative of the job seekers.

In sum, the explanations of the agencies reflect manipulation using concepts related to labour exchange services. According to the Ministry of Social Affairs, labour exchange services involve a practice where an employer forwards to the agency a request to find an employee and the agency then (using different channels) finds a worker to fill that position. By the judgment of Tallinn District Court no 3-10-2781, consultation, arrangement of transportation abroad and a job interview, and other management services are elements of the labour exchange process. Also the arrangement of the reception of a job seeker in the target country is a component of labour exchange. How the contract is named between the parties is irrelevant.

The prohibition against charging job seekers a fee is implemented in order to protect them against possible fraud attempts. A job seeker who is in a

vulnerable situation due to unemployment may be willing to agree with the agencies' conditions and pay a fee. For the purpose of earning easy profit, the agencies may exploit the job seekers by demanding a fee, but then provide low quality services or even cheat the job seeker. The experts from the Ministry of Social Affairs said that the recruitment agencies which provided illegal services do not end their activities after being deleted from the Register of Economic Activities – they continue their activities, including charging recruitment fees, even when they are no longer allowed to be in business and do not have a valid licence. It is also common to register the company using another name and to continue with similar fraudulent activities.

4.2 Problems concerning posted workers

Our data indicated that several employees went to a foreign country to work as posted workers or were working abroad for some local personnel rental company. In the interviews, they told us about their positive and negative experiences working as posted workers, including cases concerning labour exploitation. Their experiences are described in more detail below. However, first we provide an overview of the issues of rented labour, based on the interviews with the representatives of labour rental companies.

Posted work is a new trend in the labour market. The posted labour company hires workers with certain qualifications and forwards them to work with their clients. The idea of the service is that the employer saves personnel costs by buying personnel services from a labour rental company. From the point of view of the worker, it is the rental company that is the employer, in that he/she concludes the employment contract with the rental company, and it is the rental company that pays the wages and holiday pay as well as the necessary taxes. According to the Estonian Employment Contract Act (§ 6 section 5), posted work can be considered a situation where the employee makes a pre-contract with the employer (i.e. the rental company) to work temporarily for a third person (the client company) and is controlled and managed by the client company. Using posted labour is considered a reasonable solution mainly in rapid or seasonal work and to replace workers during holiday periods.

For posted labour companies, recruiting and checking the background of the workers is quite similar to the procedures of labour exchange agencies. The difference between the posted labour companies which participated in our survey, and the labour exchange agencies, was mainly in their consideration of knowledge of foreign languages, and awareness of the regulations of the target country while hiring the labour. The representative of one company said that they recruit mainly persons who know foreign languages well, have work experience abroad and know the tax system of the destination country. Because of the higher demands on the personnel, they had had no problems with the suitability of the employees or the quality of the work.

In terms of the posting of workers, the company mostly concluded an employment contract with an employee in Estonia and then posted the person

to work abroad. Concerning the contract conditions, the employers took into account regulations implemented both in Estonia and in the target country. An interviewed employer said that parallel compliance with Estonian and Finnish legislation and the directives of European Commission is complicated because of differences and partial incompatibility between them. The interviewee did not specify the nature of the incompatibility but said that Finland had had long practice in using posted labour, and it is more precisely regulated in Finnish legislation. In Estonia, services involved in the posting of workers are not so common yet, and the Employment Contract Act regulates the domain only on a superficial level. One interviewed employer explained the differences between Estonia and Finland.

To work in Finland legally the employment contract has to be made according to Finnish laws but *at the same time it has to comply with Estonian legislation as well*. Here a major controversy has been programmed in. If these laws do not match and both parties will demand their own things, what is the connecting point? /.../ In Estonia it is a question of contracts. We are dealing with this area all the time and there are still such nuances which are not one or another. /.../ In Finland, the things are more concrete. If there are certain issues then they know exactly what to do in the situation, what these regulations are. In Estonia, here is... It is said that it goes according to the Employment Contract Act but by using the Act the thing cannot be done directly. (Interview with an employer)

The interviews with the employers showed that different practices were used in respect of the payment of labour taxes. One employer described the system they used as follows. If the worker is a resident of Estonia and working in Finland then his/her social security contribution should be withheld by the employer and paid to the Estonian Tax and Customs Board; however, the income tax has to be paid to Finland since the income was earned there. The employers pay the net wages, including the income tax, into the employee's bank account. The employee's responsibility is now to pay the income tax to the Finnish Tax Board. The task of the employer is to inform the employee about this tax payment system. The employees have to confirm by their signature that they understand this issue. However, there are situations where the employees do not understand the complex income tax system of Finland, forget to pay the taxes or neglect this issue. The employer claims that paying taxes are *an issue between the employee and the state*, and the employer is not responsible.

By Finnish law, the wages of posted (or leased) employees are subject to Finnish income tax. If the employer of the posted workers has no permanent establishment or other entity in Finland, it does not have to collect the tax in

Finland for the Finnish tax authorities. Instead, the employee must him/herself make sure that s/he pays income tax on the wages earned in Finland.⁵

The interviewed employers are in different positions concerning responsibility for the documentation of workers and the formalisation of work permits. For example, one employer considered it to be its task to ensure that the employee has all the necessary documents and that these are appropriately formalised. The representative of another company thought that getting the necessary documents is the person's own responsibility; and that the role of the labour rental company is to inform the workers. They tell the workers which documents should be applied for and how and where this can be done. If needed, for example if the employee's foreign language skills are poor, the employer can help or accompany the employee in these formalities.

The employers try to find accommodation for the posted workers, mostly in the rural areas for those working outside of Helsinki. In case the accommodation is provided by the employer, then the employees have to pay rent for this. If the employee has found the place him/herself, then the employers can help in the payment of the deposit, for example by paying the deposit to the employee as an advance on wages.

4.3 Connection with the companies exploiting foreign labour

The companies using illegal methods are problematic for the interviewed employers because they damage the image of labour rental companies. A good reputation is very important to legally operating businesses, including the employers we interviewed, because it increases the degree to which customers and employees have confidence in them, and contributes to success in the business world. Next is an overview of how the employers we interviewed described problematic companies and their impact.

The interviewed employers do not have connection with those companies but they have heard of them mainly from their employees who have worked for these companies. Based on the descriptions given by the interviewees, these companies do not make employment contracts with their employees, pay less wages than agreed, do not pay wages legally or do not pay it at all. In addition, they do not pay state taxes correctly. These companies operate as long as they do not have any problems with the officials. When problems emerge (for example, the Labour Inspectorate officials intervene), these companies shut down their business and start again using another company name. According to the interviewees, those acting illegally are generally registered in Estonia rather than in Finland.

The illegally operating companies create unfair competition on the market. By avoiding taxes they can offer higher wages for the workers and lower prices for

⁵ [http://www.vero.fi/en-US/Precise_information/International_tax_situations/Employees/Leased_employees__taxation_in_Finland\(15345\)](http://www.vero.fi/en-US/Precise_information/International_tax_situations/Employees/Leased_employees__taxation_in_Finland(15345))

the companies buying their services. However, such a practice can result in fines for the client company, and in such a way undermine the reputation of the whole labour facilitation sector in Estonia.

The client takes the one who offers the least. Cheapest prices. The market is ruined by those who dump prices but do not pay taxes. They can ask more. If the person says that I was paid this much then legally this sum of money cannot be paid. (Interview with an employer)

The employers were of the view that in the construction and cleaning sector there are more companies acting illegally. Their action also influences the activity of legal labour rental companies. For example, job seekers and client companies are sceptical towards them and do not wish to use their services. The job seekers think that “it is robbery and theft” because the labour rental companies make a large profit from the workers. The interviewees said that in order to create a more positive image they and some other labour rental companies had established the Estonian Staffing Association⁶. Through the Association, attempts are made to control labour rental companies and increase the quality of the services. Also, through the Association the companies try to have their say in the drafting of legislation and in promoting the collection of financial reserves among the companies involved in personnel services. The reserves are necessary when “their client company enters into bankruptcy or cannot pay the wages because then it would be guaranteed that a rental worker can have his/her wages from the labour rental companies”. (Interview with an employer)

A couple of the interviewed employers have had problems with client companies which did not pay for the services (on time). In a situation such as this the labour rental company withdrew their workers immediately from that company and sent them to another client company. To the employee they pay the agreed wages but from the client company they demand the amount of money owed; if necessary then applications are made to the court.

Say we send our rental worker to work at a company and this company does not follow the labour legislation and does not pay some wages. In that case we always pay the payments from our own pockets and later fight with the client. When we can get the money afterwards, then we will have it; and if not then this is our risk. In this sense being in a rental relationship is more secure for the worker. (Interview with an employer)

If a client does not provide the employee work in the amount that had been agreed then the rental companies intervene immediately and forward the employees to another client in order to prevent lower wages due to the smaller amount of work. The interviewees did not consider working on the weekends and overtime suitable, except in the agricultural sector where, due to weather and also seasonal work, sometimes longer working hours are justified. In case the employee wishes to work longer hours than agreed, then employers allow

⁶ The webpage of Estonian Staffing Association: http://www.505.pages.presego.com/_eng

this to happen only when it is agreed with the client company. They want to be sure that the client company accepts overtime work and is willing to pay for it.

Previous examples describe how law-abiding employers try to protect their posted workers and prevent unfair and exploitive activities by the clients. However, the practices of employers using dishonest methods are quite different. Next we present instances of forms of exploitation that the migrant workers have encountered.

5. Forms of labour exploitation

5.1 Problems related to concluding employment contracts

The interviews with workers and the decisions of labour dispute committees showed that people going to work abroad have encountered several problems concerning the conclusion of employment contracts. However, exploitation of migrant labour can begin already at the stage of recruiting and entering into an employment contract. Victims of forced labour are often recruited with promises of decent and well-paid job and good working conditions (ILO 2012). Later the victims are faced with working conditions that differ from what had been agreed, and what they would never have accepted. Our data revealed cases where abuse of the poor knowledge of the employee and deception by the employer while making the contract lead to further labour exploitation.

A quite frequent practice, particularly in the construction sector, is that individuals are recruited and told that the contract would be concluded immediately in the target country. However, after starting work, the conclusion of the contract is delayed for various reasons, and the result may even be that no contract is ever signed. As a rule, the employers apologize for the delay with the pretexts of a heavy workload, being on a business trip, or having some issues in their personal life. A decision of a labour dispute committee (No 4.1-2/398-2012, 28 March 2012) dealt with a case where an employee was sent for forest work to Russia and promised conclusion of an employment contract after arrival, with a company registered in Estonia. The employer explained the delay in signing a contract by saying that he had forgotten to bring it from Estonia and proposed to sign it as soon as the employee completed the work and returned to Estonia. However, the agreement was not concluded even after the employee's return to Estonia. When the worker requested it, the employer refused to do so and accused the employee of blackmail. The employer stated to the labour dispute committee that the employee had been on a trial work period. Because the worker had failed in that trial period, the employer decided not to conclude a contract with him. The labour dispute committee established that an oral employment contract had nonetheless been concluded between the parties and ordered the employer to pay the outstanding wages.

The interviewed workers perceived ways in which the employers *were playing with them* by delaying in signing the contracts and by deliberately adding infringing provisions into the contracts. Although the workers realised that they were being treated unfairly, they still signed the contracts because they found themselves trapped in an abusive situation. Otherwise they would not have had any more work or even those rights that they would have by signing the problematic contract. The following quotation describes a case of a woman who worked as a cleaner in Finland.

I told them right away: "Let's do the employment contract". "Well, first we have to see how you work. Let's wait a little bit". It was the end of April. And they were telling me: tomorrow, tomorrow, they were playing for

time. [...] In summer, in July, we entered into an employment contract, but it wasn't done correctly. The minimum wages here that allowed us to get documents like our ID-card, it was required that we make nine hundred euro per month. He indicated eight hundred for me. I was cheated, and I went to the police department for foreigners to register. They said it wasn't enough. But I wrote everything down, submitted documents. (Interview with a migrant worker)

According to ILO (2012) deceptive recruitment practices can also include giving false information about the employer. The interviews and the decisions of labour dispute committee indicated that it is not rare for the employee to remain unsure about who his/her employer is in fact. For example, an agency tells a job seeker that he/she will work for a Finnish or Swedish company, but on the spot it appears that the agreement will be concluded with a subcontractor registered in Estonia. Alternatively, an employee answers an advertisement for a job and agrees to the working conditions. He/she is promised that a written contract will be concluded at the workplace, but the name and contact information of the employer are not specified. According to a case that came before the labour dispute committee, a man was invited to work as a builder in Sweden by showing him a business card and timetables of a Swedish company (4.4-2/1251 Decision, 02 July 2012). At first, the man believed that he was working for this Swedish business, but later it became clear that his "employer" was just a worker of the company. Because no written contract had been concluded, it was difficult for him to prove the existence of the employment relationship, protect his rights and request the payment of outstanding wages and compensation.

Another way of cheating the workers is by making a contract for services instead of an employment contract as agreed. An employee may be asked to sign a contract in a foreign language (e.g., in Finnish or German) which he/she does not understand; or he/she is pressured to sign the agreement very rapidly without having time to examine it. Later, the employee cannot verify that the type of contract and the agreed conditions were different. The employers mostly deny their earlier promises. Such an incident was described in the Eesti Päevaleht newspaper (Ibrus 23 April 2012). There, an employer asked a worker to sign a contract just shortly before the departure of the ferry to Helsinki. Being in a hurry, the employee signed the document without reading it through. After it turned out that she had signed a contract for services, in this case she could not get help from the labour dispute committee.

One of the workers we interviewed who went to Sweden for construction work noticed that he was presented the internal rules of a company for signature. The document was titled an employment contract but its content consisted solely of fines to be paid if late for work or if property of the employer is destroyed. However, there were no provisions about working conditions and payment of wages. Because the employee was able to understand English, he detected the fraud and did not sign the document. Some of his colleagues who did not know English and could not understand the contents of the agreement signed it. Their

colleagues were later exposed to serious incidences of labour exploitation, including being indebted to the employer as a result of fines.

When I had worked for almost a week, they brought me a two page long contract in English. On the top of the page in big letters it was written contract and below, in small letters, there was a subtitle: internal rules of the company. As I understand English, I read and understand colloquial English, therefore I read it through and I understood that was not the working contract that we agreed, but just the internal rules. The substance of the rules was such that there were two pages full of fines. Let's say you are late for work – you will get fined. The fine was crazy – hundred, two hundred, five hundred euro. For loud music, property damage. (Interview with a migrant worker)

The lawyers of the Labour Inspectorate said as well that they had been contacted by migrant workers who had entered into contracts which were similarly employer-centred. This means that the duties and responsibilities of employees were covered in detail in these contracts but not those of the employer. In such contracts, all types of contractual penalties permitted by the Employment Contract Act are listed, which the employer can use in case of any misconduct on the part of the employee.

Some workers we interviewed also mentioned that their employers had not given them back the signed contract but rather “*took care of it*”. There were also errors and provisions in their contracts that were not consistent with the law. One of the most common problems was that the requirements of the collective agreements were not followed. Mostly the contracts conflicted with the provisions of the collective agreements for the construction or cleaning sectors in Finland. As a rule, the hourly rate was lower than the official minimum remuneration and no extra compensation was to be paid for overtime or work on holiday. One interviewee who had worked as a cleaning lady told us that according to their employment contract she and her colleagues were made responsible for paying labour taxes themselves. According to her, the authorities of the Labour Inspectorate of Finland considered this tax payment system incorrect.⁷ It seems that the tax rules and obligations remain unclear for the migrant employees. The lack of awareness regarding the tax system may cause them problems in the payment of their taxes and facilitate the dishonest and illegal activities of the employer.

But everybody was paying their vero [tax] themselves. He [employer] had it set up so cunningly that the unemployment insurance and social security contribution were paid to Estonia but everybody had to pay their vero themselves in Finland. So that's what the system was like. Of course, it

⁷ Foreign workers in Finland are responsible for paying their own tax if they are posted workers. When the employer is Finnish, it is the employer who deducts the tax from the salary. However, if the employer is a non-Finnish company, the worker is not taxed in Finland (unless s/he is a posted worker). See: [http://www.vero.fi/en-US/Precise_information/International_tax_situations/Employees/Employees_arriving_in_Finlandbulletin_fo\(21275\)](http://www.vero.fi/en-US/Precise_information/International_tax_situations/Employees/Employees_arriving_in_Finlandbulletin_fo(21275))

was forbidden so you couldn't do that. But as far as I know it's still going on. (Interview with a migrant worker)

In addition, there were also other problems related to the contracts. In the case of one interviewee, the job description and the amount of wages marked in her contract did not conform to the work that she really did. So she earned less than she could have received.

I was actually working as a cleaner with my animal husbandry contract. So that was a big violation as well. They did not even draw up a new contract. He asked what's wrong with that contract. I said that I am working as a cleaner with my animal husbandry contract and that I would also like to get a cleaner's wages then. (Interview with a migrant worker)

Based on our data it can be concluded that people can be invited to work abroad by promising them official employment contracts and good wages. However, the employers may exploit the trustfulness, low legal awareness and poor language skills of migrant workers and neglect to conclude the contracts, or conclude contracts that do not abide by the law. These activities described enable the employer to exploit workers and make an easy profit.

5.2 Problems related to payment of wages and extra pay

Applying working conditions (including the payment of wages) in a manner which does not comply with statutory national regulations can be considered as exploitation of migrant labour (Lisborg 2012). However, systematic and deliberate withholding of wages, excessive wage reduction that violates previous agreements, or refusing to pay wages at all, constitute forced labour (ILO 2012). Next we deal with issues related to payment of wages and their relationships with labour exploitation and forced labour.

The most common work-related human trafficking and labour exploitation indicator is problems with the payment of wages (Jokinen, Ollus & Aromaa 2011). All the interviewed employees mentioned that issue. This was also a topic covered by the experts, representatives of the labour rental companies and agencies, and also Labour Inspectorate lawyers. Also several newspaper articles were written concerning manipulation with the wages. Taking into account the previous sources and the decisions of labour dispute committees, the following tactics to control the employees can be identified regarding the payment of wages.

Paying wages which are smaller than stated in the legislation. When going abroad for work, people are frequently not aware of the local legislation and minimum wage rates, and therefore they can not demand wages which are fair. One contributing factor is that the range of wages in Estonia differs largely from in the Nordic countries and Western Europe. Several interviewees said that they had heard after having been some time in a foreign country that their wages were lower than for locals working in a similar position or the wages stated in the collective agreements. For instance, one interviewed woman who

worked as a cleaner for a Finnish company stated that she with her colleagues were paid 6 EUR per hour according to the contract. Later she heard that according to the Finnish collective agreement the minimum wages for this position was 8 EUR.

In several interviews it was stated that discrimination based on nationality was taking place. Although the interviewees did not use complex terminology when speaking about this problem, they told about situations in their or their acquaintances' work places where persons from one nationality got significantly lower wages than locals or persons from some other nationalities. Mostly these cases were told about Roma people and persons with an African background.

For instance, at the moment my husband is working at [name of company], it's run by Austrians. This is how they pay wages: they have Romanians and Austrians working there. There are Germans, Estonians, Russians, Finns. Everybody else gets 11 euro an hour, but those they call the Romanians gypsies, they get 7 euro. And everybody does the same work. (Interview with a migrant worker)

Paying lower wages can be caused by the fact that the employer is applying to the posted worker⁸ the rates of wages prevailing in Estonia but not in the destination country. For example, the employer has signed the employment contract with the employee in Estonia and the wages are paid according to the criteria in place in Estonia, but then when the person is posted abroad the wages remain the same as if the person was working in Estonia. Eesti Päevaleht (Ibrus 23 April 2012) reported a similar case where an Estonian company concluded an employment contract with a woman and posted her to work as a cleaner in Finland. The wages were paid according to the amount provided in the agreement which was similar to the Estonian wage rates. The employee worked some months in Finland before she detected the violation of law, and she applied to the labour dispute committee. The employer explained to the labour dispute committee that the Finnish Collective Agreement does not apply to an Estonian recruitment agency and that he/she did not need to pay the employee according to Finnish wage rates because the person can be (as well) posted to Pärnu to do the same job.

Concerning this case, the directive of the European Parliament and Council (96/71/EC) requires that the employer has to ensure that the working conditions applied to the posted employee (wages, working and resting time) are those which are applied in the country where the employee has been posted. Therefore, the company had to pay the minimum wage rate applied to workers in the Finnish cleaning sector.

⁸ According to the Posting of Workers Directive of the European Parliament and Council (96/71/EC), a posted worker is a person who has been sent to work in another Member State on a temporary basis by his/her employer. The employer has to guarantee to the employees at least the minimum standards and working conditions implemented in the host state or those which are more favourable to workers.

The data indicates also that employers are keen to ignore the work experience or professional experience of foreign labour, and pay wages which do not match their qualifications. Because of economic pressure and lack of alternatives, the employees had to be satisfied with the wages which were offered to them. Fearing the loss of their jobs, the employees continued working in the exploitative conditions.

Well, then he [employer] increased it to 8,30, but well, the work that we did was (.) I asked about the wages that we should get, that since trainees get nine and we, since we have already done some work and been trained, we should get around 10. But he laughed at us, “Are you kidding! There is a line outside my door. (Interview with a migrant worker)

Not paying wages when being ‘on hold’. There were cases where the employer did not have any work to offer to the employees, as indicated by the interviewees and also by the decisions of the labour dispute committees. As a result the employees had to work shorter work days or go home. The time when they were ‘on hold’ was not paid, although this is a breach of labour legislation. According to the Employment Contracts Act, the employer has to ensure that the employee has work (28). Should the employee not be working because the employer has no work to offer, then average wages should be paid to the employee who is capable and willing to do the work (35).

The following case, taken from decisions of the labour dispute committees, is an example of the exploitative behaviour of the employer (Decision no 4.3-2/882, 25 May 2012). A person went to Finland to work as a full-time constructor. The employer promised a written employment contract but in the end no written contract was concluded. The employer offered him work for some months and paid the wages for this, but then the work ended and the employee was sent home to Estonia. In Estonia, the employee waited for a call from the employer for some months and even took a holiday. When he came back from the holiday the employer still did not have any work to offer and the employee signed his resignation from the post. The employer refused to pay wages for the time that the employee had been ‘on hold’ and denied not providing work. In addition, the employer stated that he had not sent the employee home but instead the employee had left by himself because he did not wish to work there. In this case, the labour dispute committee decided that the request of the employee for the payment of wages for the time that he had been ‘on hold’ was justified and in line with law. The committee stated that the employer did not produce any documents relating to the absence of the employee and it was suspicious that the employer would accept the employee not being at work for so long without doing anything to maintain discipline over the employee.

Not paying for overtime work, national holidays and working on weekends. One sign of labour exploitation is the fact that an employer does not pay supplementary wages for overtime, work done at nights or on the weekends, and on national holidays that the employer are entitled to. As a rule the remuneration for unusual working hours matches the rate of regular working

hours⁹. In a case reported by Eesti Päevaleht (Ibrus, EPL 23 April 2012), some employees who were working in Finland turned to the Labour Inspectorate because their employer had made them sign a document according to which they declared that they were willing to work overtime during the weekends or outside of regular working hours, at the rate of regular working hours. The authorities of the Labour Inspectorate had replied that it is improper to plan doing overtime in advance in such an abstract way.

The women employed in Finland in the cleaning sector told us in the interview how they had often worked 12 to 14 hours a day, even during the weekends, without any day(s) off. When they asked to be paid for overtime, the employer stated that he/she was aware of the regulation but was not willing to pay for it. Other interviewees in our sample also experienced the unwillingness and disinterest of the employers in paying for overtime work or they were even threatened with being fired from work when they asked for the extra money. “When you went to ask, then you were told that you can go to Estonia, the ferries are running.”

Not paying the holiday pay. The employees also had problems with receiving their holiday pay. For example, an employee who worked in Finland wished to leave his/her employer and terminated the contract. The employer refused to pay the holiday pay, claiming that not only does he/she not want to do so, but also that he/she is not obliged to do so (Ibrus, EPL 23 April 2012). However, by law on the termination of the employment contract, the employer has to pay the employee an amount of money (holiday pay) which is proportional to the time that the employee was working for the employer.

One migrant employee we interviewed who worked as a cleaner for an Estonian company in Finland was disturbed to find that the employer calculated the holiday pay into the regular wages so the employees who went for a holiday or did not use their holiday at all did not get any holiday pay. At the same time the wages were very low, so in total they did not get any holiday pay. “He even had holiday pay included in those 8 euro, so that we did not get any separate holiday pay.”

Wage reduction. Our data included incidents that are more serious than described previously and where migrant labour was deceived in the recruitment process, paid times less wages than agreed and involved involuntarily in fraudulent schemes. Mostly those employees had made an oral employment contract when leaving Estonia. The oral employment contract enables the employer more easily to manipulate the amount of working time, the content and the wages, or even to deny the existence of the contract at all. In one case, men who had been working as construction workers under the direction of an Estonian company in Norway had wages which were only a small proportion of what had been promised by the employer. Specifically, they received 68

⁹ According to the Wages Act (§ 12, 14–17), an employee is entitled to additional remuneration or compensation for overtime, unscheduled work on days off, work performed on public holiday, and evening and night work.

euro per day instead of the 267 euro that had been agreed (Nergi, EPL 03 May 2013). When officials from the Norwegian Labour Inspectorate came to check on the working conditions, the men had to lie that their wages were higher. The employer had ordered them to withdraw a part of the wages from an ATM after the pay day and pay it back in cash. The men turned to the trade union of construction workers when they found out the official level of wages for construction workers in Norway.

This is not an exceptional case. There were similar cases also in Finland. Delfi reported (Laugen, Delfi 25 April 2012) that the Central Organisation of Finnish Trade Unions had identified cases where the employer had gone together with an Estonian worker to an ATM in order to force him/her to withdraw the previous month's wages and return the money to the employer (see also about returning wages in Jokinen, Ollus & Viuhko 2011). Such employees have started being calling 'Estonian ATM machines'. There was referred briefly to a case in the construction sector where "the wages of around twenty employees which had been raised to the Finnish level were reduced in the port of Tallinn. [...] These amounts were almost two thousand euro per men."

Delayed and partial payment of wages and refusal of payment. A frequent problem was a (chronic) delay in the payment of wages. The delay can be from several days to several weeks. From the data an interesting trend emerges – for the initial period after the employment began the payments were on time, then they start to be late, and in the last month the wages were not paid at all. Some interviewees noted that the employers can manipulate the payment of wages to those workers who are less knowledgeable of the law and do not assert themselves. A woman told us that she had looked at the local regulations and calculated herself the work hours and the amount of wages she should earn, and checked this with the accountant. Because she did this, at first her wages were paid regularly to her but not to other employees. However, later on also her wage payments started to be made late.

At first, the wages came through fine. I received the wages on time for a long time because I was the kind of person who was pedantic about the details. The accountant understood that I knew the system very well. And with me, there wasn't [any problem]. But men started to talk that they don't receive their money at the right time and they only get paid in part. And then the same started for me. (Interview with a migrant worker)

The analysis of the materials indicated that postponing the payment of the wages frequently leads to payment only in part or to total non-payment of the wages. This was prevalent among employees who worked without a (written) employment contract. In a quote below the interviewee who had been a cleaner in the construction sector in Finland describes a tricky wage payment system at her workplace. According to the interviewee the employer's intention is to divert the attention of the workers by paying full wages in one period and only a part of them in the next. The aim of this tactic is to create a false impression among the employees, since they (more or less) receive the wages. Those

employees who do not themselves calculate the amount of wages they should receive are easier to trick.

One time, I got the wages correctly and then received about two or three hundred euro. We had paydays twice a month. And then I became truly scrupulous. I had the time sheets. Then I started to check what hours I had and what had been paid for. I discovered that it was done cleverly, a partial amount was transferred, then came the new wages, this was transferred correctly, and then the next one was incomplete again. And then these men who don't follow the numbers like I did, they may be owed and not paid at all. He sees that some kind of money came, but doesn't look deep into it. [...] And finally, no money came. (Interview with a migrant worker)

Postponing, reduction and withholding the wages made the workers angry and caused problems in coping, for example difficulties in buying food, paying rent and paying for transportation. People presented their demands to the employer who reacted with various excuses and promises. For example, it was claimed that the company which had ordered the work had not yet paid for the work; the employer or his/her family member had personal problems; the employer or the book-keeper is on holiday. The employers promised to pay the wages in a couple of days but this did not happen. Usually the employees had to remind the employer several times to pay the wages.

There were cases where the employers refused to pay the full wages or wages in line with the collective agreement, reproaching the workers that they were overpaid or did not deserve to be paid higher wages, as in the next quotation from a cleaner working for an Estonian employer in Finland: "But well, at the beginning I got 8 euro before taxes, but later it started to dwindle. Then they started to say that you were overpaid and what exactly do you want." Some employees were subjected to threats when they asked the employer to pay wages or for overtime.

It is quite common that the employers preferred not to respond to the demands of the employees and remain unreachable. By paying wages in part, not in full, the employers make their employees dependent on them. First, the employees keep going to work for some time after the problems (in the payment of wages) have occurred and hope that the employer keeps his word and pays the wages soon. Second, their difficult financial situation requires that they go to work even for half wages.

5.3 Problems related to working hours and leisure time

Imposing working hours and days beyond the limits prescribed by law and regulations may be treated as exploitation of labour (Lisborg 2012), but when the situation includes some forms of coercion and deception it can be considered to be forced labour (Andrees 2008).

For many employees involved in our study, constant overtime was the rule rather than the exception. Their workday began very early and often lasted 12 hours. There were also workers who had worked 21 hours a day. Generally the employers determined the length of working day and forced the employees to work longer. Some of the interviewees said that at first they wanted to work extra hours in order to earn more. But later their employers took this for granted and expected them to work overtime constantly. In addition to long working days in the week, they had to work on weekends and sometimes even at night. Therefore, the interviewees had 6 to 7 day working weeks from month to month with only single days off. The FLEX study also showed that the obligation to work excessive hours, seldom getting a day off, is a quite common practice in labour exploitation (Jokinen & Ollus 2011). In the following quote, two women who participated in a group interview counted their working hours per month.

Interviewer: How many extra hours of work did you do per month?

Interviewee 1: I had around 258 or 264.

Interviewee 2: That's not a lot! I had 367 hours. I had my own car, I could get to another place more quickly. (Interview with migrant workers)

The migrant workers said that they had problems with the recording of working time as well. Generally the working time was calculated according to the worked hours reported by the employees. The results indicated, however, that the actual number of working hours was greater than what the employer took into account or promised the employees to mark on the worksheets. For example, an interviewed worker told us that her employer had cut her working hours in order for it to remain within the limits prescribed by law, and there was no need to pay as much wages. The employer also calculated considerably less time for doing certain work and did not take into consideration the actual time worked.

Sometimes she cut down the hours, she said: "We won't pay you for that, it's too much. You were cleaning the restaurant for too long. You were supposed to do it in three hours, but you were cleaning it for five-six hours". (Interview with a migrant worker)

The control and abuse by the employer also appeared when the migrant workers asked for permission to go on holiday. When the workers wanted to get a day or a weekend off, then the employers frequently responded with a refusal or even a threat of dismissal. Fearing to lose their job, the employees continued working without days of rest. A participant who had been a cleaner in Finland mentioned that she had worked for 40 consecutive days without receiving any days off.

One quite typical method of exploitation of migrant labour is not counting the time spent commuting between work sites in the total working time although the new salary agreement for the cleaning sector in Finland stipulates that the

time spent between locations should count as working time.¹⁰ The participants who had been employed primarily as cleaners in Helsinki had to work in many sites located far away from each other, and so they could spend hours each day for travelling. The workers who had a private car were in a better situation because they could save time by driving from one place to another faster than those who had no car and had to use public transport.

Our data shows that employers did not pay for overtime, or for work on weekends and holidays, nor did they compensate the time spent going from one site to another, and travel expenses. In this way the employers exploited the workers' lack of knowledge of their rights to receive the compensation in question.

According to the law, you also have to get paid for commuting from one site to the other. But she [employer] did not do it. She considered it so that here in that school you have 2 hours. At the next school, to where you drive about an hour, you have 3 hours. 2+3 is 5. But that hour that you commute in between, that she did not consider. At the beginning it is difficult if you do not know any laws and such. You believe your boss. I thought that everything was all right. (Interview with a migrant worker)

Commuting the long distance between the workplace and the accommodation provided by the employer also reduced the free time of the employee. In some cases, the employer provided the employee an apartment located far away in another town or village. One man working in construction in Sweden each day spent a few hours commuting. Since he also drove the co-workers, he told the employer that he was working also as a driver after the main job, but the employer neither recognised it and nor wanted to pay compensation. In another case, the employer gave his car to the employee for commuting, thus creating a multiple dependency and indications also of human trafficking for forced labour. Specifically, the employer began to require in return that the employee would perform tasks that in fact did not belong among her work duties and forced her to work overtime without receiving days off. The employee, who was in serious financial difficulty, felt herself deadlocked and unable to control the situation.

He [employer] fobbed me off with his car for me to drive him to his place and then to pick him up in the morning. But in the morning I pick him up not at ten to work, but at seven. Because at seven [place X] opens. We go to X, then we heat the ovens, then we make salads. And in such a way, all this crap, in such a way everything was being done! And at the end as well! It was not at twelve that I finished my work! [...] In principle, I had to: hand over to him what I drove and that's all. But no! I count the cash register receipts, I clean the kitchen; I do housecleaning at his place; I wash his car! (Interview with a migrant worker)

10

<http://www.pam.fi/fi/tyo/kiinteistopalvelu/Sivut/Uusipalkkausjarjestelmajaansiokehitysohjelma.aspx>

5.4 Living conditions

Forced labourers may also be subjected to substandard living conditions, including overcrowded and unhealthy accommodation without any privacy (ILO 2012). Bad conditions alone do not prove the presence of forced labour, but the workers may be placed in a situation where they voluntarily accept these conditions because of the lack of any alternative living place and job. Accommodation provided by the employer may make the worker dependent on his/her employer and easily controllable.

It appeared from our data that many employees who lived in accommodation their employer had provided for them complained about low housing quality. The employees often had to live in an apartment where they would share a room with two or even more people. In addition to the lack of privacy and space, the sanitary conditions were problematic. Migrant workers can also be targets of deception, as in the next example where a man went to work in the transportation sector in Germany. That employee was promised decent accommodation, but in Germany it turned out that the living place was an abandoned hotel which had been turned into a workers' dormitory with rooms without windows, and for which he was asked an enormous rent and 600 euro cash in advance. In some cases, the migrant workers lived in a crowded derelict basement apartment or an office. A woman working in the cleaning sector lived in an apartment which was actually an old office, and where other people would walk through your room to get to their own. Due to the lack of space some people had to sleep on the sofa or even under the table.

It was a former office building. Toimisto [office]. And then there was some kind of communal building with a kitchen corner and fridge. [...] We lived in those rooms and that which was in between, that was used jointly. It was a bigger room that was open between those rooms. The kitchen had been extended and more cupboards had been installed. And there was a dining table. [...] At the beginning there was one room for each worker. But then there were suddenly two per room. And in the summer when there was a lot of work, I for instance got a third roommate.

Four rooms were walk-through. We were in the farthest ones. And there was an African man sleeping on the sofa. [...] And there was one refugee there too. [...] He was sleeping under the table in one of the rooms.
(Quotes from interviews with migrant workers)

In the cases described above, the workers had no rights in respect of their living conditions. The employer was entitled to add more workers to a room, send them off or move them between different places. There was also one case where the employer preferred to provide a room for those who was willing to pay more rent than the amount that had been paid so far. Then the persons who had previously lived in that room had to pack their things and move on to another place also provided by the employer. Once the employer needed to accommodate their relatives, forcing some employees to live together with other workers, so they were not able to rest in such extreme circumstances. The

employees were deeply disturbed by such *tossing from one place to another*; it caused uncertainty.

Her parents came to visit. And she [wife of the employer who had arranged the accommodation] had to show them that she was living in a posh way. That the three-room apartment was all hers. And she moved the three women who had been staying in that apartment to live with us, for a week! And this is how we were living for some time: we were sleeping in twos; some of us were sleeping on a sofa or in an armchair. (Interview with a migrant worker)

It seems a common situation of labour exploitation that the rent is high and does not depend on the number of people living in an apartment (Jokinen, Ollus & Viuhko 2011). Our data revealed one case in the cleaning sector, where the employer arbitrarily put a new worker in the room where the interviewed worker already lived with another woman, and continued collecting the fixed rent from all three. When the interviewed worker complained about such behaviour, the employer started sanctioning her by taking work away and reducing her wages. Using such coercive methods was probably intended to weaken the resistance of the workers and maintaining the exploitative relationship.

But then the abuse began. It began when that third person was put in my room. [...] But I was not told anything, a bed was simply put in the middle of the room and another person moved in. I think such things should be discussed first. I did not owe any rent to her and I was not unable to pay. I might have been late by a couple of days because working all the time makes you lose all sense of time. But I did not leave the rent unpaid. Then I said that this is not how things are done. And then she thought that she would give me less work, if I dared to speak up. Then she started to pay me minimum wage. (Interview with a migrant worker)

Through the accommodation, the employers can control the employees and keep them dependent. The workers who lived together with their employer in the same housing may experience particularly serious monitoring by the employer. These workers experienced the situation as the employer having more rights to arrange his/her private life than they had. The employer could host guests, drink alcohol and have pets without taking into account the wishes of the employees, including their need for privacy and rest at night. Moreover, the employer used to check on their leisure-time activities, movements, relations, shopping and clothing, which was most frustrating and frightening for the workers. For example in the case of a cleaner, the male employer did not like the female employees to wear skirts and dresses even on warm summer days and made them change their clothes. The power and control that he exerted over the workers even included elements of sexual harassment (more about this in the next section). Control of personal life and movements inside and outside the workplace is a strong indicator of forced labour (see also ILO 2012).

5.5 Violence

Violence committed by an employer toward an employee is a clear indicator of forced labour (ILO 2005). Psychological, physical and sexual violence are means by which a worker can be recruited and forced to stay in an exploitive employment relationship. Violence can also be used to make a worker undertake tasks that were not part of the initial agreement (ILO 2012).

5.5.1 Psychological control and threats

The use of threats is a quite common method used by employers to control migrant labour and hold them in an exploitative relationship. According to the FLEX study (Jokinen & Ollus 2011) and our data, threatening the workers is quite typical. Mostly the employees were threatened with the loss of their job in order to pressure them to work for lower or part wages, and putting in longer work days. Based on the interviewees, the most common ways in which the requests and demands regarding working conditions and wages were made, were “there is a queue behind the door,” “ships are sailing, go to Estonia” and “You are free, go!” The employers threaten the workers with the knowledge that there are many other employees who would willingly take their jobs.

The employers also threatened to take revenge on the employees and to make their further life and career difficult should they try to leave the employer and let the officials know about their illegal treatment. The workers were afraid that they had no chance of finding a job in a certain field because the employer can slander them and damage their reputation. The employers have said to the employees that they had contacts in different organisations and money to pay for good lawyers, so the employees would have no chance when trying to make an application to the officials.

Interviewer: Have they ever threatened you or not?

Interviewee: Yes, all the time! Especially [the girl-friend of the employer]. She would tell me all the time: "Don't even try! They will grind you into the dust! You won't even remember your name! Don't even try! He is very powerful! Everything is under his control here, he's paid for everything! Don't even try!" (Interview with a migrant worker)

The employees described the situation so that besides using threats, the employers also humiliated them, made insulting remarks and created the feeling that they were useless, dull and incapable of doing proper work. With this aggressive, insulting and patronising communication style the employers tried to force the employees to work overtime, prevent disclosure and increase their sense of vulnerability.

She [employer] really liked to abuse you. You were dumb, you had a limited perspective, you were from Estonia. You could not talk to anybody or do anything. If you said something to her, she immediately stated the opposite. She never agreed with what you told her. (Interview with a migrant worker)

5.5.2 Physical violence

In general, physical violence as a mean to control the workers was not used. An interviewed male described his experiences of physical violence with the owner of the accommodation who was included in the foreign labour exploitation scheme. The employee had discovered in the foreign country that the future employer had deceived him when offering a good job, immediate employment contract and proper accommodation. When he reached the destination it turned out that the employer was a non-reliable agency, the accommodation was too expensive compared to its quality and the contract was in a foreign language and suspect. The man decided not to sign the contract and not to get exploited any more. He stayed the night in the corridor of the accommodation. The owner of the accommodation did not like it and tried to get his documents and personal belongings by using force.

There was no place to stay. And I went down to the hall to spend a night there. To sleep in the car would not be possible because of the cold [...]. I spent the night there and did not noticed when the owner of the hotel arrived, something around six o'clock in the morning. When he saw me, he immediately attacked me. Tried to get my passport. When he could not get the passport, he took my laptop. My laptop was on the table, charging. Altogether, I had to fight him to get my things back. He was threatening me and telling he will call some people to get my documents unless I pay for spending the night in the hall (laughing). I managed to get my stuff and I left, went to the car. (Interview with a migrant worker)

5.5.3 Sexual violence

Victims of human trafficking for forced labour and labour exploitation may also be targets of sexual violence, although previous studies indicate that this is uncommon (Jokinen, Ollus & Viuhko 2011). However, the lack of information on sexual violence may also be due to the sensitive nature of the issue. Our data revealed a few cases. Two interviewed women in the cleaning and restaurant sectors had experiences of sexual violence on the part of the employers which ranged from verbal and physical components, various remarks concerning clothing, up to involuntary touching and sexual intercourse. As told by the women, who had been working in Finland, the male employer with a migrant background was touching them involuntarily, touching them in an intimate way and trying to undress them.

Yes, he was harassing us as well, but we stepped back to a safe distance. For example, he used to do something like that: just approached us and unzipped our cardigans, and then zipped them up again. It was like a joke! He just wanted to see if we were wearing something underneath or not. (Interview with a migrant worker)

The forms of sexual harassment also included threatening employees with sexual intercourse and demanding sexual intercourse in return for the payment of wages. For example, a worker told us that she had not been paid her wages

for a while and when she reminded the employer of this issue, the employer had said: “Why, let’s take care of it in bed. You will come to my place... and then you will get the money”.

The data demonstrated that employees who were in a difficult economic situation were forced into sexual intercourse. An interviewee told us that the employer treated her as his property, considered her to be his debtor, and at the same time paid her wages infrequently. The employee felt cornered, and in order to pay her debts she did not see any solution other than to bend to the employer’s sexual demands.

Sexual violence by the employer gave the employees very unpleasant feelings and damaged their self-integrity. They felt fear and humiliation, and tried to avoid situations which could lead to sexual harassment. Due to this problem, the personal relationships with their partners suffered. One employee was so devastated by the violence that she needed psychiatric help.

5.6 Other features of labour exploitation

5.6.1 Controlling by providing or not providing work

One way to control employees was by manipulating with the provision of work. For example, when an employee complained about irrational and violent working or living conditions, then the employer for some time provided that employee less work to do. With this behaviour employers try to force employees to submit to their will, to inhibit the employees’ demands for better treatment, and to dispute the exploitive behaviour of the employer. For the employee, a decrease in the work load meant smaller wages and difficulties in coping. Since the employer knew that the employees have family to support in Estonia, this method helped to influence the employees in the desired direction. The employees perceived that they were in a vicious circle – they saw how the employers were exploiting them but they could not do anything for fear of losing their work and wages.

It was so that if you opened your mouth and said that something is not to your liking, then you were immediately influenced through work. You were not given any work until you said to everybody that yes, yes, this is how it should be. Then you got lots of work. But when you said that you are tired and want to leave earlier on that day, then for five weeks several jobs were taken away. (Interview with a migrant worker)

By decreasing the amount of work and threatening employees with termination, the employers also tried to inhibit communication with family members in Estonia and not to invite them to live abroad. One woman who worked in the cleaning sector in Finland told us how she wanted to bring her underage child to live with her in Finland but the employer was against this idea. When the employer heard about the employee’s plan, the employer gave the woman less work to do and later announced that he/she will end the working relationship. The woman was not given any chance of negotiation. It

is possible that the employer perceived that when also family members move abroad, this will decrease the vulnerability of the employee and help them to cope better, since the everyday costs were lower, and the employee was no longer as easy to control.

My quarrel with her [employer] started because I brought my daughter here. My family consists of only three persons: me and my two kids. [...] I said that I will go to Estonia. My son will finish school in Estonia and I will come back with my youngest. She knew all of this. She did not like it. And then she also took away work. I was cleaning at a school and she came in one day, "That's it! You're done. Now you will leave. By morning the room has to be empty!" And then she disappeared. If we could have sat down and talked things through. (Interview with a migrant worker)

5.6.2 Fines and creating debts

Debt bondage is an indication of forced labour (ILO 2012). Applying an unfair system of fines and creating obligations which may lead to debt bondage is also a sign of labour exploitation and possible forced labour. Employers have imposed fines in the workplace even for small errors. The possibility of withholding fines from the wages had been included in the foreign language employment contract that the employees had been forced to sign. The contract gave the employer the right to deduct different sums of money from their wages. This unfair fine system only served the interests of the employer and was not meant to direct the employees' attention to their improper behaviour.

The amount of fines is large as a rule, and therefore the employees earn less due to their smaller wages. Sometimes they were even in debt to the employer. This obligation kept the employees in the exploitive relationship and made it difficult for them to leave. Also, the employees were afraid to argue with the employer and to challenge the sanctions.

But, well, for instance my husband worked at a business, also from Estonia [...]. They took such big sums out of their pay when someone somewhere had said that they had broken some chairs, it was even a sum of 300 [EUR]. We even turned to a lawyer. Believe it or not, even the lawyer could not get that money back. Eventually, they sent my husband a letter saying that a man with a name like that has never worked in their business. (Interview with a migrant worker)

5.6.3 Social isolation

Isolation of migrant workers, both physical and social, is an indicator in human trafficking for forced labour (ILO 2012). It can consist of the migrant workers being kept confined or denied contact with people around them and even with family members. Our data did not indicate any situations of physical isolation but there were cases of restriction of social communication (see also Jokinen,

Ollus & Viuhko 2011). It was shown that employers tried to inhibit the social network of the workers and also better coping mechanisms in the foreign country. They emphasised that the employees were not tolerated in the foreign country because of their nationality or work status. The interviewees told us how the employers suggested to them that local people (Finns) had negative attitudes towards Estonians, they are doing 'the dirty work' and therefore their reputation among the locals is low.

Employers forbid the employees from contacting their neighbours in the apartment. In the case of a cleaner, the employees were not allowed to talk about payment of rent or even to chat. The interviewee assumed that the employer feared that his exploitive activities toward workers could come to light when roommates talked openly with one another. Sharing their experiences may bring employees together, encourage them to stand up for their rights and seek help. In another case, the employer did not allow the workers to have a conversation with their colleagues, job managers or representatives of the client company. This limitation disturbed the employees in doing their job.

Then she did not promise. Well, if you cleaned the toimisto [office], then she said that you must not talk to anybody. Firstly, you are Estonian; secondly, you are a cleaner. They do not like you. Then I said that I was invited for coffee and asked what I should do. "Don't drink. Well, go quickly and drink your coffee and then leave right away. Just don't talk!" Well, she was also somewhat afraid. That when you talk to people, then it comes out how things are in reality.

First of all, we were not allowed to talk while we were working. [...] Only among ourselves, and, well, only about work. If he heard us talking about something... well... it was forbidden! Especially to talk with the staff: for example, with waiters, or with a headwaiter. I said: "How can we not talk to them if, for example, we've run out of napkins, or paper, where can we get it from?" "You must sort it out on your own, you mustn't talk! (Quotes from interviews with migrant workers)

The employers may have made it difficult for the employees to learn the language of the target country in order to inhibit possibilities of communicating with locals and thereby getting more information about their rights and in this way finding another job. For example, an interviewee who was working in Finland started to attend a Finnish language course but in a month she had to cancel her studies since her employer had intentionally reorganised her work so that it overlapped with the time of her language course.

6. Description of labour exploiters and mechanisms of fraud

In the analysis of the data, some mechanisms were identified that were used to exploit migrant labour, engage in work-related human trafficking and mislead the state authorities. The interviewed workers and experts in our sample described such schemes, in particular, in the cleaning and construction sectors.

6.1 Hierarchical sub-contracting schemes related to labour exploitation

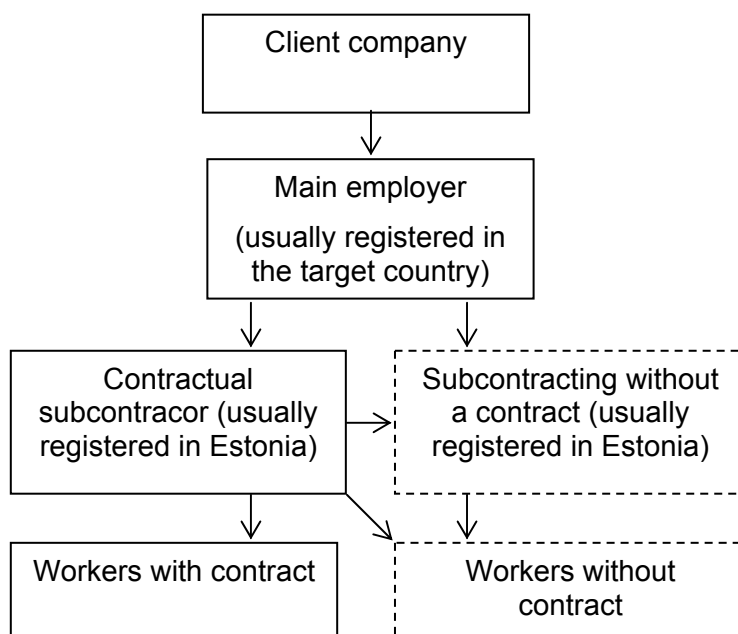
The schemes included hierarchical employment and agency relationships between different companies (or persons) who try to make a profit by exploiting migrant labour. According to the scheme, the work is not done by the main employer from which the client company had ordered the work but by subcontractors (see Figure 3). According to the contract, the main contractor has an obligation to do the work but delegates the task to different subcontractors from which the necessary services are bought. The subcontractors (which in turn may have their own subcontractors) hire the necessary employees, make agreements with them and organise the work.

It is noteworthy that according to the interviewees the main employers were mostly companies registered in the target country while the subcontractors tended to be companies registered in Estonia which were also licensed to engage in labour rental services. Also the previous FLEX project indicated that the perpetrators were often of the same nationality as the victims. In this way they were usually more aware of how to exploit and control people of their nationality (Jokinen & Ollus 2011). In rare cases the subcontractor may be registered in a foreign country (e.g., Finland).

The system described above is not often legal or transparent. First, the interviews of workers revealed that the main contractor may have no right to employ subcontractors but was supposed to do the work itself. The purpose of passing on the obligation to do the work is not to increase the quality of the work in the area by employing a more competent company, but to make a profit through a process of passing down the labour. If prohibited by the client company, the main contractor may employ subcontractors by making legally binding contracts with them. Also companies which act without the (necessary) contracts can be involved in the scheme. So the main contractor and even contractual subcontractor may employ non-contractual (fraudulent) firms. In the next quotation a person who worked as a cleaner in a construction company belonging to an Estonian described the complex chains of subcontracting companies which try to profit from the exploitation of workers and economic control over them. The employer of the interviewee was a subcontractor who delayed in the payment of wages, and ignored work and rest time requirements.

These are quite common schemes, in which the main contractor is a Finn. A Finnish company in any field, either in construction or cleaning. And in turn, an Estonian company is under it, offering a kind of service to them. [...] It was a big company and many levels of sub-contractors. The scheme is such that there is one main contractor, sub-contractors, and those without a contract, so the company isn't even listed. So this company in turn takes someone else that you cannot identify. The Finns asked us in the first place why we were working when we hadn't got paid, we should have notified the union. The men [employees] still believed what they were promised. And when now and then some money came through, they believed it was going to be fine. So it came about that I noticed that the money hadn't come. (Interview with a migrant worker)

Figure 3. Migrant labour exploitation scheme.



Based on the results of interviews and the decisions of labour dispute committee it can be argued that fraudulent firms (persons) and subcontracting companies are engage in the exploitation of migrant labour, forced work and tax offences. The activity of such persons is difficult to control and their employees also have difficulties in pursuing claims for the payment of their wages. Such employers are looking for workers by promising them an employment contract with the local company (e.g., with the main contractor) and proper work conditions. No contracts are in fact signed with the recruited employees, they are not paid the wages, they are not offered suitable and secure work and living conditions, and the necessary taxes are not paid on their behalf (see the examples above in the sections on problems related to the payment of wages and extra pay, the conclusion of contracts, work and leisure time, and living conditions).

The persons working under exploitative conditions are recruited for a short period of time. Mostly this practice is used in the construction sector. From the decisions of the labour dispute committees it can be seen that the employees who had worked for a month or two without a written contract or payment of wages, left the job when the employer did not fulfil promises related to working conditions (e.g., decisions 4.1-2/1170-2012, 18 June 2012). In another version of this scheme, the employers did not offer more work to do or did not contact the employee any more after sending the worker on holiday, as a result of which the employees missed payment of their (last) wages (e.g., decision 4.2-2/2033, 08 October 2012). These methods enabled the employer to earn a profit with minimal expenses.

Some migrant workers in our sample, who had signed employment contracts with Estonian subcontractors, were annoyed about the large profit the main contractor and subcontractors earned. The employees were usually paid the minimum wage, a sum below the minimum, or not paid wages at all. The interviewed workers described the subcontractors and main contractor(s) usually as greedy and well-off; to achieve this they made the workers work overtime for which they received no pay. As an example, one employer said to a participant and her colleagues that “work, women, I need to buy an apartment”.

I wanted to add on the subject of the money that a person who gets a lot of money goes crazy. That Finn [the main employer], who gave her [the Estonian subcontractor] work, he bought himself an apartment in Pärnu. Then he had a small house and then he bought a big house near a lake. Then he bought a new car. So he could take on an enormous amount of work. He passed the work on. But he already took a bit of the money from in between. Then the next one [Estonian subcontractor] took some money. There was nothing left for the workers. Everybody wanted a big bite out of it. (Interview with a migrant worker)

Several interviews with the workers and the decisions of the labour dispute committees indicated that at first employers paid the wages on time (although less than what employees from the target country were paid) but then delays started to occur in the payment of wages, and finally no wages were paid at all (see the section on problems related to the payment of wages and extra pay). Also, employers did not pay the proper labour taxes, leaving the employees with tax debts in the foreign country.

I hear from here and there that taxes have not been paid. Like what that [Estonian] business did. All the employees had to pay their own vero [tax] but he did not even give them their receipts and many had such a high vero [tax] debt, even I paid over 1000 euro. (Interview with a migrant worker)

6.2 Patterns in concealing the illegal and exploitive activities

The employers used different methods to cover their illegal activities (see figure 4). One option was that the employers forbid the employees from communicating with the locals and other persons working at the place of work and made it difficult for them to integrate into the community. They threatened those who asked for help with sanctions, derogated organisations that provide help or lied about them. As shown in next quotation, the interviewed workers did not turn to the trade union for the service sector in Finland (Service Union United, PAM) for help because their employer had lied about the function of this organisation and criticised it.

Interviewee 1: At the beginning it is difficult if you do not know any laws and such. You believe your boss. I thought that everything was all right. It was she who said the PAM [trade union] was no good. “Oh, there is no point, it won’t help you”. I was stupid and believed it.

Interviewee 2: It was said to be a business run by thugs. They would only squeeze you. Then when you learned that it was actually a trade union and that they protect workers, then everybody was like, “What did she say? That it was a business run by thugs?” (Interview with migrant workers)

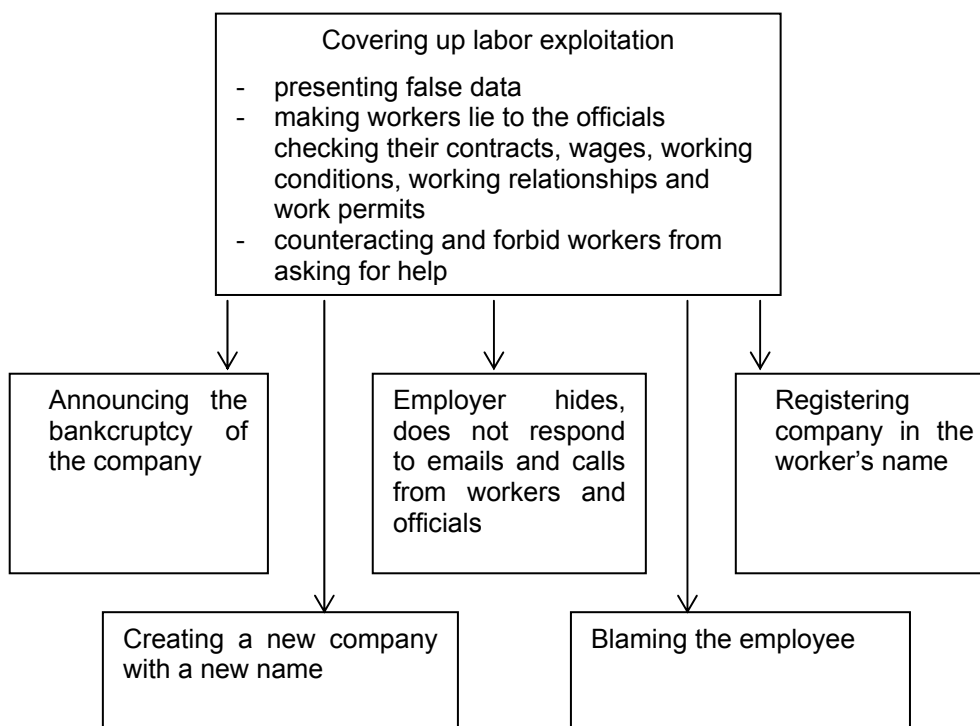
On the other hand the employers tried to mislead also the officials who supervised work conditions. In order to do so, the employees were forced to lie about the amount of their wages, their working conditions and their subordination, in order to give the impression that the activity of the company was legal (see also the example given in the section on economic control about the men working in Norway who received only a fraction of their wages because they were forced to give part of the money back to their employer). For instance, in order to cover up the scheme, the interviewees working in the cleaning sector had to say to the supervising officials from the labour inspectorate that they had employment contracts with the main contractor registered in Finland and not with the Estonian subcontractor which had hired them.

The city called and said that this school needs to be cleaned. The Finn said, “Yes, I will clean it.” But then he gave it to [name of the Estonian company] who was a subcontractor and then we did the work. [...] [the Estonian employer] made it clear to us, “You must not tell there that you work for [name of the Estonian company]. If somebody there comes and asks then you must say that you work for [name of the Finnish company].” Because there was no subcontracting allowed, it had to be done directly. There was a lot of this kind of fiddling. (Interview with a migrant worker)

In order to deceive the controlling officials, employers applied more complex schemes. In one case the employer demanded that the employees say to the supervisory officials that they have come to Finland to visit friends but not to work. The employer even got the employees travel cards or let them acquire the relevant documents by compensating only a part of these expenses. By using this method the employer wanted to hide the fact that the employees in that company did not have the necessary documents and working permits.

They [colleagues] said that once there was a full inspection in all restaurants. They were checking documents and trying to catch hookers, I don't know. And they were even checking all cleaners and waiters to make sure that the documents and work permits were OK. And he [employer] said: "If there's an inspection like that, you need to say that you've come here to visit a friend". (Interview with a migrant worker)

Figure 4. The mechanisms used by employers to cover up and “legitimate” illegal activities.



According to interviewed workers, when information about the illegal activities and labour exploitation had reached help-providing organisations and law enforcement authorities, and their fraudulent activities were no longer successful, the companies rapidly ended their activities, declared bankruptcy and/or formed a new company using some other business name. The assets of the old company were transferred quickly before the bankruptcy or liquidation to the new company. By letting the company go bankrupt, they hoped to escape the obligation to pay wages to their workers and also to pay state taxes.

In the next example, an interviewee described the reaction of her Estonian employer who had not been paying wages in accordance with the law, when she had turned to the trade union in Finland.

X [a worker in the trade union] worked there and then I showed it [the timesheets] to her. She immediately took a calculator and started adding them up. That's not possible! She made a call and from then on things started to move. Then they started inspecting [name of employer] and then, out of fear, it changed its name. [...] But it still goes on like that

there. She [employer] is lying about her data. (Interview with a migrant worker)

Another aim in creating a new company was to avoid a large tax burden, as mentioned in the interviews. Using Finland as an example, the interviewed workers told about companies which had been in business for two years and then ended their activities in order to avoid the need to pay the higher taxes which apply to companies which have been in business for a longer period of time. After a couple of years in business, a new company is created. Respondents said that not only companies registered in Estonia, but also companies registered in Finland use this scheme.

There was something, everybody says that after two years some kind of tax burden would increase. That for the first two years the tax is lower. It is not simply Estonians who have come from outside but Finns were also supposed to do it the same way, that for two years they have one name and the next two years they have another name and a new business. (Interview with a migrant worker)

According to our data, it was very common for the employer to hide and try to avoid contacts with the employees, the police and the officials of the Labour Inspectorate. The decisions of the labour dispute committees revealed several cases in which the employers had not responded to the employees' claims and had not come to the session, even though, according to the Individual Labour Dispute Resolution Act §17 section 2, "the person against whom the claim is made has to state in writing whether the person recognises or does not recognise the claim and support his/her claim with evidence".

The interviewed workers said that employers had been declared fugitives in the foreign country after they had informed the police and the Labour Inspectorate. In addition, it turned out that some employers had a criminal record, and the labour exploitation case was not their first one. Some employers had even been prohibited by the court from engaging in business activities. The workers were surprised how it was possible that persons with a criminal background could establish a company so easily and that the control over their activities was so weak.

And finally I heard, when the company was in bankruptcy, that over 20 people had submitted this application for pay security. [...] And then they were being sought. The pay security and everyone were looking for them. I talked to that lawyer. And they turned it over to the police because they were fugitives. They didn't pay taxes either. [...] They had set up a new company. This was already when they went bankrupt. They transferred the money to that company. It was somehow wood-related. The funniest thing about it was that both company founders, a man and a woman, were criminal fugitives in Estonia. (Interview with a migrant worker)

The persons who acted illegally and exploited labour typically blamed the employees and denied the labour exploitation. For example, when giving explanations to the labour dispute committee, employers denied the existence

of an employment relationship or that certain working conditions had been agreed on (e.g., decisions 4.1-2/398-2012, 28 March 2012; 4.3-2/66. 21 February 2012). They explained their behaviour by claiming that the employees had been behaving improperly, had not been present at work, did not fit the position, had behaved in a disorderly manner, did poor quality work, and used alcohol (e.g., decisions 4.3-2/882, 25 May 2012; 4.2-2/1357, 31 August 2012).

6.3 Setting up companies in the worker's name

A serious form of labour exploitation is registering a company in the worker's name without the permission of the worker or by giving false information concerning the purposes of the company. There were a couple of cases (both with Russian-speaking participants) in which the employers had the employees working in the cleaning and catering sector sign documents in a foreign language without understanding the content, but with which a company or two were registered in the worker's name. The aim in establishing such companies had been to earn a profit by not paying the necessary taxes and by not themselves being liable for any tax offences. According to the fraudulent scheme, the employer had the client company transfer money to the worker's company bank account. After that the employer told the worker (who was legally the owner of the company) to withdraw the money from the bank account in cash, and the worker was then paid the wages in cash. The employer did not pay the state income tax; however, the employer could offer a small fee to the workers to persuade them to participate in this crime. Besides that, fear of the employer was a factor explaining why the workers had agreed to go along with this illegal activity and not stand up against the employer. As related by one interviewee, the employer had threatened the employee with sexual violence.

One interviewee mentioned that she found out about the bogus firm made in her name. When she turned to the employer and demanded rapid closure of the company, then they started to threaten her and told her not to go to the police. As a result the employee let the police know anonymously about the crime that had been committed, and closed the company in secret because she was afraid of revenge. However, some other co-workers with the same experience did not dare to turn to the police or to anyone else.

I didn't know Finnish at that time. Of course, I signed some documents. [...] And then it turned out... And his [employer] girlfriend just said one thing. [...] She said: "Your company has got such a funny name!" I stiffened with astonishment. I said: "What company?" She said: "Yours!" I said: "Mine!" [...] Well, I didn't start making a big fuss out of it at that time. The only thing I said was: "Well, he should be able to shut it down as easily as he set it up!" But she got mad and shouted: "Don't even try that! He will grind you into the dust! Don't you know that he has the best lawyers? Don't even try doing anything!" (Interview with a migrant worker)

Owning such companies created large tax obligations and debts to the victims. Because the obligations were not paid then the workers had problems when applying to banks for a bank card; they also had difficulties afterwards getting a loan from a bank. In the quote below the worker (in whose name the company was registered, and the tax debt of the company had risen up to a thousand euro) describes her colleague's case:

There is one woman here, too. [...] As far as I know, about six companies are registered in her name, or maybe even more. I don't know how the situation could get as absurd as that! I don't understand that! When I found out about it, my hair stood on end! I was shocked! What about taxes? What if the tax police start checking? [...] They can take away your flat! If you have a car, they'll take that away, too! People go to prison for not paying taxes nowadays! Yes, some people say that it's good to be in prison. But I don't want to go there! And if I start working, they'll be deducting those amounts from my wages. I don't know how I'm going to pay back that thousand euro. But six companies! (Interview with a migrant worker)

7. Risk factors of forced labour and labour exploitation

7.1 Vulnerability

The interviews with employers, employees and the lawyers of the Labour Inspectorate noted several features which indicate that migrant workers were exposed to forced labour and labour exploitation. In general, they were characterised by high vulnerability which was related to their difficult socio-economic situation prior to migration. However, being in a vulnerable position because of poor economic condition does not necessarily lead a worker into forced labour (ILO 2012). It may emerge when an employer takes advantage of the vulnerable position of a worker. In the next quotation the lawyers of the Labour Inspectorate described how the employers can exploit the vulnerable position of workers.

Interviewee 1: The basis of labour exploitation is exploiting vulnerability and lack of knowledge. [...] People are very trusting, they do not search the background of the employer, do not search what the employer has managed. The employers abuse the difficult situation. Those who go abroad to work, they do not have there a normal income or work. The employers exploit it and also use coercive methods, for example make them doing overtime work.

Interviewee 2: If the person pushes back then he/she is told not to come at all, I have a queue waiting behind the Säästumarket [relatively cheap Estonian food chain], I'll take the next one from there. (Interview with experts)

As mentioned above and also by the experts from the Labour Inspectorate, the reasons for going to work abroad are usually a long period of unemployment, occasional and low wages jobs which are manifested in financial difficulties. In addition, several interviewees had to support their families in Estonia and also had obligations to banks. In the hope of finding permanent work abroad and thereby improving their life and the life of their families, people accepted the first jobs offered. Since the socio-economic pressure to find a job was large, people were accepting the working and living conditions offered by the employer, which could be different from what was expected or promised in advance. The employees accepted having to work for lower wages and without an employment contract, or signing a contract only after having worked for some time.

The necessity to earn even a minimum wage in order to meet their own needs and the needs of their families rendered the employees vulnerable to employers who were prone to labour exploitation. The difficult financial situation of the employees made it possible for employers to force them to work overtime and on the weekend, and to control them by paying the wages only in part or not paying wages at all. Delay in the payment of wages, partial payments or not paying wages at all made it even more difficult for the employees to cope. One employee said that her wages were delayed and thus there was no money to

buy a monthly card for transportation. Luckily, her apartment neighbour worked on the other shift so she could borrow her transportation card. There were also situations where the employees did not have money to send to family members in Estonia.

The first money was paid in advance. I had very little money when I came. But the first payday, when it came, was one week late. Thanks to having a room-mate who worked at a different time, I could use her bus card. I didn't have money to ride a bus, to buy food. I didn't have anything.

At [name of company], they also paid us late. [...] Anyway, the wages came in three business days. This, again, wasn't right. We had to pay bills in Estonia as well. We had families. My son was also studying at that time. It was horrible when you had to tell your son that you cannot send him money, that he should manage somehow. I called my mother and asked her to pay my son's lunch money from her pension. (Quotes from interviews with migrant workers)

A difficult economic situation very easily makes the employee dependent on the employer, which makes exploitation of the worker even easier. Those workers are most exploitable who owe money to the employer and who do not have money and social networks that would help them leave the employer. Employees who cannot find a new job and accommodation are forced to stay longer in the exploitative work relationship. For example, the victims who lived in an apartment provided by the employer felt that they were in a vicious circle. Leaving the job would mean that they would immediately have to find a new place to live. In order to be able to rent a new place, they had to pay a deposit which was over the limits for the employees, since the employer had not paid their wages in full and in time. According to the lawyers of Labour Inspectorate some victims did not even have enough money to return to Estonia. They had suggested in these circumstances that the victims turn to the embassy.

Well, it is not so easy to get a separate apartment. I can speak from experience. I know people who submitted an application here to Sato or VVO [large Finnish housing and rental companies] and the next day or the day after that there is a letter in their mailbox saying that their apartment is waiting for them. I wrote many such letters. Here with Sato and VVO the rent is high. And here you have to pay a deposit of 250 euro as well. But most companies take two months' apartment rent as a deposit. Well, you can get a two-room apartment for 700. That is a good catch. But you have to have at least another 700 and in the better cases even three times 700. But who has 1500 to 2000 euro readily available to pay it right away. [...] It was like you were running in a circle. To get away from that toimisto [office] and to get a new job, you need your own place to live. But you can't get it. To get a new place to live you also want a new job right away. (Interview with a migrant worker)

7.2 Poor awareness of rights and labour regulations

Poor awareness of rights, labour regulations and options for getting help may increase vulnerability and lead the migrant workers to experience labour exploitation and forced labour. Our data showed that persons who went to work abroad were often not aware of the working conditions and legislation of the target country, which created a good opportunity for their exploitation. On the basis of the interviews it became evident that the employees were not aware of the minimum wage rates, the system of collective agreements on wages (in Finland), the necessary documents etc (see the examples in the section on economic control). The employees admitted that they had heard about their rights and the unlawful behaviour of their employer only when they had turned to the Labour Inspectorate, the union or some other help-providing organisation. However, people even did not know where they could get help in the case of unlawful behaviour on the part of the employer.

Our data showed a difference in awareness of rights between language groups. Knowledge of work-related regulations among migrant labour speaking Estonian was poor, and among those speaking Russian it was even poorer. Probably the language barrier is a reason why the Russian-speaking workers are less aware of the laws and assistance opportunities. This issue was borne out from the interviews with employees and with the employers. In addition, ILO (2012) states that minority ethnic groups are especially vulnerable to exploitation.

In our estimation many Russians are applying. Russians living in Estonia who want to work in Finland. Their knowledge is near zero. [...] They have no idea of this tax system, living conditions, deposits which have to be paid when renting an apartment. (Interview with an employer)

Employees mentioned in the interviews that they were in a hurry when they went to work abroad and they did not have time to find information about the living conditions and regulations in the target country. This rush probably serves the interests of employers. The less employees know of their rights, the easier it is to exploit and threaten them, and this increases the probability of the employees not standing up for their rights and seeking help.

7.3 Trustfulness and lack of language skills

In addition to the factors above, the lawyers of the Labour Inspectorate identified the trustfulness of employees as a factor in their exploitation. This became evident also from the interviews with the employees and decisions to delete agencies from the Register of Economic Activities. The employees were too trusting in agencies and their future employers. They did not check their background and the legality of their present activity. They also believed promises concerning the future signing of employment contracts, and concerning working and living conditions.

Due to their trust in their employers and their poor knowledge of foreign languages, employees signed improper contracts and documents. By doing this they fell in a serious trap of labour exploitation and human trafficking (see the section on the description of exploiters and mechanisms of fraud). Poor knowledge of foreign languages caused problems for several employees in communicating with authorities, formalising documents and also asking for help. Since they did not speak the local language, Estonian employees preferred employers who spoke Estonian, and who often were acting illegally. The employees considered deceit on the part of their employer inevitable. In time they hoped to gain experience with working and living abroad, and to learn the local language on the job, and finally to manage by their own.

I didn't know Finnish, I couldn't express myself and didn't have any acquaintances. I thought that when I got hurt, well, but at least I could get going. (Interview with a migrant worker)

The officials of the Labour Inspectorate mentioned that employees who know little about their rights and also had poor foreign language skills tended to accept less than what they were entitled to according to the law. They did not demand all the benefits to which they had the right to apply, and they turned to authorities only when they did not receive even the minimal wages as a result of the deceptive behaviour of the employer.

We have had very problematic cases where knowledge is not the highest. The person (maybe) does not speak the language; hopes for the best from the employer. The person does not have high demands for getting any money for doing overtime work, or of the rights in the country. The person wishes to get his/her wages, 12 euro an hour, and maybe transportation there and back. With this they would be very happy. And when they do not have even that, then they turn [to us]. (Interview with the experts)

8. Summary

During recent years, labour migration has rapidly increased in Estonia. This has raised the need to deal with trafficking for forced labour and labour exploitation. Although since 2012, the notion of trafficking in human beings has been defined in the Estonian legislation, awareness of the problems (specifically, the part related to forced labour) tends to be low among the general public.

This study seeks to identify the nature of exploitation of Estonian workers who migrate. This analysis complements the previous FLEX project by shedding more light on deception in the recruitment process and mechanisms of labour exploitation. In the current study, a large amount of new material has been utilised, including decisions of labour dispute committees and documents for annulment of the licences for labour exchange companies, and fraud cases. In addition, this project opens up the problem from the perspective of both employees and employers.

The most popular destination country of labour migration for Estonian people is Finland; Finland is followed by Scandinavian countries, Germany and the United Kingdom. The reasons for finding job abroad are mostly related to economic difficulties due to unemployment, and temporary or poorly paying job. Primarily social networks and labour exchange portals are used to find a job abroad. The services of recruitment agencies are utilised much less.

Some job seekers can be subjected to illegal and dishonest activities on the part of recruitment agencies. Our data indicates that these activities include not only the charging of a high and illegal fee for recruitment services, but also cheating job seekers by providing jobs or working conditions that are different from what was promised, or even offering a position that is not open or does not exist. The agencies deny or conceal their illegal activities by manipulating the concept of labour exchange and renaming the services provided.

Our data shows the growing importance of posted work in the labour market. The representatives of posted labour companies state that, on the one hand, due to insufficient regulation of posted work in Estonia, and on the other hand, due to the activities of law-breaking agencies, it is difficult to operate in the area of personnel renting. Companies using illegal and labour exploitive methods damage the reputation of the field and create unfair competition in the market. Our data pointed to cases where the posted employees had been forced to work in unreasonable conditions and had been deceived in the payment of wages. The Estonian Staffing Association has been established to exercise greater control over the activities of companies in this field and improve their image. However, there is still a great need to regulate the activities of these companies at the national level and implement measures that protect the rights of posted workers and prevent their exploitation.

Our study shows that migrant workers have experienced various forms of labour exploitation with different levels of severity. There are workers who have been subjected to unacceptable and problematic working conditions which are contrary to national and international labour regulation. These cases are generally related to irregular payment of wages and to demands for overtime work and work on holidays without supplementary remuneration.

More problematic are the cases involving false promises. Migrant workers are primarily recruited by promising them a decent and well-paid job, good working and living conditions and a written employment contract. Our data indicates that many workers have been given deliberately false information about the employer, the amount of wages and other conditions. Because often no written contracts are concluded as agreed, it will be difficult for the workers to protect their rights and request the payment of outstanding wages. The migrant employees may even have signed contracts which were in a foreign language, which they did not understand, and which contained provisions on unreasonable fines. Signing these agreements, and the imposition of fines, have led them into debt bondage and forced labour.

There are also workers who have suffered from systematic, sophisticated and serious exploitation. They have been threatened with termination when they complained about long working hours without getting days off, or about delays in the payment of wages. When workers complained about irregular working hours and poor living conditions, the employers have punished them by decreasing the amount of work and wages. Their movements have been controlled and contacts with roommates, colleagues and other local people have been prohibited, probably with the aim of increasing their social isolation and preventing disclosure of the exploitive practices. Individual employees have also experienced physical or sexual violence on the part of the employer.

The results of the current study shed light on the mechanisms that employers use to earn a profit through the exploitation of migrant labour. These schemes occurred primarily in the cleaning and construction sectors, and included hierarchical and sometimes illegal employment and agency relationships between different companies. Such chains generally included a main contractor and one or several (unidentified) subcontractors, who hired the necessary employees. The lack of transparency in such systems makes it possible to recruit workers without concluding employment contracts, and to exploit them by providing substandard working and living conditions and withholding wages.

Our data showed that unfairly operating companies are prone to using a variety of ways to conceal their illegal activities and mislead the authorities. One option is that the employers threaten the workers with reprisal should they plan to ask for help, or give them misleading information about assistance organisations. The employers also pressure the workers to lie to the authorities about the amount of wages, the existence of a contract, the working conditions and even the name of the employer. One method is to declare bankruptcy, leaving wages and state taxes unpaid, and soon establish a new company using

a different business name. One serious fraudulent and labour exploitation scheme revealed in our data is registration of a company in a worker's name without his/her permission or by giving him/her false information. Employees who were victims of such a fraud ended up with large tax liabilities to the State. Threats of reprisal should the employee report to the police, and indebtedness, keep the victims in the exploitive relationship.

The targets of labour exploitation can be characterised as highly vulnerable and trustful and with a poor level of knowledge about labour regulations and assistance options. In particular, the research shows that awareness among Russian-speaking migrants about laws and local circumstances seems to be lower than that of Estonian-speaking migrants. Agencies and employers take advantage of the vulnerable situation of job seekers and workers due to their poor social-economic conditions, lack of (local) language skills and lack of awareness. As a result, workers perceive themselves as being trapped, they see no alternatives and are thus willing to agree to pay agency fees and work in exploitive conditions.

The results indicate that Russian-speaking migrant workers are more likely the targets of serious cases of forced labour than are Estonian-speaking workers. They have fallen victim to violence and extreme fraud on the part of the employers or recruiters. On the one hand, this result may reflect the greater vulnerability of Estonian ethnic minorities due to poor awareness of labour regulation and opportunities for assistance. They may also use different (less reliable and transparent) channels than the majority Estonian population when seeking jobs abroad. However, this is an issue that needs more exhaustive investigation in the future.

9. Conclusions and recommendations

The phenomenon of forced labour and labour exploitation exists but is often latent. We have found all elements of exploitation starting with the smallest violations, and ranging up to the most severe forms of violence. Although awareness has risen, many workers who have been exploited and also officials still do not recognize and, consequently, do not respond to the problem.

Employment and labour mediation firms create non-transparent relationships and subcontracting chains that make the abuse of migrant labour possible. When the dishonest activity of these companies comes to light or a ban is imposed on their activity, they declare bankruptcy, immediately register a new firm and continue their dishonest and exploitive activities. There is thus a strong need to stop systematic recurrence of unlawful activities by the same entrepreneurs.

The data indicated various risk factors of forced labour and labour exploitation, including high vulnerability, lack of language skills, and poor awareness of rights and labour regulations. Language skills determine the networks through which the people will find jobs abroad as well as seek help in case of problems. If these skills are deficient, the employees may remain trapped in an exploitative relationship for a long time.

Frequently the direct employers who are exploiting migrants are of the same nationality. The employers, knowing as they do the weaknesses of their countrymen/women, abuse their insufficient knowledge of the language and legislation of the target country as well as other vulnerabilities related to the poor socio-economic situation. Keeping the migrant workers in social isolation gives the employers extra power and facilitates exploitation.

Based on our results we present the following recommendations:

- Raising public awareness of trafficking of forced labour and labour exploitation as well as labour rights and regulations using a greater variety of media channels, social campaigns and relevant organisations (e.g., EURES, Living for Tomorrow). Greater emphasis should be given to ethnic minorities by providing information in their native language (Russian).
- Ban on economic activities or not issuing licenses to those persons who have repeatedly violated the law.
- Enhancing control over the border so the companies on which a ban on economic activities has been imposed in one country would not be able to register a company in another country.
- Establishing a register of employees in which each employer should register their workers at once after recruitment in order to reduce illegal employment and thereby exploitation of (migrant) workers.

- Regulating more thoroughly the area of labour leasing in Estonian legislation and harmonising it in line with regulations within EU in order to direct the activities of personnel rental companies at the national level.
- Implementing measures that protect the rights of posted workers and prevent their exploitation (e.g., the right to receive salary in case the client company refuses to pay to the personnel rental company).

References

- Andrees, Beate (2008): Forced labour and human trafficking: a handbook for labour inspectors. Geneva: ILO http://www.ilo.org/wcmsp5/groups/public/--ed_norm/---declaration/documents/publication/wcms_097835.pdf
- Anti-Slavery International (2006): Trafficking for Forced Labour in Europe: Report on a study in the UK, Ireland, the Czech Republic and Portugal.
- Eurobarometer (2011): Special Eurobarometer 363. Free movement of workers and regulated professional. Internal Market: Awareness, Perceptions and Impacts. European Commission.
- European Commission, Directorate General, Justice, Freedom and Security (2004): Report of the Experts Group on Trafficking in Human Beings. Brussels.
- Haynes, Dina F. (2009): Exploitation Nation: The Thin and Grey Legal Lines between Trafficked Persons and Abused Migrant Laborers. *Notre Dame Journal of Law, Ethics and Public Policy* 1(2009).
- ILO (2005): Human Trafficking and Forced Labour Exploitation: Guidance for Legislation and Law Enforcement. Geneva: ILO. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081999.pdf
- ILO (2012): ILO Indicators of Forced Labour. Geneva: ILO.
- Jokinen, Anniina and Ollus, Natalia (2011): Trafficking for Forced Labour: Project Summary and Conclusions.
- Jokinen, Anniina, Ollus, Natalia and Aromaa, Kauko (eds.) (2011): Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Publication Series no.68. Helsinki: HEUNI. In: Anniina Jokinen, Natalia Ollus and Kauko Aromaa (eds.) Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Publication Series no.68. Helsinki: HEUNI, 312–323.
- Jokinen, Anniina, Ollus, Natalia and Viuhko, Minna (2011). Work on any Terms: Trafficking for Forced Labour and Exploitation of Migrant Workers in Finland. In: Anniina Jokinen, Natalia Ollus and Kauko Aromaa (eds.) Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Publication Series no.68. Helsinki: HEUNI, 31–164.
- Kask, Maris and Markina, Anna (2011): Trafficking for Forced Labour and Labour Exploitation in Estonia. In: Anniina Jokinen, Natalia Ollus and Kauko Aromaa (eds.) Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Publication Series no.68. Helsinki: HEUNI, 246–311.
- Krusell, Siim (2013): Eesti elanike töötamine välismaal. In: Anu Tõnurist (Ed.) *Pilte rahvaloendusest*, 129–146.

- Labour Inspectorate (2013). Annula Report of Work Environment 2012. http://www.ti.ee/public/files/TKY_2012%20%28ing%29.pdf
- Lisborg, Anders (2012): Human Trafficking for Forced Labour in Denmark? Odense: The Danish National Board of Social Services. Available at: <http://ec.europa.eu/anti-trafficking/download.action?nodePath=/Publications/Human+trafficking+for+forced+labour+in+Denmark.pdf&fileName=Human+trafficking+for+forced+labour+in+Denmark.pdf>
- LFT (2011): MTÜ Living for Tomorrow. 2011. Aasta Tegevusaruanne. <http://lft.ee/admin/upload/files/LFT%20tegevusaruanne%202011.pdf>
- LFT (2013): Inimkaubanduse ennetamise ja ohvrite abistamise Nõustamisliini statistika 2012. <http://lft.ee/admin/upload/files/Hotline%202012%20est.pdf>
- Miller, Peter G. and Sønderlund Anders L. (2010): Using the Internet to Research Hidden Populations of Illicit Drug Users: a Review. *Addiction*. Vol. 105 (9), pp. 1557–1567.
- REL (2011): Välismaal käib tööliigi 25 000 Eesti elanikku (2012): Pressiteade 19 December 2012, Statistikaamet. <http://www.stat.ee/67265>, (03 June 2013)
- Skrivankova, Klara (2010): Between decent work and forced labour: examining the continuum of exploitation. York: Joseph Rowntree Foundation.
- Statistics Finland (2013): Border Interview Survey 2012. Helsinki: Statistics Finland.
- Tyldum, Guri and Brunovskis, Anette (2005): Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking. *International Migration*. Vol. 43 (1/2).
- Veidemann, Brit (2010): Eesti tööealise rahvastiku väljarände-potentsiaal aastal 2010. Sotsiaalministeeriumi toimetised, 8/2010.

Press articles

- Ibrus, Kadri (18 April 2012): Soomlasele üks palk, eestlasele teine. Vahel üldse mitte midagi. Eesti Päevaleht.
- Ibrus, Kadri (23 April 2012): Soome töövahendaja lubas maha tappa, kui palka küsisin! Eesti Päevaleht.
- Laugen, Lauri (22 March 2012): Eesti ehitajad elasid Norras alandavates tingimustes pooleli olevas majas. Selfi.
- Laugen, Lauri (25 April 2012): Ajaleht: Soomes töötavatel eestlastel võetakse üle kantud palk pangautomaadi juures tagasi. Delfi.

Laugen, Lauri (30 January 2013): Eesti koristaja tegi Soomes 20-tunniseid tööpäevi. Delfi.

Nergi, Ann-Marii (03 May 2013): Ametiühing aitas Oslos ehitusel petta saanud eestlastel palga kätte saada. Eesti Päevaleht.

Niitra, Sirje (16 June 2011): Välismaale tööle minnes tasub olla ettevaatlik. E24.

Niitra, Sirje (19 June 2012): Saksamaal hooldajana töötanud naine käib vahendajaga kohut. E24.

Decisions of labour dispute committees.

4.2-2/1357; 31 August 2012.

4.4-2/1251; 02 July 2012.

4.1-2/1170-2012; 18 June 2012.

4.4-2/2033; 08 October 2012.

4.2-2/2936; 01 February 2013.

4.4-2/2607; 31 December 2012.

4.2-2/385; 28 November 2012.

4.2-2/1463; 22 August 2012.

4.3-2/882; 25 May 2012.

4.1-2/398-2012; 28 March 2012.

4.2-2/1221; 20 November 2012.

4.2-2/2381; 26 November 2012.

4.3-2/66; 21 February 2012.

4.4-2/1632; 29 August 2012.

Decisions to delete agencies from the Register of Economic Activities.

14.2-2; 16 June 2009.

14.2-2/134; 19 March 2010.

14.2-2/1183; 08 April 2010.

14.2-2/4216; 15 September 2010.

14.2-2/2105-3; 08 May 2012.

4.2-2/3991; 11 September 2012.