

What's needed to stop abuse of migrant workers? New brochure explains what makes a complaint mechanism effective.

BRUSSELS 6 MARCH 2017 - Undocumented workers across Europe can be exploited and abused with impunity. They usually cannot file a complaint without risking arrest or deportation. The Platform for International Cooperation on Undocumented Migrants' (PICUM) [new guidelines](#)* explain how to establish effective complaints mechanisms for labour rights violations, for all workers, including undocumented workers.

Sultana worked as a domestic worker for two and a half years in Ireland. She worked on average 105 hours per week and was only paid €150 a month. She had no annual leave and had to work on public holidays. Her employers never secured a work permit and she remained undocumented. With the help of the Migrant Rights Centre Ireland, she has taken a complaint against her employer to the labour tribunal. A judgment is pending.

Sultana said: "I feel as if my life has been on hold for the duration of the trial. I need to see justice done in order to be able to move on with my life. I am very grateful for all the help I got from MRCI, support from organisations are really needed by workers like me."

The conditions endured by Sultana are a daily reality for undocumented migrant workers across Europe. Labour exploitation of irregular migrant workers is widespread as their employers know that they have few possibilities to seek justice. In most cases, justice is not attainable. In most EU countries, it is not possible for an undocumented worker to take a complaint against their employer without it being communicated to the immigration authorities. Instead of sanctions against employers who steal wages and force people to work in substandard and at times hazardous conditions, undocumented workers face potential arrest, detention and deportation. At best, they lose their job and their case is dismissed due to their irregular status.

Michele LeVoy, Director of PICUM, said: *"Governments need to address the impunity of employers who exploit instead of preventing workers from reporting exploitation and getting justice, because they have no residence status. This harms individuals and their families, and undercuts labour standards for all."*

"ILO instruments protect the right of all workers, regardless of status, to claim any outstanding remuneration for the work they performed," said Claire Courteille from the International Labour Organization.

The guidelines explain that personal data about the worker cannot be shared between labour authorities and immigration authorities. This 'firewall' must extend through labour inspections and labour courts. Other key elements include providing legal representation and residence permit – at least for the proceedings with possibilities to extend – so that the worker can participate, and ensuring there is a competent and well-resourced body to handle complaints.

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Notes to editors:

The guidelines ‘Undocumented migrant workers: guidelines for developing an effective complaints mechanism in cases of labour exploitation or abuse’ are available in [English](#), [Czech](#), [Dutch](#), and [German](#) on PICUM website. They will be available in French and Spanish in the coming months.

The ‘firewall’ principle:

The United Nations Special Rapporteur on the Rights of Migrants, François Crépeau, has made the case for a ‘firewall’ to clearly separate access to basic public services from immigration law enforcement. (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2780641).

The Council of Europe has also called to end the practice of sharing personal data and establish a ‘firewall’ (<https://wcd.coe.int/ViewDoc.jsp?p=&id=2431615&Site=DC&direct=true>).