

AGENDA



6, 13, 20 and 27
October 2021



14:00 - 16:00 CET

Legal Seminar Series

How to Ensure Labour Rights of Undocumented Migrant Workers in a Changing Economy



International
Labour
Organization



Undocumented workers have rights and protections under a variety of international, regional and national legal frameworks - as human beings, as workers and employees, and when victims of crime.

This includes rights under several EU laws, including – for example - the right to working conditions which respect health, safety and dignity, with limited working hours and rest periods (Charter of Fundamental Rights), the right to unpaid wages and effective complaints mechanisms (Employers Sanctions Directive), and the right for the relevant financial guarantee institution to take over (with limited liability) outstanding claims in the case of employer insolvency (the Employers' Insolvency Directive), as well as the rights, supports and services for victims, when victims of crime, including trafficking in human beings (Victim's Directive, Anti-Trafficking Directive).

However, they face significant challenges in exercising their rights in the workplace, whether through criminal courts, civil courts and employment tribunals, or complaints mechanisms of inspection authorities. This hampers efforts to ensure decent working conditions, to prevent and provide a remedy for exploitation, and ultimately to reform sectors in which exploitation of workers and undeclared work are widespread.

Critical barriers include, among others, fears and risks of immigration enforcement and retaliation from fraudulent employers, difficulties to provide sufficient proof, as well as inadequate access to information about their rights, legal advice and representation. Some workers face additional barriers because of gaps in labour law protections and accountability


mechanisms for particular types of work or employment relationships, for example, when working as au pairs, domestic worker or sex worker, or when employed through recruitment agencies or online platforms.


This online legal seminar series will equip practitioners and advocates with the tools to strengthen their defence of the rights of undocumented workers. More specifically, the aims of the series are to:

- Support legal professionals and advocates of migrants' rights and workers' rights to use international and EU laws to claim undocumented migrants' work-related rights
- Learn from different national contexts and strategies to strengthen protection of undocumented workers' labour rights in law and in practice;
- Critically and strategically assess the use of criminal law remedies for undocumented workers;
- Explore the various legal frameworks that establish accountability and liability of employers, including in situations of sub-contracting and recruitment chains.

 www.picum.org/legal-seminar-2021

 intern3@picum.org

 English, French, Spanish

 Online

WEEK 1



Wednesday 6 October 2021



14:00 – 16:00

Undocumented workers' rights as “workers” or “employees” under EU law and international law

Moderator: Lieve Verboven, Director, International Labour Organization's Office for the EU and the Benelux countries



Opening

Michele LeVoy, Director, PICUM



Overview: world of work and migrant workers

Ludovic Voet, Confederal Secretary, ETUC



International labour standards and the protection of migrant workers in an irregular situation

Katerine Landuyt, Specialist in Labour Migration, International Labour Organization



EU law on working conditions and addressing changing employment relationships and situations

Adam Pokorny, Head of Unit, Labour Law, DG Employment



Case law on the definition of the employment relationship and application of EU employment law

Vera Pavlou, Lecturer in Labour Law, School of Law, University of Glasgow

Respondent: Steve Peers, Professor, School of Law, University of Essex

WEEK 2



Wednesday 13 October 2021



14:00 – 16:00

Undocumented workers' rights: in law and practice: National case studies

Moderator: Lucila Granada, CEO, Focus on Labour Exploitation (FLEX)

Opening

Michele LeVoy, Director, PICUM

FRANCE: Explicit labour rights and their implementation by the Prud'hommes

Gerard Ré, Secrétaire Général de L'UD CGT 06, Confédération Générale du Travail (France)

BELGIUM: Implementing the Employers' Sanctions Directive provisions on minimum wages and effective complaints mechanisms

Jan Knockaert, Coordinator, FAIRWORK Belgium

AUSTRIA: How UNDOK supports undocumented workers

Susanne Kimm, Legal Counsellor, UNDOK

USA: Protecting Workers from Retaliation: Some Perspectives from the United States

Laura Huizar, Immigrant Worker Justice Program Director, National Employment Law Project (NELP)

Respondent: Laurie Berg, Associate Professor, Faculty of Law, University of Technology Sydney

WEEK 3



Wednesday 20 October 2021



14:00 – 16:00

Criminal law approaches to exploitative working conditions

Moderator: Borislav Gerasimov, Communications and Advocacy Coordinator, Global Alliance Against Traffic in Women, and Editor of Anti-Trafficking Review



Opening

Michele LeVoy, Director, PICUM



Severe labour exploitation: overview of EU law

Ludovica Banfi, Project Manager, Social Research, Research and Data Unit, EU Agency for Fundamental Rights Agency



Irregular or precarious status and the risk of deportation as factors contributing to forced labour under Article 4 of the ECHR

Conny Rijken, Professor in Human Trafficking and Globalization, Department of Criminal Law, Tilburg Law School



The protection of labour rights in agricultural sector after Manolada cases and the role of Labour Inspectorate in the application of the Employers' Sanctions Directive

Konstantina Michopoulou, Attorney at Supreme Courts (Athens Bar Association), Teaching Associate on Human Rights (Hellenic Open University)



Penal legal frameworks and policing of migrants

Ioana Bărbulescu, Networks Coordinator (Legal and Policy), Fair Trials

Respondent: Julia O'Connell Davidson, Professor in Social Research, School of Sociology, Politics and International Studies, University of Bristol

WEEK 4



Wednesday 27 October 2021



14:00 – 16:00

Business and employer responsibility and accountability

Moderator: Giulia Laganà, Senior Analyst, Migration and labour rights, Open Society European Policy Institute



Opening

Michele LeVoy, Director, PICUM



Health and safety: How far does international and EU law address prevention and post-incidence?

Tim Tregenza, Network Manager, European Occupational Safety and Health Agency (EU-OSHA)



Employer accountability for labour accidents and state compensation: The example of Belgium

Roxanne Delie, Legal Officer, FAIRWORK Belgium



Joint and several liability in subcontracting chains

Silvia Borelli, Labour Law Associate Professor, University of Ferrara



Implementing due diligence and meaningful complaints mechanisms through supply chains

Emily Young, Ethical Trade Partner, ASOS.com

Respondent: Yvan Sagnet, Founder, NO CAP Association