



# PICUM Input to the Call for evidence for the Guidelines on the implementation of the EU rules on forced labour

March 2026

PICUM's membership and expertise focuses on migrant workers in precarious or irregular employment in Europe. PICUM members are among the trade unions and non-governmental organisations (NGOs) that support workers that are experiencing exploitative working conditions, including human trafficking and forced labour, in the EU and have legitimate interest in submitting information in the context of the Regulation.

PICUM's submission focuses on the following questions from the call for evidence:

- What are the main types of evidence that should be considered during the investigative process?
- What best practices can be used for remediating forced labour and the harm caused by an economic operator?

## Evidence during the investigative process

Considering the realities of workers experiencing or at risk of forced labour, **it will be important for the authorities to accept multiple forms of evidence**, including witness testimonies, personal communications (messages, emails), photos and videos, and declarations from trade unions, NGOs and other designated third parties. Information consolidated by organisations, and that protects workers' identities should be considered. The burden of proof should be shared, with some responsibility on authorities to carry out proactive investigations and on employers to demonstrate compliance.

Having a precarious or undocumented status in Europe increases risks of forced labour, and is therefore relevant as a possible root causes'

indicator. However, data protection safeguards and professional secrecy in the investigative process are crucial to the safety of the workers and the effective functioning of the process. **It will be essential that any evidence regarding the work permit or undocumented status of workers is not used against their interests for immigration enforcement purposes**, and that their status as workers and victims takes precedence over their migration status (e.g. see [labour inspection complaints mechanism in Belgium](#)).

Without clear safeguards, supporting organisations will not be able to submit information regarding alleged cases of forced labour, and vulnerable workers will be harmed through the implementation of the Regulation.

## Best practices for remediating harm

The guidelines should promote and incentivise various measures that remediate harm, including those beyond the immediate scope of the Regulation, but which can be developed and implemented by national authorities as part of a comprehensive approach to tackling labour abuses and forced labour. In particular, measures should seek:

- **Repayment of outstanding salaries and compensation for harm and material loss**, considering procedures and cooperation protocols that enable workers to claim their rights under various civil and criminal procedures.
- **Residence permit solutions** that prevent people from losing their permits or regularise

their situation (e.g. see [residence permits linked to exploitation at work in Finland and new protections for workers with temporary permits in Australia](#)).

Guidelines should also include trauma-informed measures to prevent repeat and secondary harm caused by the investigation. In addition to safeguards against immigration enforcement, it will be **crucial to assess risks of retaliation and other negative consequences related to work permits or irregular residence status, housing and safety, before contacting economic operators**.

We urge competent authorities to **seek direct contact with affected workers and/or support organisations**, where possible, to make appropriate referrals or provide emergency support to prevent

further harm and enable workers to gather evidence, seek advice and take appropriate steps to protect themselves and/or pursue legal action to access remedy. This should be prioritised early on during preliminary investigations, before

contacting economic operators. Engagement with workers can also provide the opportunity to negotiate better conditions and remedial action by economic operators.

See further recommendations and examples in: "[Recommendations for the Designation of National Competent Authorities under the EU Forced Labour Product Ban Regulation](#)" by Anti-Slavery International, AK Europa, Goodweave, Human Rights Watch, La Strada International and PICUM.

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for social justice.

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