

# Human Rights Due Diligence: Risks of modern slavery for workers displaced by conflict

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## Abstract

This short paper outlines some of the risks of exploitation that people fleeing conflict-affected areas face when trying to access employment in countries of transit and destination. It argues that businesses have a responsibility to prevent and mitigate these risks in their operations and supply chains. Based on interviews with civil society representatives in six European countries, this paper provides a list of measures that employers can take to protect their employees from exploitation.

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## Introduction

In 2020, a quarter of the world's population was living in conflict-affected countries. By mid-2023, the number of people forced to flee conflict, violence, and human rights violations was estimated to have reached 110 million, more than double the number recorded in 2010 (41 million).<sup>1</sup>

These displaced people are at higher risk of human rights abuses, which may take place in either the conflict-affected areas, along the unsafe migration routes they are forced to take to flee the conflict, or when they arrive in a transit or destination country. Such human rights abuses can include labour and sexual exploitation, including severe forms such as forced labour and human trafficking.

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<sup>1</sup> UNHCR, *Mid-Year Trends 2023*, UNHCR, retrieved 25 January 2024, <https://www.unhcr.org/mid-year-trends-report-2023>.

Displaced people are at higher risk of exploitation for many reasons, including discrimination, deceptive and coercive recruitment practices, a lack of resources, language barriers, weak social networks, and a poor understanding of labour laws in their transit or destination countries.

## Human Right Due Diligence Guidance for Businesses

Russia's full-scale invasion of Ukraine in February 2022 'caused the fastest-growing refugee crisis in Europe since the end of World War II'.<sup>2</sup> European governments, UN agencies, and regional bodies such as the European Union (EU), the Council of Europe (CoE), and the Organization for Security and Cooperation in Europe (OSCE), as well as civil society actors were quick to put in place various measures to support people fleeing Ukraine and reduce the risks of human trafficking, forced labour, and other forms of exploitation they may face. However, the role of businesses in these efforts was much less clear. While employers and businesses recruited and employed people displaced from Ukraine, as they were given temporary EU residence and work permits, there was little focus by these actors to address their vulnerability to exploitation and abuse.

To address this gap, between August and October 2022, we held consultations with representatives of 15 civil society organisations promoting the rights of displaced people in six countries that were receiving some of the highest numbers of people fleeing the war in Ukraine at the time: Bulgaria, Germany, Italy, Moldova, Poland, and Romania. The discussions focused on risk factors for exploitation and barriers to finding decent work affecting people displaced from Ukraine; what measures the private sector should take to prevent exploitation and secure decent work for them; and what measures have been taken by civil society, governments, and the private sector to enable them to access decent work. Based on these consultations, we developed a Guidance on how businesses can prevent and mitigate some of the risks of labour exploitation, forced labour, and trafficking that can affect displaced people.<sup>3</sup>

In this short paper, we present some of the main findings of our research as well as our recommendations for businesses, particularly those that operate or work with suppliers in countries that neighbour conflict-affected areas, or in countries

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<sup>2</sup> World Bank, 'Fragility, Conflict & Violence – Overview', 2023, <https://www.worldbank.org/en/topic/fragilityconflictviolence/overview>.

<sup>3</sup> See the Guidance, including more information about the methodology: E Savill and S Hoff, *Human Rights Due Diligence: Risks of Modern Slavery for Displaced Workers*, Anti-Slavery International and La Strada International, 2023, <https://www.antislavery.org/reports/human-rights-due-diligence-on-the-risks-of-modern-slavery-for-displaced-workers>.

with high numbers of displaced people. The recommendations are intended to guide due diligence activities to help prevent and remedy the exploitation of displaced people.

## Human Rights Abuses Faced by People Displaced from the War in Ukraine

Some of the key issues that stakeholders raised during our consultations included the following:

- **Recruitment practices** lacked regulatory oversight, raising concerns that no proper checks were carried out, which, in turn, left displaced people more exposed to exploitation. In Romania, for example, there were cases of false adverts for jobs in tourism, hospitality, and catering. These jobs turned out not to exist and people were deceitfully recruited into other forms of work.
- **Language barriers**, alongside a low level of understanding of labour rights, created obstacles for displaced people in accessing the labour market. In Poland, there were cases where this was exploited, with workers paying for the translation of required documents which should have been free, and being provided with documents, including labour contracts, which they could either not understand, or that were translated incorrectly.
- **Poor employment practices** were reported in Germany where some displaced people were only provided labour contracts after they had started work. Such practices increased the risk of exploitation because workers were unable to give informed consent to the contract terms before commencing their jobs.
- **Offers of accommodation and transport**, made at the border to people fleeing Ukraine and sometimes linked to employment, were highlighted as potential risks. Stakeholders indicated that many such offers resulted in exploitative working conditions and being housed in accommodation not meeting basic standards. This led to workers becoming dependent on employers and scared to report problems due to the fear of losing their employment or housing.
- **Widespread discrimination** was observed in the provision of support and other services, including those enabling workers to access their rights. In Italy, for example, stakeholders reported discrimination in the provision of accommodation. This included reports of racism directed

against non-Ukrainian nationals who had been living and working in Ukraine but were treated differently than Ukrainian nationals fleeing the war.

- **Excessive working hours** were reported by some people, who were refused statutory vacation days or regular breaks during working hours. In Romania, for example, stakeholders reported cases of excessive overtime in the hospitality sector, which workers were unable to dispute. Displaced people were also paid much lower wages than their Romanian colleagues.
- **Women**, who made up a very high proportion of the people displaced by the conflict, faced specific gender-based risks. According to our interviews, women found it particularly difficult to access clear information, guidance, and support, for example, in relation to childcare. This, in turn, limited their employment options.

## Key Recommendations for Businesses

In line with the UN Guiding Principles on Business and Human Rights, businesses have a responsibility to respect human rights. This includes the responsibility to conduct appropriate due diligence to assess, prevent, mitigate, and remedy risks and harm to people. In areas bordering conflicts and in countries accepting a high number of displaced people, businesses need to conduct heightened due diligence due to the increased risk of human rights abuses in these locations.

As a first step, businesses need to raise awareness among their teams and suppliers of the risks of exploitation faced by displaced persons. They also need to assess and identify risks while clarifying who is responsible for implementing related recommendations to prevent, mitigate, and remedy them. In this process, businesses should partner with local NGOs, associations, and experts who are working to protect the rights of displaced people in the countries where their suppliers operate, to identify specific risk factors and how best to protect workers from exploitation.

Other key recommendations for businesses to prevent, mitigate, and remedy the exploitation of displaced people include: to engage with all workers to understand their recruitment journey and provide access to remedy should exploitative recruitment practices have taken place; to check that their accommodation and transportation are decent, safe, and secure; to provide workers with a contract in a language they understand before they start work, as well as training on their rights; and to ensure that displaced workers are able to access a meaningful grievance mechanism with an effective remediation process.

## Call to Action

Heightened human rights due diligence is crucial in areas of high risk, including conflict-affected settings. All businesses—from consumer-facing brands to business-to-business suppliers—have a duty to respect the human rights of all those working in their own operations and in their value chains, including displaced people.

The organisations where we work, Anti-Slavery International and La Strada International, encourage all businesses operating in areas hosting a large number of displaced people to use the Guidance we produced, assess their operations, and implement our recommendations while taking into account the specific contexts. By considering the risk areas listed in the Guidance, businesses can effectively undertake due diligence activities to protect and support displaced workers. This means that businesses can play a crucial role in mitigating the negative impact of conflict-related displacement on displaced people.

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