



Ministry of Employment
and Labour Relations

Curriculum on Forced Labour for Labour Inspectors in Ghana



Funding provided by the United States Department of Labor under Cooperative Agreement number IL-31474. These statements do not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products or organizations imply endorsement by the United States Government.

This curriculum is the result of teamwork, and greatly benefited from contributions by colleagues Josephine Dadzie, Helga Osei Aku, Allison Arbib, Ilana Cohen, Gabriela Delgadillo, Julie Brown, and Evie Simkins. Credit for creative design goes to Ben Mawuli-Aziahonu and Henry Adam Annan. A draft of this curriculum was tested and validated in cooperation with Ghana's Ministry of Employment and Labour Relations, Labour Department, whose feedback was greatly appreciated. The photos included in this publication are for illustration purposes only and do not represent any specific person, property, or situation unless otherwise noted.

2021

Forced Labor Indicators Project (FLIP)

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FOREWORD

The International Labour Organization defined forced labour as “work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily” (Forced Labour Convention, 1930 (No.29).

Target 8.7 of the United Nations Sustainable Development Goals (SDGs) calls for an end to all forms of forced labour by 2030.

Over 20 million persons are estimated to be victims of forced labour globally. This includes victims of trafficking for forced labour and sexual exploitation.

This canker is pervasive in industries with many workers and minimum regulation by regulatory institutions. These include: Prostitution and sexual exploitation, Agriculture and fishing, domestic work among others.

Forced labour thrives in the context of poverty, absence of decent and sustainable jobs, weak monitoring systems and legislations, corruption as well as fragile economies where employers depend on cheap labour. This further aggravates the vulnerability of persons within these environments.

Ghana's efforts to address Forced Labour is hinged on the use of policies, legislations and also guided by International Statutes. These include: Human Trafficking Act, 2005 (Act 694), Human trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015 (L.I. 2219), Labour Act 2003 (Act 651), Children's Act 1998 (Act 560) among other relevant laws.

The Labour Department of the Ministry of Employment and Labour Relations has made conscious efforts to ensure compliance and enforcement using the mechanism of labour inspections to prevent, identify, and address issues of forced labour.

This manual is a joint endeavour by VERITE and the Labour Department to help build the capacities of Labour Inspectors to conduct labour inspections in both the formal and informal sectors with emphasis on the informal sector with the incidence of forced labour with its negative consequences on individuals, families, societies and the nation as a whole. It will also increase collaboration and coordination amongst stakeholders working on forced labour and human trafficking to share information for improved performance.

The Labour Department appreciates the support and commitment of VERITE for the collaboration in particular the development of this manual as part of the broader strategy to fight forced labour and human trafficking in Ghana.

The Labour Department of the Ministry of Employment and Labour Relations is working to integrate forced labour indicators as part of the Ghana Child labour monitoring System to facilitate the identification of forced labour.



EUGENE NANA KORLETEY
 CHIEF LABOUR OFFICER

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INTRODUCTION

Forced labour, sometimes referred to as modern slavery, is a global problem that can be found in almost every country in the world. According to the International Labour Organization (ILO), annual profits from forced labour exceed USD 150 billion globally and more than USD 13 billion in Africa alone, with USD 8.9 billion from forced sexual exploitation, USD 300 million from domestic work, and USD 3.9 billion from non-domestic labour.¹

Forced labour is an affront to human dignity, freedom and justice, that takes a huge toll on the financial, psychological and physical health of victims. In addition to the cost to individuals, forced labour also contributes to unfair competition to law-abiding businesses, causes risks to the brand image of companies and industries linked in the supply chain, and results in significant losses in countries' tax revenues, leaving them with fewer resources to provide remedies for victims.²

For all of these reasons, combatting forced labour is one of the most important responsibilities of labour inspectors. However, it is also one of the most difficult, in part because forced labour can take place in many different contexts, including in work that is hazardous and non-hazardous; rural and urban; formal and informal; part-time and full-time; visible and hidden; and in legal and illegal industries.

Thus, the role of inspectors in the fight against forced labour is multifaceted. In order for inspectors to effectively meet their obligations under international conventions and national laws, they must be adept at negotiating with different stakeholders and employing a variety of techniques, including:

- ▶ Acting with transparency and a commitment to ethical conduct
- ▶ Communicating with communities where workers are most at risk
- ▶ Maintaining in-depth knowledge of international standards and national laws that govern forced labour
- ▶ Collaborating with other government services and private stakeholders, including NGOs, employers and trade unions
- ▶ Using a variety of media to raise awareness and mobilize society

To be effective, inspectors must resist the urge to view themselves only as enforcers who react to complaints. They must also play a role in data collection and monitoring to help identify workers who are being exploited. Equally important is labour inspectors' role in preventing forced labour from arising in the first place. This can be achieved by providing employers with advice on how best to comply with the law; participating in awareness raising campaigns, public discussions and community forums; conducting educational outreach; and engaging in interactions with the media. With these methods, inspectors can help to spread the word about the risks and harmful effects of forced labour.

Today there are over 40 million people in slavery – more than at any other time in history. If they all lived together in a single city, it would be one of the biggest cities in the world.

ILO 50forfreedom Campaign

This curriculum is designed to help inspectors eliminate forced labour by taking a holistic view and incorporating prevention, identification, and elimination strategies into their work. It is hoped that by the end of the course, labour inspectors and other relevant stakeholders taking the training will be able to:

- ▶ Appreciate the importance of addressing forced labour in their work
- ▶ Understand their role in protecting workers from exploitation
- ▶ Understand the definitions, legal frameworks and best practices for addressing forced labour
- ▶ Transform the knowledge gained in the training into concrete actions that reduce the incidence of forced labour

Today there are over
40 million
people in slavery



FACILITATOR'S GUIDE

This facilitator's guide has been created to help trainers successfully use the curriculum for Labour Inspectors on Forced Labour in Ghana. Among other resources, the guide includes:

- ▶ Training purpose and objectives
- ▶ Overview of the training structure and format
- ▶ Guidance on holding trainings that are interactive and maintain participants' interest
- ▶ Sample facilitator materials for before, during, and after the training

CURRICULUM STRUCTURE

The curriculum is based on a training methodology that encourages participants to play an active role, contributing their professional expertise on how to improve the response to forced labour in the workplace. It covers a wide array of topics relevant to those engaged in the fight against forced labour and includes lessons and interactive exercises designed to help participants apply the lessons to real-life situations.

The curriculum is designed to move from understanding general principles and definitions, to planning and information gathering, to action. Before beginning, facilitators should understand the participants' skill level and knowledge and tailor the training accordingly. For example, if the curriculum is used as part of onboarding of new inspectors with relatively little experience, an introductory approach that emphasizes definitions and legal standards should be employed to lay the foundation for more in-depth training. However, when training more senior enforcement personnel, lessons and exercises that deal with more complex matters such as strategic planning should be emphasized. Facilitators may view the curriculum as a menu of options to pick and choose from depending on the needs of the audience.

The curriculum is broken down as follows:

Lesson 1:	Forced Labour – Definition and International Standards
Lesson 2:	Human Trafficking – Definition and International Standards
Lesson 3:	Ghana's Legal and Policy Context Related to Forced Labour and Human Trafficking
Lesson 4:	Assessing Risk – Understanding What to Look For
Lesson 5:	Understanding the Root Causes of Forced Labour
Lesson 6:	Practical guidance for using the indicator approach

Lesson 7: Strategic Planning

Lesson 8: Coordination and Collaboration with Stakeholders

Lesson 9: Data Gathering, Record Keeping, and Reporting

Lesson 10: Proactive vs. Reactive Inspections

Lesson 11: Enhancing Inspections in the Informal Economy

Lesson 12: Interviewing Vulnerable Workers

Lesson 13: Enforcement Strategies – Compliance Versus Deterrence Approaches

Lesson 14: The Importance of Focusing on Prevention

Supplementing the 14 lessons are nine exercises, spread throughout the curriculum, which are designed to be interactive and help participants apply lessons to real life situations. Facilitators are encouraged to change or add details to examples and case studies to make the material more relevant to trainees' experiences in the field.

A more detailed overview of each lesson and exercise, including the objective, training methods, and duration is attached as **Form A** in the Facilitator's Guide Materials below. This information can be used to develop a training agenda.

PREPARATION

Preparation is key to a successful training. Before the course starts it is important that all logistical and technical needs are addressed to ensure smooth delivery of the material. Below are some general tips to prepare for the training:



UNDERSTAND THE NEEDS OF YOUR AUDIENCE

As a trainer you should have a good understanding of the trainee's level of knowledge about the subject matter. A good way to do this is to have them complete a training needs assessment several weeks prior to the training so that you can tailor your agenda in a way that responds to their needs and interests. [A sample training needs survey is attached as **Form B** in the Facilitator's Guide Materials below]. Also, when marketing the training to others, be clear about the subjects to be covered so that those invited will know what to expect from the training and can make an informed decision about whether the training is relevant for them.

DEVELOP AN AGENDA AND TRAINING PLAN



At a minimum training plans should describe the topics to be covered in each session, the date and time allotted for each lesson, the name of the person assigned to deliver the lesson, and a list of materials needed for any exercises such as flip-charts, handouts, pens, and USB drives containing PowerPoint presentations and other important information. The length of sessions should be as succinct as possible – and generally no longer than 90 minutes before a break is given. When creating the agenda try to schedule the most important topics at the beginning of the day when participants are most alert and their energy highest.

CHOOSE AN APPROPRIATE VENUE



Make sure to choose a venue for the training that is comfortable, well-lit, quiet, and provides enough space to allow trainees to break into small groups and move around the room comfortably. The number of trainees should be large enough to encourage debate and discussion but not so large that it feels impersonal; therefore 15-30 participants is ideal. Also, ensure that the venue can accommodate any technical needs such as access to wi-fi or audio-visual equipment for PowerPoint presentations. Arrive early to the training to test the equipment and take care of any problems before trainees arrive. And, if the training will last more than a few hours, catering facilities should be considered to provide lunch and snack breaks so that trainees will not have to leave the premises.

DELIVERY

The goal of trainings is to increase participants' knowledge about a particular subject. The challenge is always how to provide information in a way that will encourage participants to remain engaged throughout the training and ensure that they retain the information once the course is complete. Remember that participants will come to the training with their own experiences and will appreciate the opportunity to share their wisdom about the subject and collaborate with peers. Thus, the trainer should look for opportunities to move away from the hierarchical model of teacher/learner and build in activities that encourage trainees to teach each other the material with appropriate support and feedback from the trainer.

Below are some tips for encouraging engagement and ensuring training needs are met.

CHECKLIST FOR OPENING THE FIRST DAY OF TRAINING

At the beginning of the training facilitators should take time for the following.

WELCOME AND INTRODUCTIONS

- ▶ Ask participants to sign-in when they arrive and provide contact information for reporting purposes and in order to follow up with participants later if needed. See Form C below for a sample sign-in sheet.
- ▶ Welcome participants and introduce the training team.
- ▶ Give participants an opportunity to introduce themselves.

TRAINING OVERVIEW AND EXPECTATIONS

- ▶ Explain the objectives of the training.
- ▶ Outline the agenda and the subjects to be covered.
- ▶ Outline the methodology to be used, including lectures, group work, role-plays, and question and answer sessions (Q & As).
- ▶ Emphasize the importance of active participation during the training by sharing experiences, asking questions, and providing feedback.
- ▶ Ask participants to share their expectations regarding the training.
- ▶ Inform participants that they will have an opportunity at the end of each day to provide feedback to the facilitators.
- ▶ Ask participants to complete a short pre-test to get a baseline of information about their knowledge of the subject matter. This information can later be compared to results of a post-test in order to measure knowledge gained from participating in the training. *Sample pre- and post-tests are attached as Form D in the Facilitator's Guide Materials below.*

UNDERSTANDING EXPECTATIONS

Before training gets underway it is also important to take stock of participants' expectations. This is different from the training needs assessment mentioned earlier. For example, some participants might expect to receive official certification at the end of the programme, which may not be feasible given the training agenda. Others might expect to be given additional compensation or other allowances for attending. It is critical to get clarity on these expectations so that participants and facilitators are not disappointed.

Discussing expectations can be done in a variety of ways. One way is to ask participants at the beginning of the first day of training to write down answers to each of the following questions:

- ▶ What do I expect from the training?
- ▶ What do I expect from other participants?
- ▶ What do I expect from the facilitators?

The facilitator would then gather the responses and read them aloud while someone writes the answers on a flip-chart or board at the front of the room. Facilitators should check the list periodically throughout the training to ensure they are meeting expectations as much as possible. Facilitators should also share their expectations with the group by noting that they expect trainees to:

- ▶ Arrive each day on time and stay until the end of the programme
- ▶ Have a good attitude
- ▶ Participate actively, ask questions and listen to others
- ▶ Be open to learning and change

MAINTAINING PARTICIPANTS' INTEREST THROUGHOUT THE TRAINING

When designing a training, it is important that the material is presented in a way that is practical, relevant and engaging. Participants will lose interest quickly if they are forced to sit through hours of lecture. The more a trainer can encourage interaction among trainees and promote participation, the more successful the training will be.

Through the facilitator's guide and curriculum, facilitators have access to a variety of techniques that can be used to deliver lessons in ways that keep participants engaged and reinforce key messages. In addition to other techniques, training exercises often employ small group discussions to encourage teamwork, case studies to promote problem-solving and question and answer sessions to clarify key points. Form E includes ice-breakers and energizers to encourage socialization and liven up the mood when participants' energy may be low. Form F in the Facilitator's Guide Materials below illustrates when these different techniques are best employed during a training and where examples can be found of the various techniques throughout the curriculum.

EVALUATIONS AND COURSE ADJUSTMENT

It is recommended that facilitators conduct an evaluation at the end of each day of training to solicit feedback about the following:

- ▶ How well the programme is meeting trainees' needs
- ▶ What has been learned on each day
- ▶ Suggestions for improvement

Results of evaluations should be tallied and discussed at the end of each day at a 'wrap-up' meeting. Such meetings provide an opportunity for facilitators and other staff involved in the training to discuss what went well and what needs to be changed or improved upon. When feasible, recommendations for improvement should be implemented the following day. [Sample evaluation forms are attached as part of Form G in the Facilitator's Guide materials below.]

SAMPLE FACILITATOR MATERIALS

Form A

DESCRIPTION OF LESSONS AND EXERCISES INCLUDED IN THE CURRICULUM

LESSONS/ EXERCISE TOPICS	OBJECTIVES	METHODS	DURATION (minutes)
Lesson 1: Forced Labour – Definition and International Standards	To provide an overview of international labour standards and definitions of key terms related to forced labour	» Lecture » PowerPoint 1 » Questions for consideration	45
Lesson 2: Human Trafficking – Definition and International Standards	To provide: » an overview of international labour standards » definitions of key terms related to human trafficking	» Lecture » PowerPoint 2 » Questions for consideration	45
Exercise A: Understanding the Concepts of Forced Labour and Human Trafficking	To help participants understand what is meant by the terms ‘forced labour’ and ‘human trafficking’	Test individuals’ knowledge by analysing examples; report back to the group; wrap up with Q&A and key messages.	45
Lesson 3: Ghana’s Legal and Policy Context Related to Forced Labour and Human Trafficking	To provide an overview of Ghana’s legal framework as it relates to forced labour and human trafficking	» Lecture » PowerPoint 3 » Questions for consideration	30
Lesson 4: Assessing Risk – Understanding What to Look For	To familiarize participants with: » the extent of the problem of forced labour. » the different sectors & types of work that are most vulnerable	» Lecture » PowerPoint 4 » Questions for consideration	30
Exercise B: Assessing Where the Risks of Forced Labour are Greatest	To help participants identify where the risks of forced labour are greatest in their region	Group work to elicit real life examples; report back to the group; wrap up with Q&A and key messages.	45

LESSONS/ EXERCISE TOPICS	OBJECTIVES	METHODS	DURATION (minutes)
Lesson 5: Understanding the Root Causes of Forced Labour	To help participants understand what makes people vulnerable to forced labour	» Lecture » PowerPoint 5 » Questions for consideration	45
Lesson 6: Practical Guidance for Using the Indicator Approach	To help participants learn: » How indicators can be 'localized' to specific sectors and how a list of relevant indicators can be developed » How to create research or monitoring questions tied to each key indicator identified and understand worker responses » Sources of information that can be used to triangulate worker testimony in the field (such as key informant interviews, document reviews, etc.)	» Lecture » PowerPoint 6 » Questions for consideration	45
Exercise C: Asking the Right Questions	To help participants think about who to talk to, what questions to ask, and what other sources of information to consider that will help to uncover situations of forced labour	Group work to consider investigative techniques; discussion; Q&A and key messages.	45
Exercise D: Identifying Forced Labour	To be able to identify which situations constitute forced labour	Group work to review case studies; report back to the group; Q&A and key messages.	60
Lesson 7: Strategic Planning	» To learn the importance of strategic planning when addressing forced labour at the national and regional levels. » To identify the essential components of a good strategic plan	» Lecture » PowerPoint 7 » Questions for consideration	30

LESSONS/ EXERCISE TOPICS	OBJECTIVES	METHODS	DURATION (minutes)
Exercise E: Developing a Strategic Plan	To be able to develop a strategic plan outlining the key activities to be undertaken to combat forced labour	Brainstorm questions posed by trainer; group work on planning; report back to the group; Q&A; key messages,	60
Lesson 8: Coordination and Collaboration with Stakeholders	To learn the importance of collaboration and coordination in the fight against forced labour	» Lecture » PowerPoint 8 » Questions for consideration	30
Exercise F: Stakeholder Mapping to Encourage Coordination and Collaboration	<ul style="list-style-type: none"> » To understand the importance of working with other public agencies and stakeholders to combat forced labour » To identify different agencies/ organizations to maximize resources and protection measures through cooperation 	Brainstorm questions posed by trainer; group work on mapping; report back to the group; Q&A; key messages.	60
Lesson 9: Data Gathering, Record Keeping, and Reporting	To understand the importance of collecting, analysing, and reporting accurate qualitative and quantitative information about forced labour	» Lecture » PowerPoint 9 » Questions for consideration	20
Lesson 10: Proactive vs. Reactive Inspections	<ul style="list-style-type: none"> » To understand the difference between proactive and reactive inspections » To highlight the importance of targeting proactive inspections to specific areas or types of industry where noncompliance may be more widespread or have serious consequences 	» Lecture » PowerPoint 10 » Questions for consideration	20
Lesson 11: Enhancing Inspections in the Informal Economy	To identify barriers to inspecting the informal sector	» Lecture » PowerPoint 11 » Questions for consideration	45

LESSONS/ EXERCISE TOPICS	OBJECTIVES	METHODS	DURATION (minutes)
Exercise G: Inspecting the Informal Economy	<ul style="list-style-type: none"> » To consider the challenges faced by inspectors in investigating the informal sector and how to overcome these challenges » To encourage thinking of different approaches to inspections and consider how inspectors can best influence employers in the informal economy 	Brainstorm questions posed by trainer; group work on case studies; report back to the group; Q&A; key messages.	90
Lesson 12: Interviewing Vulnerable Workers	<ul style="list-style-type: none"> » To understand guidelines and best practices for conducting interviews with vulnerable workers » To introduce the Guide to Interviewing Workers 	<ul style="list-style-type: none"> » Lecture » PowerPoint 12 » Questions for consideration 	60
Lesson 13: Enforcement Strategies – Compliance Versus Deterrence Approaches	To help participants appreciate the benefits and disadvantages of compliance and deterrence approaches to enforcement	<ul style="list-style-type: none"> » Lecture » PowerPoint 13 » Questions for consideration 	45
Exercise H: Deciding on an Enforcement Strategy	To determine what type of action is appropriate when forced labour is identified	Brainstorm questions posed by trainer; group work on case studies; report back to the group; Q&A; key messages.	60
Lesson 14: The Importance of Focusing on Prevention	To learn strategies for conducting outreach and awareness-raising to stop the problem of forced labour and human trafficking before it begins	<ul style="list-style-type: none"> » Lecture » PowerPoint 14 » Questions for consideration 	30

LESSONS/ EXERCISE TOPICS	OBJECTIVES	METHODS	DURATION (minutes)
Exercise I: Developing a Media / Awareness Raising Strategy	To create a strategy for raising awareness about forced labour and human trafficking	Brainstorm questions posed by trainer; group work on case study; report back to the group; Q & A; key messages.	60

The curriculum is based on a training methodology that encourages participants to play an active role, contributing their professional expertise on how to improve the response to forced labour in the workplace.



Training Needs Survey

The purpose of this survey is to learn about your knowledge and interest regarding training on forced labour. Results will be used to develop a training agenda that responds to the needs of participants and builds upon current capacities. Your answers are important so please consider the questions carefully and fill out the form completely. Your answers will remain anonymous and confidential. Thank you!

Instructions

- ▶ Please complete this Training Needs Survey by yourself, as it concerns your individual training needs and interests.
- ▶ In Section I, be specific and provide as much detail as possible in your answers.
- ▶ In Section II, read each subject area listed in column A. In column B, assess whether you have a 'low,' 'intermediate,' or 'high' level of knowledge or skill in that area. In column C, indicate whether you have a 'low,' 'intermediate,' or 'high' level of interest in receiving training in that subject area.
- ▶ In Section III, indicate additional areas of interest, challenges faced on the job, and any additional thoughts regarding training.

Section I: Personal information and previous training

Position

Length of time in position

Please indicate below what training you have received related to forced labour, human trafficking, and child labour including the subject of the training, when it was given, and which organization provided it.

Subject of training	Year attended	Organization providing training

Section II: Previous experience

To tailor the training to participants, we would like to know your experience in subjects related to forced labour.

Instructions

- Read each **subject area** listed in Column A.
- Indicate in Column B your **level of experience or knowledge** in the subject area.
- Indicate in Column C indicate **your level of interest** in receiving training in the subject area.

Column A	Column B			Column C		
Subject area	Check the box that indicates your level of experience or knowledge in this subject.			Check the box that indicates your level of interest in training on this subject.		
	Low little or no knowledge/ experience	Intermediate some knowledge/ experience	High a lot of knowledge/ experience	Low little or no interest	Intermediate some interest	High a lot of interest
International standards on forced labour including ILO Convention 29 on Forced Labour (1930)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ILO Convention 182 on Worst Forms of Child Labour (1999)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National laws in Ghana related to forced labour including: - The Constitution's prohibitions on forced labour - The Labour Act of Ghana (2003) - The Human Trafficking Act Amendment (2009)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The definition and indicators of forced labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The definition and indicators of human trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Column A	Column B	Column C
Subject area	Check the box that indicates your level of experience or knowledge in this subject.	Check the box that indicates your level of interest in training on this subject.
	<div>Low little or no knowledge/ experience</div> <div>Intermediate some knowledge/ experience</div> <div>High a lot of knowledge/ experience</div>	<div>Low little or no interest</div> <div>Intermediate some interest</div> <div>High a lot of interest</div>

The role of inspectors in addressing forced labour – Labour inspectors play a crucial role in combatting forced labour by enforcing laws, advising employers and workers, and raising awareness about risks and hazards of forced labour.

Developing a strategic plan to address forced labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Collecting data on forced labour and using it for planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outreach and awareness raising on forced labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Identifying those most vulnerable to forced labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conducting worker interviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Developing action plans with employers to eliminate forced labour from supply chains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordinating with others on plans for rehabilitation and reintegration for victims of forced labour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section III: Other areas of interest, biggest challenges faced on the job, additional thoughts

Please describe the biggest challenges to effective inspection of forced labour.

Please provide any additional thoughts you have regarding training on forced labour.

Thank you very much for your time and help in developing the training programme.

Form C**SAMPLE ATTENDANCE
SHEET FOR TRAINING**

Date	
Event Name	
Location	

	Full name	Institution or organizaton	Gender	Role/ Position	Email	Phone
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						

SAMPLE PRE- AND POST-TEST

Pre- and post-tests can be an effective way to measure knowledge gained from a training. The tests help facilitators to evaluate training effectiveness because they distinguish the learner's initial knowledge on the subject (in this case forced labour) from knowledge learned during the course. If most participants in a training do not improve their knowledge level by the end of the course, the trainer may consider adopting new approaches in later trainings. Below is a sample test that can be given to participants at the beginning and end of a forced labour training to measure knowledge gained. Answers in red are correct. A version without answers can be found on the following page.

1	<p>Which <u>two</u> of the following are the necessary components of forced labour?</p> <p>a. Menace/ threat of penalty d. Low wages b. Child labour e. Hazardous work c. Involuntary work</p>
2	<p>Which three of the following are indicators of forced labour?</p> <p>a. Children not enrolled in school d. Employer threatens to block worker from all future employment b. Workers owe debt to employer or recruiter e. No written contract c. Deductions from wages, not communicated in advance f. Movement from one country to another</p>
3	<p>Ghanaian law prohibits forced labour. (Circle the correct answer)</p> <p>True False</p>
4	<p>Which economic sectors are at higher risk of forced labour, globally? (select all that apply)</p> <p>a. Domestic work d. Mining b. Information technology e. Health care c. Commercial agriculture and fishing</p>
5	<p>Which of the following are root causes of forced labour?</p> <p>a. Poverty d. Environmental degradation b. Discrimination e. Weak laws c. Migration f. All of the above</p>
6	<p>Forced labour indicators should be tailored to reflect local context.</p> <p>True False</p>
7	<p>Most forced labour takes place in the formal economy.</p> <p>True False</p>
8	<p>When interviewing workers, their supervisor should be present.</p> <p>True False</p>
9	<p>Children who work with their parents are not in forced child labour if their parents are not.</p> <p>True False</p>
10	<p>Victims of sexual harassment in the workplace are vulnerable to forced labour.</p> <p>True False</p>

PRE- AND POST-TEST



1	<p>Which <u>two</u> of the following are the necessary components of forced labour?</p> <p>a. Menace/ threat of penalty d. Low wages b. Child labour e. Hazardous work c. Involuntary work</p>
2	<p>Which three of the following are indicators of forced labour?</p> <p>a. Children not enrolled in school d. Employer threatens to block b. Workers owe debt to employer worker from all future employment or recruiter e. No written contract c. Deductions from wages, not f. Movement from one country to communicated in advance another</p>
3	<p>Ghanaian law prohibits forced labour. (Circle the correct answer)</p> <p>True False</p>
4	<p>Which economic sectors are at higher risk of forced labour, globally? (select all that apply)</p> <p>a. Domestic work d. Mining b. Information technology e. Health care c. Commercial agriculture and fishing</p>
5	<p>Which of the following are root causes of forced labour?</p> <p>a. Poverty d. Environmental degradation b. Discrimination e. Weak laws c. Migration f. All of the above</p>
6	<p>Forced labour indicators should be tailored to reflect local context.</p> <p>True False</p>
7	<p>Most forced labour takes place in the formal economy.</p> <p>True False</p>
8	<p>When interviewing workers, their supervisor should be present.</p> <p>True False</p>
9	<p>Children who work with their parents are not in forced child labour if their parents are not.</p> <p>True False</p>
10	<p>Victims of sexual harassment in the workplace are vulnerable to forced labour.</p> <p>True False</p>

Form E**SAMPLE 'ICE BREAKERS'
AND 'ENERGIZERS'**

It is nice at the beginning of the training to give participants a chance to get to know each other. This can be done by using 'ice breakers', games that encourage participants to mingle and introduce themselves. Additionally, it is important to build into the agenda some 'energizers', which are brief activities designed to give participants a short break from the intensity of the training and time to move and laugh. Energizers are recommended after lunch and at any other time that participants' energy seems low. Examples of ice breakers and energizers include the following.

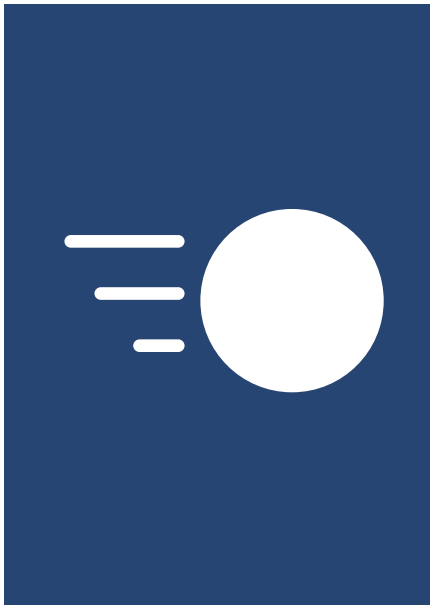
Ice-breaker 1: Getting to know each other

- ▶ Divide participants into pairs.
- ▶ Ask participants to introduce themselves to their partner, providing some personal and professional details.
- ▶ Ask them to identify something they have in common.
- ▶ Tell them to take notes and be prepared to introduce their partner to the rest of the group.
- ▶ Gather back together and have each pair introduce themselves to the larger group.

Ice-breaker 2: Baggage claim

- ▶ Distribute one blank note card to each participant. Tell them that they are going on a trip and the cards represent their baggage.
- ▶ Ask participants to 'fill their bag' by writing on the notecard three interesting facts about their life and the work they do, but they should NOT put their names on the card.
- ▶ Once they are finished, ask participants to 'check their luggage' by handing in the card to the facilitator.
- ▶ The facilitator should put all the cards into a pile and mix them up face-down.
- ▶ Tell the participants that they have now arrived at their destination and it is time to come retrieve their bags by picking up any card that is face-down in the pile.
- ▶ Many have retrieved the wrong bag! Participants should walk around the room and share with each other what is in their bag and what is in the bag they picked up to find their bag and find the owner of the bag they have. This is done until all participants have located their own luggage.
- ▶ Reconvene the group and ask each participant to share one thing that they learned about their fellow participants.

Energizer 1: Snowball fight



- ▶ Distribute two pieces of paper to each participant.
 - ▶ Ask them to write on the first sheet of paper something they like about their job and on the second sheet of paper write something they do not like about their job.
 - ▶ Instruct participants to then crumple up each paper into a ball.
 - ▶ Tell participants to start a snowball fight and throw the balls at each other, picking up the balls that land on the floor and throwing them again.
- Stop the snowball fight and ask each participant to pick up two balls, open them and read them to the group. After each ball is opened and read out loud ask who in the group can relate to that feeling.

Energizer 2: Fortunately/ unfortunately



- ▶ Gather participants in a circle and tell them you are going to build a story together.
- ▶ Ask them to write on the first sheet of paper something they like about their job and on the second sheet of paper write something they do not like about their job.
- ▶ The facilitator starts the story by saying 'Fortunately...' and follows with something good like 'Fortunately, we all made it safely to this training'.
- ▶ The person to the right of the facilitator must continue the story but start their sentence with 'Unfortunately...' For example, they might say 'Unfortunately, we are all very tired from the journey'.
- ▶ The person to their right then adds to the story with a new sentence that starts with 'Fortunately ...' and so on until everyone in the circle has added to the story.

Form F

TRAINING TECHNIQUES




Activity	Socializing & team-building	Knowledge sharing	Testing knowledge	Situational analysis	Problem Solving	Stimulating conversation	Skill-building	Trainee feedback	Examples
Case studies	✓			✓	✓				Exercises D, G, H and I
Energizers	✓					✓			Form E
Evaluations								✓	Form G
Field trips	✓	✓		✓					Exercise G
Games	✓		✓		✓				See also ice-breakers & energizers
Guest speakers		✓				✓			Exercises F and I
Ice-breakers	✓								Form E
Needs assessments								✓	Form B
Quizzes			✓					✓	Exercises A, B and C
Q&A sessions		✓			✓	✓		✓	Suggested for each lesson in the manual
Role-plays							✓	✓	May adapt Worker Interview Guide and Exercise C
Small group discussions	✓	✓		✓	✓	✓			Suggested for each exercise in the manual
Trainee-led lessons		✓	✓				✓		Exercises B, E and F
Videos or films		✓				✓			Exercise I

Form G

SAMPLE EVALUATIONS

Below are two types of evaluations that can be useful in obtaining feedback on the training. The daily evaluation seeks information related to the specific lessons taught each day, while the overall evaluation is given at the end and solicits feedback about the participant's overall training experience.

Sample Daily Evaluation




Please rate each training session that you attended by placing a mark in the box that best applies.	1  Bad	2	3 	4	5  good
Name of lesson:					
Name of lesson:					
Name of exercise:					
Name of exercise:					

Please describe something you *learned* from today's sessions.

Please describe something that could have been *improved* about today's sessions.

Thank you very much for your time and help in developing the training programme.

Sample overall evaluation

Please indicate how much you agree with the statement below by marking the box that best applies.	Disagree → Agree				
	1 	2	3 	4	5 
1. The objectives of the training were clear.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. We achieved the objectives of the training.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. I learned something new about forced labour during the training.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The training was too long.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The training was too short.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. This training was necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. I would like more training on forced labour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide any additional feedback that you think will help us to improve our training on forced labour.

Thank you very much for your time and help in developing the training programme.

Lesson 1: Forced Labour Definition and International Standards

[45 minutes]

Objective:

To provide an overview of international labour standards and definitions of key terms related to forced labour

What is Forced labour?

Sometimes forced labour is also called modern day slavery, debt bondage, or human trafficking. **ILO Forced Labour Convention 29 (1930)**, the most authoritative convention on forced labour, defines forced or compulsory labour as:

‘All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’

ILO Forced Labour Convention 29 (1930)

In 2014, the International Labour Organization (ILO) adopted Protocol 29 to supplement Convention 29. Protocol 29 is a legally binding instrument that requires states to not only criminalize and prosecute forced labour but also take effective measures to prevent the problem and provide victims with access to remedies. The Government of Ghana ratified ILO Convention 29 in 1957, and ratification of Protocol 29 is currently under discussion.

Other international instruments relevant to forced labour include ILO Convention 105 on the Abolition of Forced Labour (1957), which primarily concerns forced labour imposed by the state; and ILO Forced Labour Recommendation 203 (2014), which provides specific guidance on effective measures to be taken for prevention, protection, and remediation to eliminate all forms of forced labour.

DEFINING FORCED LABOUR

There are two key components of forced labour:

1. **INVOLUNTARY WORK:** 'Work for which said person has not offered himself or herself voluntarily' is a key component of forced labour called 'involuntary work'. Involuntary work refers to any work taking place without the free and informed consent of the worker; it can include work taking place under deception or work in which the worker is uninformed about conditions.
2. **THREAT OR MENACE OF ANY PENALTY:** A key component of forced labour, this phrase refers to a wide range of penalties used to compel someone to work. This can include workers actually being subjected to coercion, verbally threatened with coercion, or witnessing coercion imposed on other co-workers in relation to involuntary work.

Another way to think about this is to ask:

1. **Has the worker entered into a job of their own free will** and based their decision on accurate information provided without deception? (If the answer is no, the work may be involuntary.)

And...

2. **Can the worker leave the job freely without threat or punishment** to themselves or their family? (If the answer is no, there may be threat or menace of penalty at play that prevents the worker from leaving.)

A simple equation that helps to define these two components of forced labour is as follows:



INDICATORS OF FORCED LABOUR

In practice it can be challenging to identify involuntary work and threat or menace of penalty. To address this challenge, the ILO and the International Conference of Labour Statisticians have developed more specific indicators of forced labour related to a worker's experience.

The indicator framework was first presented by the ILO in a 2012 document called *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children* and was updated in 2018 by the International Conference of Labour Statisticians (ICLS) in a document called *Guidelines concerning the measurement of forced labour*. The ICLS makes recommendations on issues related to labour statistics which are approved by the ILO before becoming part of the set of international standards on labour statistics.

The forced labour indicators help to identify the presence of a menace of penalty and/or involuntary work.

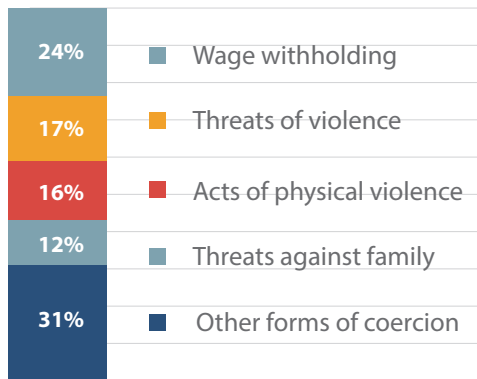
INDICATORS OF FORCED LABOUR, AS DEFINED BY THE ICLS IN 2018³

Involuntary Work	Threat or Menace of Any Penalty
<ul style="list-style-type: none"> ❑ Unfree recruitment at birth or through transaction such as bonded labour ❑ Situations in which the worker must perform a job of a different nature from that specified during recruitment without a person's consent ❑ Abusive requirements for overtime or on-call work that were not previously agreed with the employer ❑ Work in hazardous conditions to which the worker has not consented, with or without compensation or protective equipment ❑ Work with very low or no wages ❑ Degrading living conditions imposed by the employer, recruiter, or other third party ❑ Work for other employers than agreed ❑ Work for a longer period of time than agreed ❑ Work with no/limited freedom to terminate contract 	<ul style="list-style-type: none"> ❑ Threats or violence against workers or workers' families and relatives, or close associates ❑ Restrictions on workers' movement ❑ Debt bondage or manipulation of debt ❑ Withholding of wages or other promised benefits ❑ Withholding of valuable documents (such as identity documents or residence permits) ❑ Abuse of workers' vulnerability through the denial of rights or privileges, threats of dismissal, or deportation

It is important to note that the ILO definition excludes compulsory military service; normal civic obligations of a nation or community; work mandated as a result of a court conviction; and work required in certain emergency situations. The charts below illustrate different types of coercion faced by victims of forced labour:

BREAKDOWNS IN TYPES OF COERCION ⁴

TOP FORMS OF COERCION



Forced Labour Cases

FORMS OF COERCION BY GENDER



Men were more likely to face:

- ▶ Threats against family
- ▶ Withheld wages
- ▶ Confinement
- ▶ Denial of food and sleep
- ▶ Threats of legal action



Women were more likely to face:

- ▶ Sexual violence
- ▶ Passport withholding

Questions for Consideration



- ▶ Do you think forced labour is currently a problem in supply chains?
- ▶ Who do you think could be exposed to forced labour on a farm?

Lesson 2: Human Trafficking Definition and International Standards

[45 minutes]

Objectives:

- ▶ Provide an overview of international labour standards on human trafficking
- ▶ Provide definitions of key terms related to human trafficking

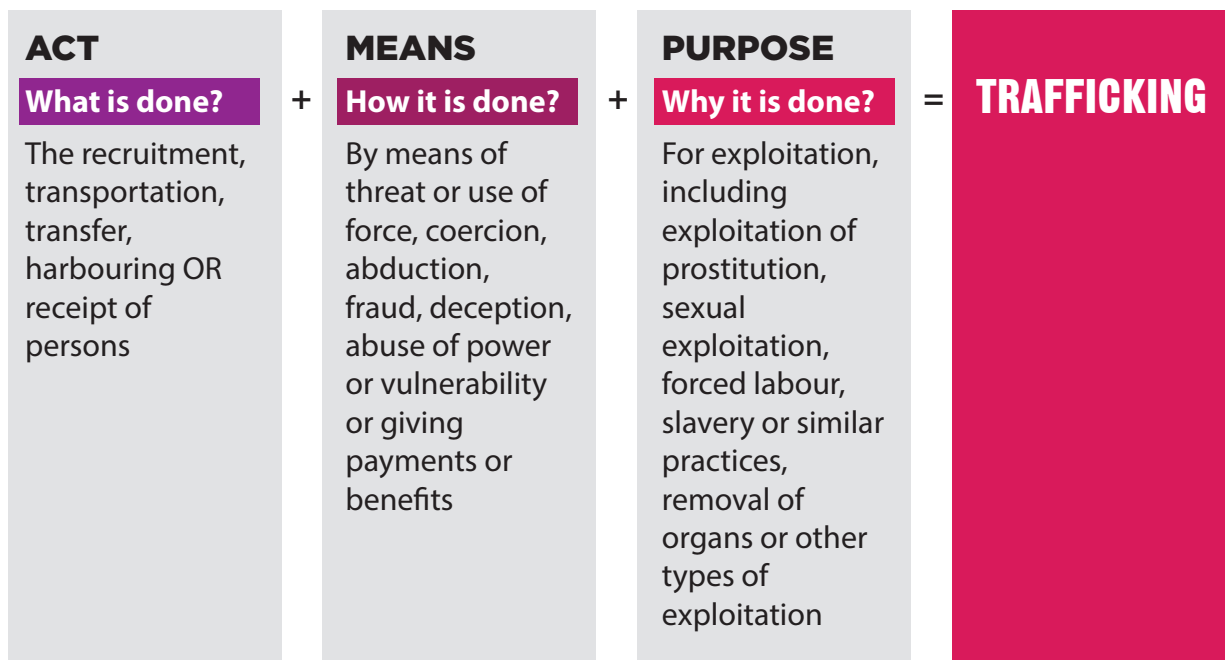
What is Human Trafficking?

Some people may use the term 'human trafficking' when discussing forced labour. In fact, trafficking can be a form of forced labour. The United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), sometimes called the Palermo Protocol, provides the following internationally accepted definition of human trafficking:

'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, including exploitation of prostitution, sexual exploitation, forced labour, slavery or similar practices, removal of organs or other types of exploitation'.

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), also called the Palermo Protocol

Human trafficking is made up of three key components: the 'Act,' 'Means', and 'Purpose' ⁵



It is important to note that the Palermo Protocol clarifies that the consent of a trafficking victim is irrelevant when any form of force, coercion, deception, or abuse of power has been used against the victim.

RELATED PHENOMENA

There are fundamental differences between migration, smuggling, and trafficking:

MIGRATION is a situation in which a person moves from one country to another or within one country. Migration can take place by legal or illegal means and it can be either voluntary (with the consent of the person migrating) or forced (without their consent). Usually, however, migration is voluntary.

SMUGGLING is the transport of a person with their consent to another country through illegal means. Smuggling generally involves crossing of a border.



Questions for Consideration

- ▶ What might cause someone to be vulnerable to labor trafficking?
- ▶ Why might someone who has been trafficked initially refuse help?

Understanding the Concepts of Forced Labour and Human Trafficking

Exercise

A



Objective

To help participants understand what is meant by the terms 'forced labour' and 'human trafficking'



Time

45 Minutes



Materials and Preparation

- ▶ One copy of Handout A: *Forced Labour and Human Trafficking Awareness Survey* for each individual or group

- ▶ Writing tools



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Distribute a copy of Handout A to each participant or to each group, if participants complete the exercise in small groups. Give participants time to consider whether each statement is true or false. [10 minutes]
- ▶ Reconvene and review questions with the group, asking participants to volunteer whether they believe a given statement is true or false. Encourage questions and comments and use the facilitator answer key to ensure that by the end of the discussion everyone understands the correct answers to the questions. [25 minutes]
- ▶ Wrap up with Q&A and key messages below. [5 minutes]



Key Messages

- ▶ In analysing whether a situation constitutes forced labour, one must consider whether the work is being done voluntarily and whether the worker is being subjected to threats or the menace of penalty.
- ▶ In analysing whether a situation constitutes human trafficking, one must consider the 'Act' or what was done; the 'Means' or how it was done; and the 'Purpose' or why it was done.
- ▶ Forced labour and human trafficking occur in a wide range of employment sectors and affect men, women, and children.
- ▶ A person can be a victim of trafficking even if they have not crossed an international border. In fact, trafficking may not require movement at all.
- ▶ Human trafficking and migrant smuggling are different concepts and are governed by different laws. Consent is irrelevant when determining if one has been trafficked.
- ▶ A variety of risk factors make people vulnerable to forced labour and human trafficking. One of the main factors is poverty.

Handout A**Forced Labour and Human Trafficking Awareness Survey**

Read the following statements and indicate if they are true or false.

1. Forced labour only refers to work forced upon people by the government.	True <input type="checkbox"/> False <input type="checkbox"/>
2. Almost all human trafficking victims are women trafficked for sexual exploitation.	True <input type="checkbox"/> False <input type="checkbox"/>
3. One cannot consent to being in a situation of forced labour.	True <input type="checkbox"/> False <input type="checkbox"/>
4. People in active forced labour or trafficking situations always want help getting out.	True <input type="checkbox"/> False <input type="checkbox"/>
5. Human trafficking does not require the crossing of an international border.	True <input type="checkbox"/> False <input type="checkbox"/>
6. People in forced labour are physically unable to leave their situations because they are locked in or otherwise held against their will.	True <input type="checkbox"/> False <input type="checkbox"/>
7. Human trafficking and migrant smuggling are the same thing.	True <input type="checkbox"/> False <input type="checkbox"/>
8. Forced labour is a form of human trafficking.	True <input type="checkbox"/> False <input type="checkbox"/>
9. Human trafficking requires moving or transporting the victim from one place to another.	True <input type="checkbox"/> False <input type="checkbox"/>
10. Poverty and the search for a better life is one of the main causes of forced labour and human trafficking.	True <input type="checkbox"/> False <input type="checkbox"/>

Facilitator Answer Key to Exercise A

[DO NOT DISTRIBUTE TO PARTICIPANTS]



1. **FALSE!** Forced labour can refer to work forced upon people by the government or by a private employer. The concept of forced labour covers a wide range of coercive labour practices, which occur in all types of economic activity and in all parts of the world.
2. **FALSE!** Trafficking affects women, men, and children, and many people are trafficked for the purpose of labour exploitation where they end up in forced labour situations.
3. **TRUE!** Forced labour refers to work for which a person has not offered himself or herself voluntarily and therefore has not consented.
4. **FALSE!** Every situation is unique. Fear, isolation, guilt, shame, misplaced loyalty, and expert manipulation are among the many factors that may keep a person from seeking help or identifying as a victim even if they are, in fact, being actively trafficked or are in a situation of forced labour.
5. **TRUE!** The international definition of trafficking covers internal as well as cross-border trafficking. Thus, it is legally possible for trafficking to take place within a single country, including the victim's own.
6. **FALSE!** Sometimes victims are physically constrained and cannot leave. However, more often people in forced labour situations stay for reasons that are more complicated, such as withholding of their wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape.
7. **FALSE!** Migrant smuggling involves the illegal, facilitated movement across an international border for profit. While it may involve deception and/or abusive treatment, the purpose of migrant smuggling is to profit from the movement, not the eventual exploitation as in the case of trafficking.
8. **TRUE!** The definition of human trafficking includes trafficking for forced labour. Trafficking for forced labour is therefore one type of human trafficking. Both terms are what is sometimes referred to as modern-day slavery.
9. **FALSE!** The definition of trafficking identifies movement as just one possible way that the 'action' element can be satisfied. Terms such as 'receipt' and 'harbouring' mean that trafficking does not just refer to the process whereby someone is moved into situations of exploitation; it also extends to the maintenance of that person in a situation of exploitation.
10. **TRUE!** However, this is not the only cause. Other factors contributing to risk and vulnerability include lack of education, illiteracy, discrimination, and migration.

Lesson 3: Ghana's Legal and Policy Context Related to Forced Labour and Human Trafficking

[30 minutes]

Objective:

To provide an overview of Ghana's legal framework as it relates to forced labour and human trafficking

FORCED LABOUR

The Constitution of Ghana is clear that slavery and servitude are outlawed and that no one should be required to perform forced labour. It states:

*'No person shall be held in slavery or servitude'
'No person shall be required to perform forced labour'*

The Constitution of Ghana, Chapter 5, Section 16

The Labour Act of Ghana also provides helpful clarification, explaining that:

Forced labour is 'Work or service that is exacted from a person under threat of a penalty and for which that person has not offered himself or herself voluntarily'

The Labour Act of Ghana (2003), Part XIV, Section 117

The Labour Act's definition of forced labour does not include:

- ▶ labour required from a court sentence or order;
- ▶ labour required of a member of a disciplined force or service member as part of their duties;
- ▶ labour required when the country is at war or in the event of an emergency or calamity that threatens life and wellbeing of the community, to the extent that the requirement of the labour is reasonably justifiable in circumstances of a situation arising or existing during that period for the purpose of dealing with the situation; or
- ▶ labour reasonably required as part of normal communal or other civic obligations.

Because the definition of forced labour in the Labour Act of Ghana (2003) aligns with the definition in ILO Convention 29 and Ghana has also ratified ILO Convention 29, the ILO indicators of forced labour (described in Lesson 1) are applicable in a Ghanaian legal context.

HUMAN TRAFFICKING

According to Ghana's Human Trafficking Act Amendment (2009), human trafficking is defined as:

'The recruitment, transportation, transfer, harbouring, trading, or receipt of persons within and across national borders for the purpose of exploitation by: a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or b) giving or receiving payments and benefits to achieve consent'

The Constitution of Ghana, Chapter 5, Section 16

The key phrase in this definition is 'purpose of exploitation.' According to Legislative Instrument 2219 the phrase, 'purpose of exploitation' means: 'the use of a trafficked person for prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.'

Under the Ghanaian legal framework, forced labour is one potential exploitative purpose of human trafficking. Trafficking for forced labour is therefore one type of human trafficking. This is sometimes referred to as 'trafficking for labour exploitation' or 'trafficking for forced labour'.

Both Ghanaian and international law note that human trafficking can include forced labour and that individuals can be trafficked for the purpose of forced labour.

Other mechanisms for addressing forced labour and human trafficking in Ghana include the following:

- ▶ **The National Plan of Action for the Elimination of Human Trafficking in Ghana (2017-2021)** aims to significantly reduce the scale of trafficking and address the underlying social challenges that often make people vulnerable to being trafficked.⁶
- ▶ **The Human Trafficking Secretariat** is responsible for monitoring and evaluation, data collection, research related to trafficking, and implementation of the National Plan of Action for the Elimination of Human Trafficking in Ghana.
- ▶ **Human Trafficking Management Board (HTMB)** is an inter-ministerial committee mandated to meet quarterly, administer the Human Trafficking Fund, advise the Ministry of Gender Children and Social Protection (MOGCSP) on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims.
- ▶ **The Labour (Domestic Workers') Regulations, 2020 (L.I. 2408)** establish a governance framework for the regulation of domestic work and extend labour protections for domestic workers. The new law requires written contracts of employment that stipulate the conditions of service, which will help to avoid situations that can lead to forced labour of domestic help.

Questions for Consideration



- ▶ What are some of the challenges in enforcing Ghana's laws on forced labour and human trafficking?
- ▶ What are the key governance gaps in Ghana that could facilitate forced labour?

Lesson 4: Assessing Risk – Understanding What to Look For

[30 minutes]

Objectives:

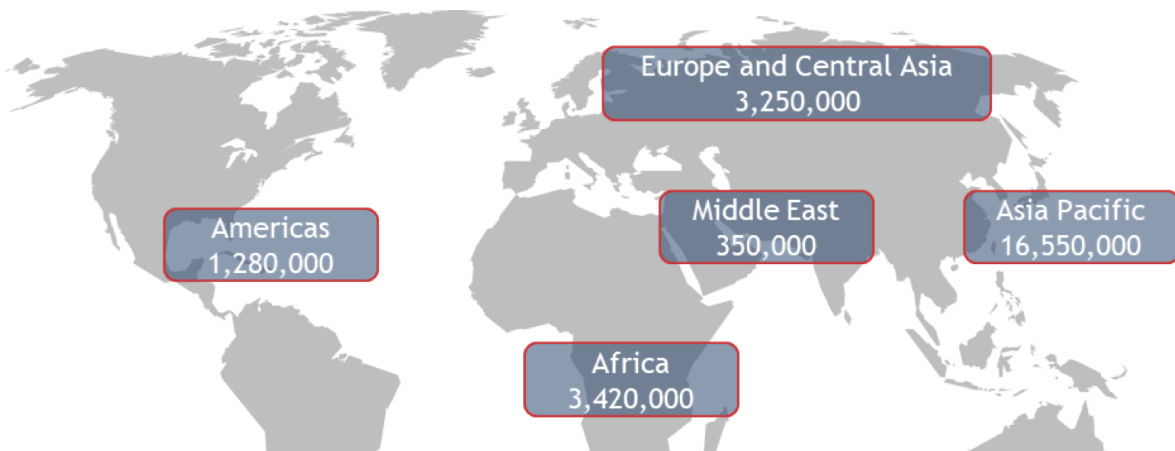
To familiarize participants with:

- ▶ The extent of the problem of forced labour
- ▶ The different sectors and types of work that are most vulnerable

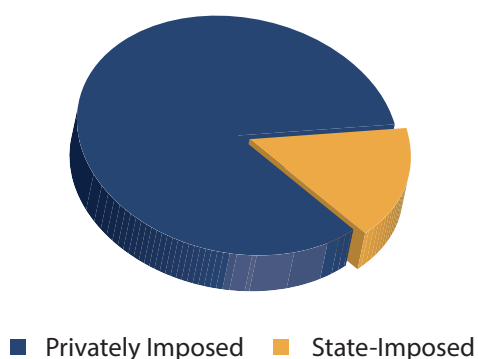
THE GLOBAL FIGURES

According to the ILO, an estimated 24.9 million people were in forced labour in 2016—meaning they were forced to work under threat or coercion—including men, women, and children.⁷

Forced labour estimates by region

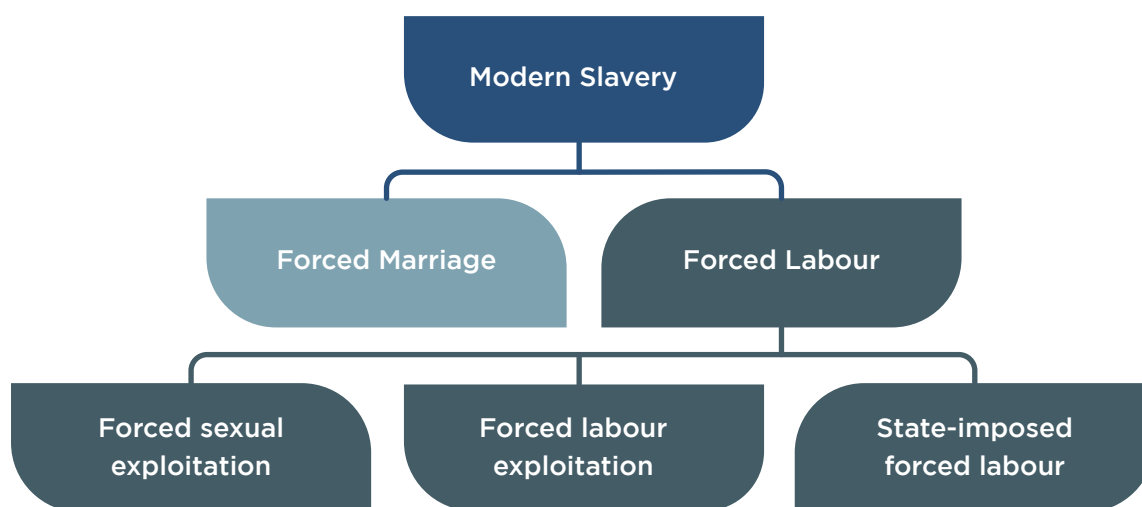


Privately and State-imposed Forced Labour



This included an estimated 3.4 million victims in Africa. According to the ILO, forced labour occurred in many jobs and work sites, including domestic work, construction, factories, farms, fishing, and the sex industry. In some instances, victims were forced to work by the State, but more often private individuals and groups were the perpetrators.⁸ Research shows that all too often it is victims of forced labour that clean the buildings we work in, and produce the food we eat, and the clothes we wear.

TYPES OF MODERN SLAVERY



RISK-BASED TARGETING BY SECTOR

Given the limited nature of human and financial resources available to labour inspectorates, efforts at eliminating forced labour should focus on areas and sectors that are most at risk of labour abuses. Rather than conducting inspections at random, risk-based targeting can be a more efficient and effective method for addressing the problem. Risk assessment requires the collection and analysis of information to determine whether key factors are present in a particular situation that increase the likelihood of forced labour. After gathering information on sectors and regions, inspectorates can then prioritize the riskiest sectors and types of work to focus on.

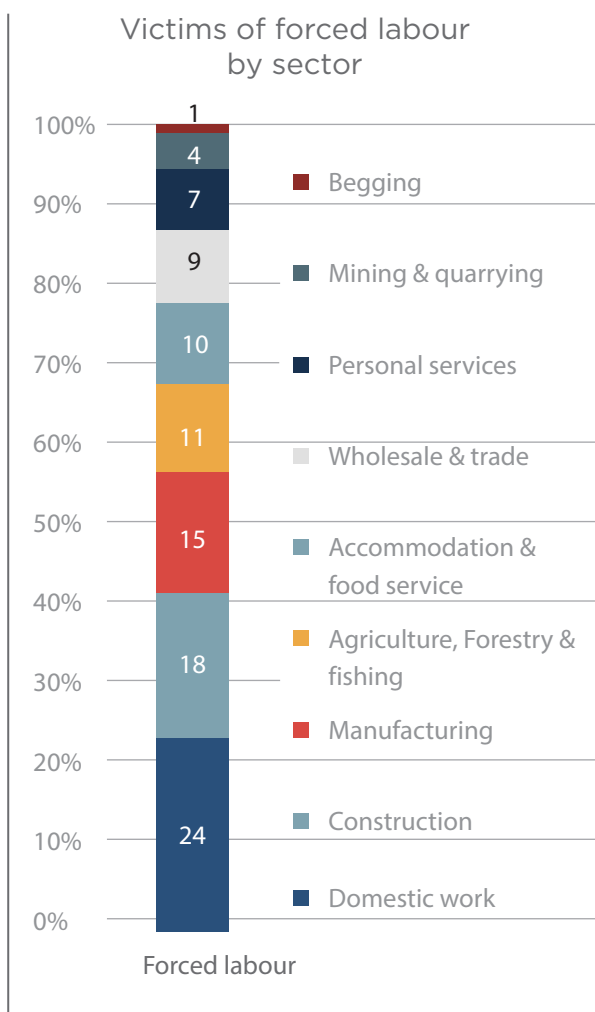
The chart below indicates many of the economic sectors that are most at risk of forced labour globally and should therefore be considered potential priorities for inspection in a risk assessment. Note that the gender of victims is linked to the sector of work: some sectors tend to employ more women, such as domestic work, while others employ more men, such as mining.⁹

DOMESTIC WORK

The domestic work sector accounted for approximately 24 percent of identified forced labour exploitation cases.¹⁰ Common grievances by domestic workers have included subminimum wages, unpaid wages, the withholding of wages, lack of overtime pay, long hours and heavy workloads, isolated worksites, inadequacy of rest days, absence of health care and maternity leave, poor living conditions, and issues related to contracts and termination.¹¹

CONSTRUCTION

Approximately 18 percent of forced labour cases occur in the construction sector.¹² According to the ILO, the construction sector is one of the most hazardous for workers featuring both unsafe worksites and arduous work. The sector has a high fatality rate, and a significant portion of the construction workforce is made up of migrant workers.¹³



MANUFACTURING

The manufacturing sector makes up approximately 15 percent of identified forced labour exploitation cases.¹⁴ The documented concerns by workers at these factories include excessive working hours (sometimes beyond legal overtime limits) and production targets, payment of high recruitment fees, and illegal retention of passports.¹⁵

COMMERCIAL AGRICULTURE AND FISHING

Approximately 12 percent of identified forced labour exploitation cases have occurred in the commercial agriculture and fishing sector. Labour recruiters play a variety of roles in the agriculture sector where labour is increasingly subcontracted. Labour recruiters may act as employers as well as recruitment agents and are generally responsible for the payment and working conditions of the workforce. Along with the construction sector, agriculture and fishing are considered highly hazardous sectors. Fishing vessels and processing facilities

often rely on casual labour. Complaints by workers in this sector refer to a range of abuses such as non-payment or late payment of wages, restriction on physical movement and limited freedom of movement, violence, physical abuse, and threats.¹⁶

MINING

Trafficking risk in illegal gold mining is linked to the presence of criminal groups and violence. Ongoing violence contributes to an environment of lawlessness and corruption, creating a population of workers that is fearful and desperate for work. The mere presence of armed groups in an area can restrict workers' freedom of movement, which in turn increases reliance on employers and reduces workers' ability to seek outside help in addressing abuses at their workplaces, especially if workers are far from home. Governments also cannot carry out monitoring of labour conditions or law enforcement in violent areas. The work involved in illegal gold mining is dirty, dangerous, and difficult, making it unattractive to all but the most desperate people.¹⁷

BEGGING AND STREET HAWKING

In urban areas of many countries, the use of forced labour in street vending and begging is prevalent. For example, in some countries in Africa, children from Koranic schools are forced to beg on the street by religious instructors.¹⁸

RISK-BASED TARGETING BY TYPE OF WORK

In addition to focusing on specific **sectors** where forced labour often occurs, inspectors should be aware of particular **types of work** where workers are often exploited. For example:

WORK THAT RELIES ON LOW-SKILLED LABOUR

Industries that rely heavily on inputs of low-skilled labour are at risk of forced labour. Examples of such jobs include those involving manual labour (mining, farm work, construction, brick making), prolonged periods of repetitive motion (manufacturing), and work that is socially devalued (janitorial work, domestic work). Because these jobs are undesirable and low-paying, they are often performed by vulnerable individuals.¹⁹

SEASONAL AND MIGRANT WORK, PIECE-RATE JOBS AND QUOTA SYSTEMS

As reported by Verité, ‘The time-sensitive nature of harvest cycles for many agricultural crops can lead to a temporary surge in the need for farmworkers in a particular region, only to have the demand for them drop off sharply once the harvest is complete’.²⁰ Industries such as these are characterized by sharp seasonal or product lifecycle fluctuations and frequently rely on migrant labourers who must meet quotas in their work. The quota system in agriculture and the nature of piece-rate work in other industries often lead to the presence of forced labour indicators, such as forced overtime and withholding of wages.

INFORMAL WORK AND HIDDEN WORKPLACES

Although the formal sector is not free of forced labour, a large proportion of forced labour occurs in the informal sector. The work is often hazardous and hiring and employment processes are likely to be precarious and unregulated, leaving workers vulnerable to exploitation. Informal worksites are often small and lack internal procedures to ensure safety and wellbeing of workers.

Because many informal worksites are hidden from view or in isolated locations, monitoring these sites is challenging. Workers in isolated locations may have little contact with the outside world, leaving them no avenue for escape. Even more challenging to detect are those who work alone. These might include domestic servants, agricultural workers, workers involved in criminal or illicit activities, and sexually exploited children. Those who are the hardest to access are likely to be most vulnerable.²¹

USE OF LABOUR RECRUITING

Industries that rely on labour recruiters to hire their workforce are at increased risk of harbouring forced labour in their supply chains. Although labour recruiters often provide valuable services for employers, gaps in regulations and enforcement have enabled recruiters to carry out risky and unethical practices with impunity, resulting in situations where workers have been deceived regarding the nature and conditions of the job, and charged substantial fees to cover recruitment costs.²²

ILLEGAL, CRIMINAL AND IMMORAL ACTIVITIES

Organizations such as criminal, gangs sometimes force people to engage in illicit activities such as pornography, prostitution, and drug trafficking.

Questions for Consideration



- ▶ What are the links between globalization and forced labour?
- ▶ What can be done to ensure labour recruiters act ethically when recruiting workers?

According to the ILO, an estimated 24.9 million people were in forced labour in 2016—meaning they were forced to work under threat or coercion—including men, women, and children.



Assessing Where the Risks of Forced Labour are Greatest

Exercise

B



Objective

To help participants identify where the risks of forced labour are greatest in their region



Time

60 Minutes



Materials and Preparation

- ▶ Flip-chart paper and markers
- ▶ One copy for each participant of Handout B: Assessing Risks of Forced Labour



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ If possible, divide participants into groups according to the geographic region where they work (for example North, South, East, West). Distribute a copy of Handout B to each participant. Give participants time to consider the questions and write their answers on a flip-chart. [25 minutes]
- ▶ Reconvene and review each question with the group, asking participants to discuss their answers and state why they believe the options they circled pose the greatest risk of forced labour. Encourage questions and comments. [25 minutes]
- ▶ Wrap up with Q&A and key messages below. [5 minutes]



Key Messages

- ▶ **Key sectors:** Although it can occur in any economic sector, forced labour is much more prevalent in certain sectors, such as: domestic work, construction, manufacturing, commercial agriculture and fishing, mining, street hawking, begging, and portering.
- ▶ **Key types of work:** Forced labour usually manifests itself in certain types of work such as: low skilled labour; seasonal and migrant work; piece-rate jobs or jobs with quotas; work in the informal sector; and work that relies on labour recruiters.
- ▶ **The importance of risk prioritization:** After gathering information on sectors and regions, inspectors can then prioritize the riskiest sectors and types of work to focus on.

Handout B**Assessing risks of forced labour**

1. Give three examples of work prevalent in your region that rely on low-skilled labour. Circle the one which you think poses the greatest risk of forced labour.

- (a) _____

- (b) _____

- (c) _____

2. Give three examples of work prevalent in your region that rely on seasonal and migrant work, piece-rate jobs, or quota systems. Circle the one which you think poses the greatest risk of forced labour.

- (a) _____

- (b) _____

- (c) _____

3. Give three examples of work prevalent in your region that take place in the informal sector or hidden workplaces. Circle the one which you think poses the greatest risk of forced labour.

- (a) _____

- (b) _____

- (c) _____

4. Give three examples of work prevalent in your region that use labour recruiters. Circle the one which you think poses the greatest risk of forced labour.

- (a) _____

- (b) _____

- (c) _____

Lesson 5: Understanding the Root Causes of Forced Labour

[45 minutes]

Objectives:

To familiarize participants with:

- ▶ What makes people vulnerable to forced labour

INTRODUCTION TO ROOT CAUSES

In order to design successful interventions, it is important to understand what makes people vulnerable to forced labour. In other words, what are the root causes of forced labour? Forced labour is a complex issue which is usually caused by a mix of push and pull factors that are linked to poverty, inequality, and social exclusion.

Some of the 'push' factors might include: high levels of unemployment, income shocks, debt, absence of social safety nets, and low levels of awareness about risks. These combined with 'pull' factors such as pressure for employers to minimize cost of production, gaps in legal frameworks, and weak enforcement of laws, can work together to increase the risk of forced labour.²³

ROOT CAUSE ANALYSIS

To effectively address forced labour vulnerability, one must be able to identify the root causes that are contributing to it. As the following examples will show, this is best done by asking 'Why'?



Step 1: Identify the Problem

For example, were workers recruited without understanding the conditions of work?



Step 2: Ask 'Why?'

For example, 'Why didn't workers understand the conditions of work when they were recruited?'

Answers might include:

- ▶ They can't read written contracts provided by their employer.
- ▶ Workers are hired by a labour recruiter who does not provide them with accurate information.



Step 3: Ask 'Why?' Again

Why can't workers read written contracts provided by their employer?

Why are labour recruiters providing workers with inaccurate information?

Answers might include:

- ▶ Workers speak a different language than employers or cannot read complex written documents.
- ▶ Labour recruiters are paid by the number of workers they provide to the employer, so they are motivated to recruit a high volume of workers but not to provide them with accurate information.

Step 4: Design Potential Interventions

Based on the answers to your 'Why' questions, you can design interventions to address the underlying root cause issues. For example:

- ▶ Employers might be required to provide contracts in a language that workers understand and that allow for a neutral witness to verbal agreements.
- ▶ Employers might be required to hire directly rather than using recruiters, or they might be required to change the system for compensating recruiters so that recruiters are no longer compensated based on volume.
- ▶ The Labour Department of the Ministry of Employment and Labour Relations might undertake an awareness raising campaign targeting potential workers to educate them on typical conditions of work in a given sector.

ROOT CAUSES OF FORCED LABOUR

Poverty and Hunger can leave people with few choices and push them into vulnerable and exploitative situations.

Child Labour. When children don't have access to quality education near their home, they are more likely to migrate to seek access to education, or to work to increase family income in the short term. These situations sometimes result in child labour or forced child labour as these children lack traditional support mechanisms to protect them from exploitation and abuse.

Health Issues. Some workers may take undesirable jobs to repay medical debt for themselves or their family members. In some cases, employers may pay for medication for workers up-front, resulting in unexpected debt. In other cases, workers may not receive pay after being absent from work due to illness or medical treatment.

Weak Safeguards for Civil Liberties such as freedoms of assembly, association, and expression mean that civil society organizations are less able to monitor government and private sector actors and hold them accountable for unethical labour practices. Lack of formal protection for workers' rights leaves workers with little legal recourse in the face of workplace abuse, and undermines the potential for labour organizing, reducing the ability of workers to advocate collectively in the face of abuse and exploitation. When corruption is present, officials may be paid bribes to look the other way when faced with practices associated with forced labour.

Conflict increases the risk of human trafficking, both in the geographic contexts where production for global supply chains takes place and among communities that supply labour for global production. In situations characterized by active conflict, resident populations may find themselves displaced from their homes and in a state of economic desperation. Rule of law and enforcement of legal norms are weakened, creating an environment of impunity that enables the abuse of these vulnerable populations. Armed groups may rely on human trafficking, or on economic activities associated with or reliant on human trafficking for labour, in order to fund ongoing conflict activities. In some cases, armed groups – including those funded by commodity production – may forcibly conscript soldiers. In others, struggles to control access to valuable commodities such as gold or diamonds may themselves be significant drivers of the conflict in question.

Migration. When there are insufficient jobs locally, migrating for work – domestically or internationally – is sometimes the only option. Migrant workers, however, can be vulnerable to deceptive recruitment and exploitative labour conditions, which in some cases may lead to forced labour.

Lack of Education and Illiteracy. Workers with low levels of education or vocational training may lack choices of work in the labor market and may be pushed into jobs with the most exploitative conditions. If workers cannot read documents such as contracts, time records, or wage slips, they may be more vulnerable to deceptive recruitment. Low literacy levels also make it difficult for workers to discern an exploitative recruitment situation and advocate for their rights.

Discrimination and Gender Inequalities. In many places, women and girls lack educational opportunities and are pushed into less desirable work. Migrant women are often paid lower wages than men, increasing the burden of recruitment debt and making them even more dependent on their employers.

Environmental Degradation and Natural Disasters can displace people from their land, disrupt traditional livelihood strategies, cause illness, and generally increase the vulnerability of local populations. People experiencing or having survived recent environmental catastrophes have often lost all or most of their personal resources and may be physically or emotionally traumatized. Such people are at increased risk of vulnerability to forced labour and other forms of exploitation. Deforestation, fisheries collapse, recurring drought, or diseases affecting staple crops may also lead to pervasive poverty and insecurity, thereby increasing the risk for trafficking and forced labour. Environmental issues associated with global economic activity can also contribute to conflict and political instability, further increasing push factors for migration.

Questions for Consideration

- ▶ What are the links between concepts such as poverty, freedom, coercion, and power?
- ▶ How do social hierarchies in Ghana contribute to the supply of people vulnerable to forced labour?

Forced labour is a complex issue which is usually caused by a mix of push and pull factors that are linked to poverty, inequality, and social exclusion



Lesson 6: Practical Guidance for Using the Indicator Approach

[45 minutes]

Objectives:

To familiarize participants with:

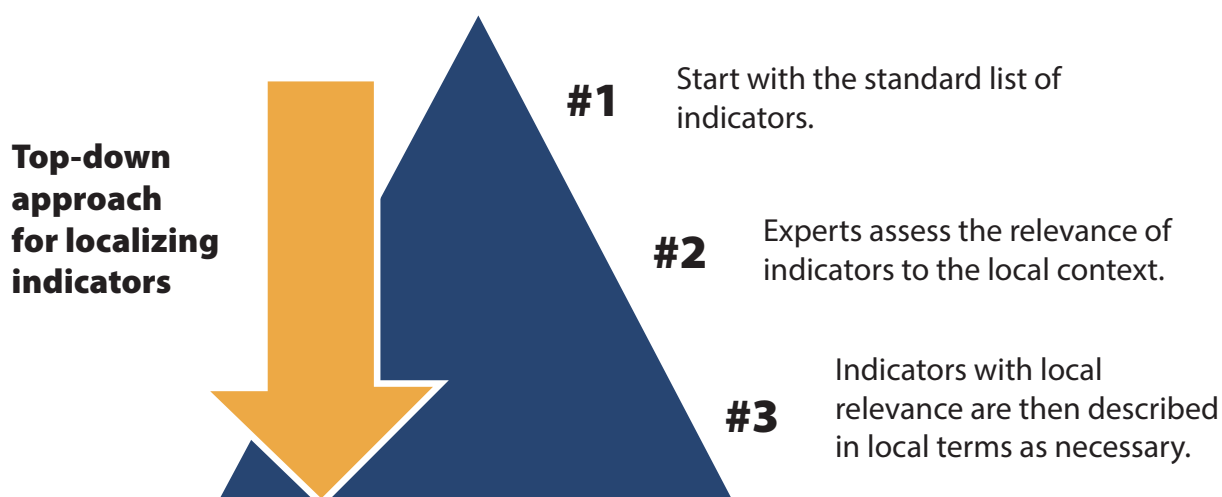
- ▶ how indicators can be localized to specific sectors, and how a list of relevant indicators can be developed
- ▶ how to create research or monitoring questions tied to each key indicator identified and understand worker responses

The forced labour indicators approach can be used to identify and understand forced labour. However, it is important to remember that forced labour is context-specific, so the use of indicators should be tailored to different locations and sectors.

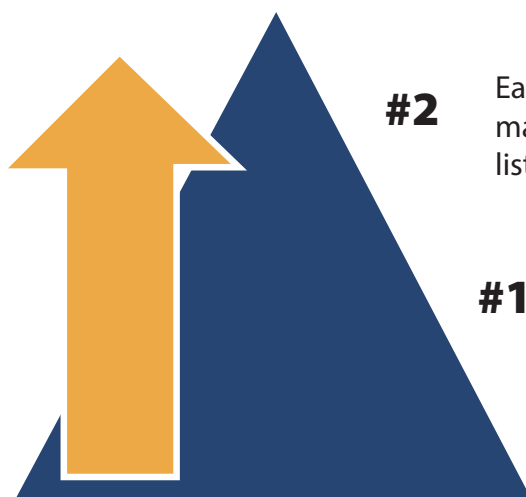
Step 1: 'LOCALIZE' INDICATORS

Indicators used in any research or monitoring efforts should be 'localized' or adapted to the local context, including the worksite, region, sector, and country, among other contexts. Localizing indicators is important because certain indicators may not be relevant at all in a particular context. For example, bars on a window may indicate an attempt to restrict the movement of someone inside, like a domestic worker, which would be an indicator of forced labour. However, if many houses in a neighbourhood have bars on their windows, the bars may simply be for security purposes rather than to restrict workers' movement.

In *Hard to See, Harder to Count*, the ILO recommends a participatory process to create a list of indicators that are relevant to the local context. There are two primary ways to do this: a 'top-down' approach and a 'bottom-up' approach.



Bottom-up approach for localizing indicators



#2

Each identified indicator is matched to one from the standard list of indicators.

#1

Local experts identify all potential indicators of involuntary work and threat of penalty and describe them in local terms.

Example of implementing a bottom-up approach

Ghana wants to investigate whether migration of its citizens to foreign countries is resulting in forced labour. Stories have circulated about recruiters promising women good jobs in another country where they can work as domestic helpers in private households and have their own room. However, on arrival, many of these women have reportedly been forced to accept jobs as waitresses in bars and hotels and must live with other workers in storage rooms provided by the employer.

This situation illustrates deception around the promised occupation and nature of the job (such as when the aspiring domestic worker becomes a waitress in a bar) and deception around living conditions (such as when a reportedly personal room is in fact a shared storage room). Both of these situations can be matched to the indicator of involuntariness.²⁴

Step 2: DEVELOP TARGETED QUESTIONS

Once a list of relevant indicators has been identified, the institution developing the monitoring protocol or research tools should formulate questions to solicit information from workers and other information sources related to each indicator.

Just as the list of forced labour indicators needs to be localized, the specific questions asked should be tailored to the given context.

For example, in an agricultural workplace where workers are paid based on a piece rate (that is, paid by the volume they produce) and need to meet a production quota, an inspector could ask workers the following types of questions to establish whether they are engaging in work with very low wages, which is an indicator of involuntary work:

- ▶ Do workers understand how earnings are calculated?
- ▶ Do workers believe that the volume produced is calculated correctly?

- ▶ What recourse do workers have if there is a dispute?
- ▶ Are they provided any kind of accounting of their earnings?
- ▶ Are any deductions taken if the quota is not met?
- ▶ Do workers need to engage their family members or others to meet the production quota? If so, are those workers compensated by the employer?
- ▶ Do workers need to work overtime to earn the minimum wage?
- ▶ When hours worked to meet the production quota are factored in, are workers earning the legal minimum wage?

Questions for Consideration



- ▶ Why is it important to 'localize' indicators when investigating forced labour?
- ▶ When investigating forced labour, what sources of information can be used to triangulate and verify information gathered from worker interviews?

It is important to localize indicators by coming up with a list of indicators relevant to any particular context (i.e. country and sector), as well as definitions that make sense to local stakeholders. When putting the ILO indicators into practice, it's also important to access other sources of information that can be used to triangulate worker testimony in the field.



Asking the Right Questions

Exercise

C



Objective

To help participants think about who to talk to, what questions to ask, and what other sources of information to consider that will help to uncover situations of forced labour



Time

45 minutes



Materials & Preparation

- ▶ Flip-chart paper and markers
- ▶ One copy for each individual of Handout C: *Investigating the indicators of forced labour*



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Divide participants into small groups of four to five people and distribute a copy of Handout C to each participant. Give participants 20 minutes to consider the questions and write their answers on a flip-chart. [15 minutes]
- ▶ Reconvene and review each question with the group, asking participants to discuss their answers. Encourage questions and comments and guide the discussion using the facilitator answer key. [20 minutes]
- ▶ Wrap up with Q&A and key messages below. [5 minutes]



Key Messages

- ▶ The forced labour indicators approach can be used to identify and understand forced labour. However, it is important to remember that forced labour is context-specific, so the use of indicators should be tailored to different locations and sectors.
- ▶ It is important to speak with workers when trying to uncover forced labour. Interview questions should be non-threatening and in simple language. Avoid using technical language and jargon.
- ▶ Additional sources of information should be used to triangulate worker testimony (such as key informant interviews and document reviews).

Note: Another option for this exercise is for trainees to participate in a role play with one person assigned to play the inspector and another the worker. The “inspector” can practice asking questions to determine if certain indicators of forced labour are present in scenarios 1 and 2. Participants can then switch roles to practice asking questions for scenarios 3 and 4. All participants can discuss answers to questions 5 and 6.

Handout C**Investigating the indicators of forced labour**

The scenarios below list four indicators of forced labour.
What are some questions you might ask a worker to
determine if the indicator listed is present?

1. Situations in which the worker must perform a job of a different nature from that specified during recruitment without the worker's consent (indicator of involuntary work)

2. Work with no or limited freedom to terminate work contract (indicator of involuntary work)

3. Withholding of wages or other promised benefits (indicator of threat or menace of penalty)

4. Threats or violence against workers or workers' families and relatives, or close associates (indicator of threat or menace of penalty)

5. In addition to interviewing workers, who else could you interview to help you determine if the situation is one of forced labour?

6. In addition to interviews, what documents could you review to help you determine if the situation is one of forced labour?

Facilitator Answer Key to Exercise C

[DO NOT DISTRIBUTE TO PARTICIPANTS]



1. **Questions you could ask a worker to assess if they are performing a job of a different nature from that specified during recruitment without their consent may include:**
 - a. What information did you receive about the job before you accepted it?
 - b. How does that information compare with the actual conditions of the job?
 - c. Are any conditions or terms of the job worse than what was communicated to you?
2. **Questions you could ask a worker to assess if they have freedom to terminate their work contract may include:**
 - a. Can you leave your employer/job if you wish?
 - b. If no, what might happen or what prevents you from leaving?
3. **Questions you could ask a worker to assess if wages or other benefits are being withheld may include:**
 - a. Are you paid regularly?
 - b. Are you paid the amount expected?
 - c. Are any deductions taken from your pay?
 - d. Do you have to work for longer than you want to be paid for all work completed?
4. **Questions you could ask a worker to assess if they, or any of their family members or close associates have been threatened or been victims of violence may include:**
 - a. Have you experienced, or believe you would experience, any of the following if you complained about conditions or tried to leave your job:
 - » physical or sexual violence or other abuse
 - » increased isolation
 - » worsening job conditions?
 - b. Have you witnessed any threats or violence against co-workers?
5. **In addition to interviewing workers, inspectors could also interview:**
 - a. the employer or manager
 - b. labour recruiters involved
 - c. community leaders who might have insight into conditions, such as religious leaders, school officials, medical workers, other social workers, or local civil society representatives
6. **Documents inspectors might want to review include:**
 - a. Pay slips or other materials documenting worker wages and hours (even if informal)
 - b. Copies of worker contracts, if available
 - c. Sales records/ pass books where payment is tied to sales
 - d. Leave schedules where applicable
 - e. Sub-contracting agreements (where possible) if the worker is working for a sub-contractor

Identifying Forced Labour

Exercise

D



Objective

To be able to identify which situations constitute forced labour



Time

60 minutes



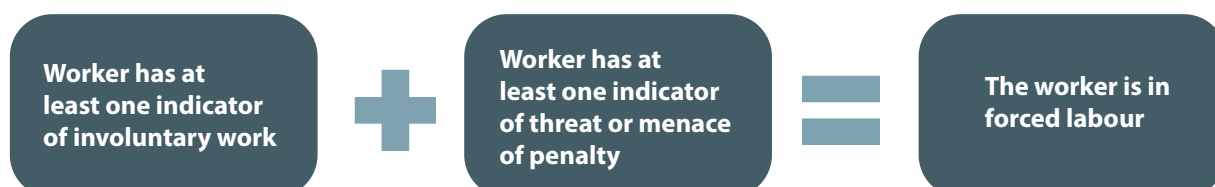
Materials and Preparation

- ▶ Flip-chart paper and markers
- ▶ One copy for each group of Handout D: *A case of forced labour?*



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Draw the illustration below on a white board or flip-chart to remind participants that a combination of indicators is required for a finding of forced labour. [5 minutes]



- ▶ Divide participants into small groups of four to five people and provide each group with a copy of Handout D. Ask the groups to discuss each situation described in the handout and answer the questions that follow. Groups should record their responses on the flip-chart and be prepared to share them. [20 minutes]
- ▶ Reconvene participants and ask each group to share their answers. Use the facilitator answer key and ask the following questions to encourage discussion:
 - » Did Fatimatu enter the job of her own free will?
 - » Was her decision to accept the job based on accurate information?
 - » Once she found out she had been deceived could she leave?
 - » Was Fatimatu threatened with a penalty?
 - » Did her employer withhold anything of value from her?
 - » At what point did her situation turn into one of forced labour?
 - » How can sexual harassment make someone vulnerable to forced labour? [25 minutes]
- ▶ Wrap up with Q&A and key messages below. [5 minutes]



Key Messages

- ▶ Remember that at least one indicator of involuntary work and at least one indicator of threat or menace of penalty must be present to be able to conclude that a situation is a case of forced labour.
- ▶ Involuntary Work + Threat or Menace of Penalty = Forced Labour
- ▶ Even in situations where workers experience only one component of forced labour (involuntary work or threat of penalty) they are still at heightened risk of forced labour and can be considered vulnerable.
- ▶ The penalty can be physical or psychological and may take place during the recruitment process or on the job.
- ▶ This case shows us that when workers experience a component of forced labour, even if they are not considered to be in forced labour at a given time, they may be at heightened risk of becoming trapped in forced labour because conditions can change rapidly.

In many places, women and girls lack educational opportunities and are pushed into less desirable work. Migrant women are often paid lower wages than men, increasing the burden of recruitment debt and making them even more dependent on their employers.



Handout D**A Case of Forced Labour?**

Based on what you've learned, consider the following story:

Part 1

Fatimatu studied hospitality management at university and has been promised a high-wage job working at the front desk of an upscale hotel in Accra. She is eager to work in the hospitality industry and accepts the job. However, upon travelling to the city and starting work at the hotel, she realizes that the job is not what she was promised. Instead of working at the front desk, she is doing mostly housekeeping work. Still, she hopes that this job will allow her to work her way up to a management position, so she decides to stay and make the best of it.

Question 1: In the above scenario:

1. Who would you interview to learn more about the situation?
2. Give three examples of questions you would ask to determine if there are any indicators of involuntary labour.
3. Give three examples of questions you would ask to determine if there have been any threats or menace of penalty.

Part 2

A new manager at the hotel threatens Fatimatu, telling her that if she walks away, he will instruct all the hotel managers in Accra not to hire her. Additionally, the hotel implements a new policy of deducting wages to cover the housekeeping uniform and food provided during meal breaks, as well as disciplinary deductions for being late for work. Some deductions appear to be made at inflated rates, such as deductions made for food. After working under these policies for three months, Fatimatu is informed by the hotel that she is in debt and cannot leave until her debt is paid off.

Question 2: Based on this new information, are there any indicators of involuntary labour? Are there threats or menace of penalty? Is Fatimatu in forced labour? Explain why or why not.

Part 3

Fatimatu is sexually harassed by the new manager and is told that if she complains, she will be given a less desirable work schedule, harder tasks and never considered for a promotion.

Question 3: Based on this new information are there any indicators of involuntary labour? Threats or menace of penalty? Is Fatimatu in forced labour? Explain why or why not.

Facilitator Answer Key to Exercise D

[DO NOT DISTRIBUTE TO PARTICIPANTS]



Question 1 Answer

Who to interview:

- » Fatimatu
- » Employer/ responsible manager
- » Other workers

Some examples of questions to ask regarding recruitment:

- » Who recruited Fatimatu? Did she have to pay anything to the recruiter to get the job?
- » Were the employment terms and conditions fully explained to her before she took the job? If yes, who explained these terms to her?
- » Did she sign an employment contract for the job? If no, did she have a verbal agreement? Are there any witnesses to verbal agreements? Are these witnesses neutral and trusted by workers?
- » If there is a contract, are contract details consistent with the actual conditions of work? If not, what was changed?
- » Was she pressured or threatened in any way into accepting the job or any of the terms of employment?

Some examples of questions for threats or menace of penalty:

- » Has she been subjected to or ever witnessed verbal, physical, or sexual harassment, or abuse (including threats)?
- » If yes, what happened? When and where did it happen, and who was involved?
- » Is this abuse ongoing?
- » Was the incident(s) reported to the employer, management, or the labour recruiter?
- » What actions, if any, were taken to correct the abuse?
- » Are threats ever used to compel workers to continue working, or as retaliation for expressing grievances?

Question 2 Answer

This scenario indicates that Fatimatu is the subject of threats or menace of penalties that are being used to bring about involuntary work or forced labour. Examples include: the manager threatened her future employment, is taking unethical wage deductions and is restricting her movement. ILO indicators of forced labour in this scenario include intimidation and threats, withholding of wages and debt bondage.

Question 3 Answer

This additional information reinforces the fact that Fatimatu is a victim of forced labour. In addition to previous threats and menace of penalty, her manager also subjects her to sexual violence, another strong indicator of forced labour.

Lesson 7: Strategic Planning

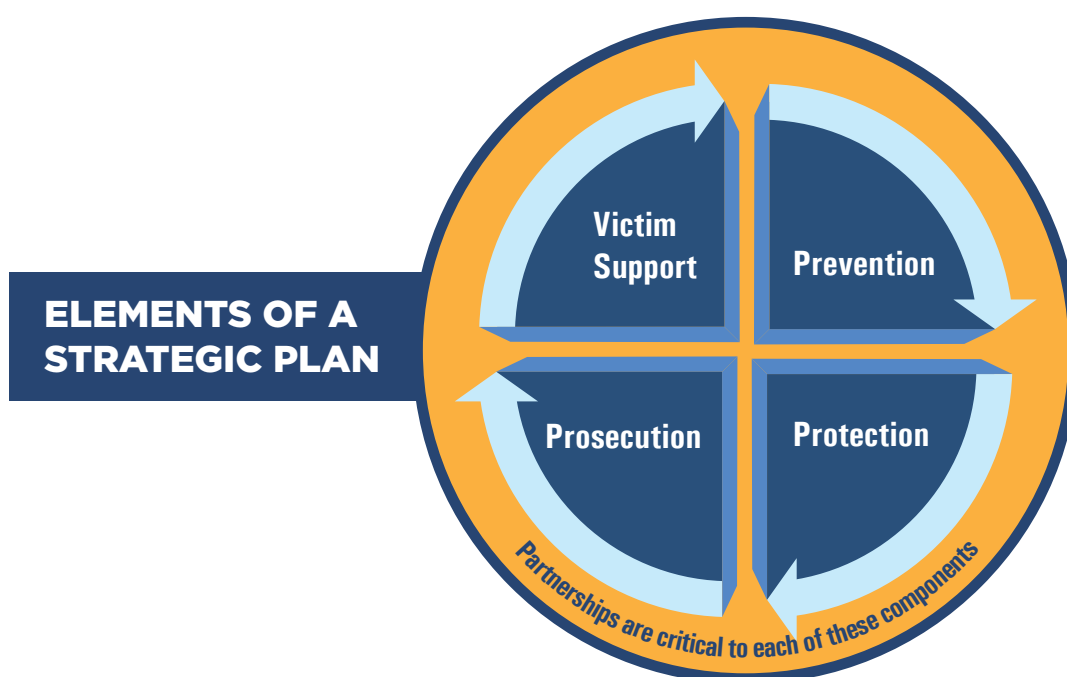
[30 minutes]

Objectives:

- ▶ To learn the importance of strategic planning when addressing forced labour at the national and regional levels
- ▶ To identify the essential components of a good strategic plan

THE IMPORTANCE OF STRATEGIC PLANNING TO ADDRESS FORCED LABOUR

Even when an overall strategic plan and approach for delivering inspection services is in place, many inspectorates do not have a specific strategy for addressing forced labour. Creating a specific strategy or 'strategic plan' is important to motivate inspectors and provide guidance on how they can address the problem. Such a plan will communicate the inspectorate's vision, signify its commitment to addressing the issue, and provide direction for inspectors by laying out a systematic, prioritized, and time-bound approach that encourages everyone to work towards the same goals.



While it is important for the national inspectorate service to have a strategic plan for forced labour, it is also helpful for each district labour office to have a plan as well. A well-designed regional or district plan considers local risk factors for forced labour, such as types of industry, vulnerable groups, relevant stakeholders, and other factors in the area. Inspectors'

knowledge of local conditions is critical to developing an informed and effective strategic plan. To the extent possible, a strategic plan to address forced labour and human trafficking should include strategies for partnerships, prevention, protection, prosecution, and victim support.

The plan should clarify:

- ▶ **What the Labour Department aims to achieve**
- ▶ **How and by when those goals will be met**
- ▶ **Who is responsible**

Ideally, plans should include:

- ▶ **Descriptions of clear transparent and effective procedures** for forced labour inspections and sanctions;
- ▶ **Clearly defined responsibilities** for those charged with addressing forced labour, including details on who will monitor implementation of the strategy;
- ▶ **A framework for collaborating with other stakeholders** that are working to address forced labour; and
- ▶ **Discussion of how to address or prioritize areas** of particular importance, such as sectors with high numbers of forced labourers.

Below is an example of how a plan might reflect specific actions to be taken to address forced labour.

Objective	Activity	Time Frame	Budget	Partners	Person Responsible
Prevention	Develop forced labour prevention guidelines for labour department staff				
	Develop a targeted radio campaign to enhance community awareness about risks of forced labour				
	Develop guidance for members of the private sector on identifying risks of forced labour in supply chains				
Protection	Train Labour Officers and Inspectors on investigative techniques to better identify forced labour in informal sector				
	Develop victim response services such as a hotline				

Objective	Activity	Time Frame	Budget	Partners	Person Responsible
Prosecution	Work with lawmakers to increase penalties for forced labour violations				
	Collaborate with prosecutors to ensure perpetrators of forced labour are appropriately charged				
Victim Support	Map network of mental health care providers to ensure victims can be connected to services when needed				

When developing a plan, the inspectorate should consider any documents and commitments already in place that govern or inform its work. In Ghana these might include:

- ▶ The Labour Department's broader strategic plans for inspection
- ▶ The legislative agenda as it pertains to forced labour and human trafficking
- ▶ The Labour Act
- ▶ The Human Trafficking Act
- ▶ The Standard Operating Procedures (SoPs) to Combat Human Trafficking in Ghana
- ▶ The National Plan of Action for the Elimination of Worst Forms of Child Labour
- ▶ The National Plan of Action for the Elimination of Human Trafficking

Questions for Consideration



- ▶ How can forced labour be incorporated into the Labour Department's broader strategic plans?
- ▶ How can the Labour Department seek input from relevant stakeholders in developing a strategic plan to address forced labour and human trafficking? Who would those stakeholders be?

Developing a Strategic Plan

Exercise

E



Objective

- ▶ To be able to develop a strategic plan outlining the key activities to be undertaken to combat forced labour
- ▶ To consider ways to gain support for the plan



Time

75 minutes



Materials and Preparation

- ▶ Several copies of Handout E: *Strategic planning template*
- ▶ Writing tools



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Ask for volunteers to state why strategic planning is important. Once a few responses have been given, remind participants that strategic planning can help inspectorates determine how to utilize scarce resources most effectively to accomplish specific goals. Strategic plans can be made for a specific:
 - » **Goal** such as 'raising awareness about forced labour'
 - » **Sector** such as 'reducing forced labour in gold mining'
 - » **Area** such as 'reducing forced labour in the Lake Volta area'

Ask the participants if any of them are aware of strategic plans on reducing forced labour in their local labour office. If so, ask them to describe the plan. [10 minutes].
- ▶ Divide participants into small groups of four to five people and provide each group a copy of Handout E. Ask each group to decide on a specific area of forced labour they would like to focus on. Examples might be:
 - » Strengthening strategic partnerships and improving access to supportive services for victims of forced labour
 - » Establishing a forced labour data collection and knowledge management system
 - » Raising awareness about the risks of forced child labourers in domestic work

Once the group has decided on an area of focus, ask them to fill out the template for at least five objectives with accompanying activities, expected results, indicators, budget, timeframe, and partners. Encourage the group to fill out more if time permits. [25 minutes]
- ▶ Reconvene participants and ask each group to share their case study and answers. Encourage questions and comments. [25 minutes]
- ▶ Wrap up with Q&A and the key messages below. [10 minutes]



Key Messages

- ▶ While it is important for the national inspectorate service to have an overall strategic plan for addressing forced labour, it is also helpful for each district labour office where an inspector is present to have a plan that considers regional risk factors for forced labour.
- ▶ Creating a strategic plan is an important step to motivate inspectors and provide guidance on how they can work to address forced labour.
- ▶ Plans should lay out a systematic, prioritized, and time-bound approach that encourages everyone to work towards the same goals.
- ▶ Inspectors' knowledge of realities in the field should inform the strategic planning process.
- ▶ Plans should have clearly defined responsibilities for those charged with addressing forced labour, including details on who will monitor implementation of the strategy.

A well-designed regional or district plan considers local risk factors for forced labour, such as types of industry, vulnerable groups, relevant stakeholders, and other factors in the area



Handout E

Strategic Planning Template



Goal: This strategic plan will

Example goal: This strategic plan will reduce forced labour in gold mining.

Objective					
Activity					
Expected Result					
Indicators					
Budget					
Time Frame					
Partners					
Person Responsible					

Lesson 8: Coordination and Collaboration with Stakeholders

[30 minutes]

Objective:

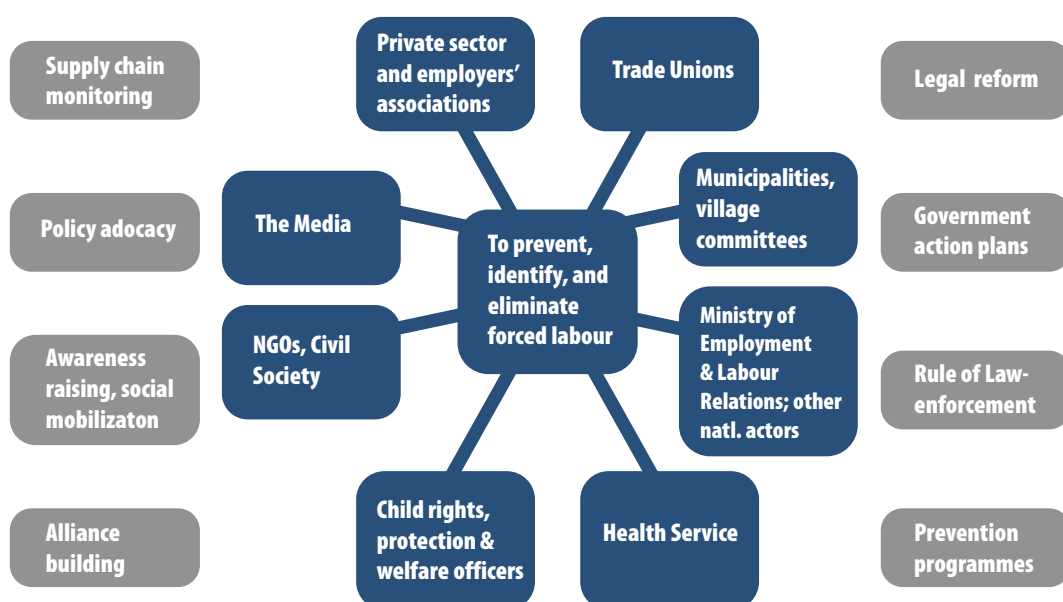
- ▶ To learn the importance of collaboration and coordination in the fight against forced labour

While labour inspectors are key players in the fight against forced labour, they cannot succeed alone. A comprehensive and coordinated approach is needed to adequately address the problem. In order to be effective, inspectorates need to forge alliances with a broad group of organizations who share their goal of eliminating forced labour.

Collaboration is particularly critical when trying to address forced labour in the informal sector. As reported by the ILO, 'The informal economy has implications for policy and administration in respect of employment, social security, health and safety, migration, education, employment relations and macroeconomic policy.'²⁵ Therefore, to succeed, government agencies addressing these issues must find a way to share information and better coordinate their activities.

While it is important for inspectorates to collaborate with other government actors at the national level, it is equally important for inspectors in field offices to participate in village- and district-level government planning mechanisms. In addition to collaborating with government entities, inspectorates should consider how to work with civil society, NGOs, the media, trade unions, and employer groups that might have access to information or resources that the inspectorate can leverage.

POSSIBLE PARTNERSHIPS



A good example of collaboration is the Forced Labour Indicators Project's (FLIP) Technical Working Group (TWG) to address forced labour. The TWG, which brings together representatives from government ministries, employer and employee organizations, and civil society, meets regularly as a venue for members to share the progress of their own institutions' work to address forced labour, as well as to continue to share learnings in a community of experts.

MEMBERS OF THE TWG INCLUDE:

- ▶ Representatives from Ghana's Ministry of Employment and Labour Relations
- ▶ Ministry of Gender, Children and Social Protection
- ▶ General Agricultural Workers' Union
- ▶ Solidaridad West Africa
- ▶ The International Labour Organization
- ▶ The Minerals Commission
- ▶ Office of the Chief of Staff, Presidency
- ▶ Free the Slaves, Ghana
- ▶ The International Cocoa Initiative
- ▶ The Cocoa Research Institute of Ghana
- ▶ The Ghana Cocoa Board
- ▶ Ghana Employers' Association and
- ▶ The Ghana Police Service's Anti Human Trafficking Unit, and the Domestic Violence and Victim Support Unit

The TWG has the following mandate:

- ▶ Provide technical input based on technical expertise
- ▶ A representative of the TWG will join project meetings to key government officials
- ▶ Representative(s) will join field visits when needed
- ▶ Members will act as a liaison to member's organization
- ▶ Members will support with institutionalization of forced labour in member's institution
- ▶ Review of tools developed for FLIP
- ▶ The TWG will meet once every quarter or as needed when something urgent arises

To date, the TWG has provided technical inputs for the implementation of FLIP, including contributing to the project's online learning resources. Some have worked with the FLIP team to train their institutions on forced labour indicators. They also reviewed and verified field findings on forced labour before the findings were officially submitted to the Ministry of Employment and Labour Relations.

OTHER EXAMPLES OF COORDINATION AND COLLABORATION ON ADDRESSING LABOUR ABUSES INCLUDE:

- ▶ The National Steering Committee on Child Labour, led by the Ministry of Employment and Labour Relations, and
- ▶ The Human Trafficking Management Board, led by the Ministry of Gender, Children and Social Protection – a 16-member board with representatives from various institutions that focuses on decision-making and drafting policies on human trafficking.

Questions for Consideration



- ▶ What are some examples of ways that Labour Officers in the field collaborate with stakeholders?
- ▶ What can be done to improve collaboration?

Labour inspectors are key players in the fight against forced labour, but they cannot succeed alone. A comprehensive and coordinated approach is needed to adequately address the problem.



Stakeholder Mapping to Encourage Coordination and Collaboration

Exercise

F



Objective

- ▶ To understand the importance of working with other public agencies and stakeholders to combat forced labour
- ▶ To identify different agencies/ organizations to maximize resources and protection measures through cooperation



Time

60 Minutes



Materials and Preparation

- ▶ Copies for each participant of Handout F: *List of stakeholders to address forced labour*
- ▶ Writing tools
- ▶ Flip-chart and marker for facilitator

Steps



- ▶ Explain the objectives of the exercise, and that the main output will be a stakeholder map of relevant public agencies and stakeholders that inspectors can/should engage with to be more effective. [5 minutes]
- ▶ Explain to participants that because inspectors have limited financial and human resources, and have a broad range of responsibilities, it is critical that they coordinate and collaborate with other government agencies and stakeholders when trying to address forced labour. Coordination and collaboration can be done in many different ways. Ask participants to brainstorm the different ways the Labour Department can work with other agencies to address the problem.
- ▶ Ask participants to call out answers; write them on the flipchart at the front of the room. Supplement answers with the following as needed:
 - » Forced labour prevention and awareness-raising campaigns
 - » Forced labour monitoring, improved data collection, and information sharing
 - » Referral of cases of forced labour to the inspectorate
 - » Referral by inspectors to service providers when victims of forced labour need services
 - » Referral to the relevant state institution for remedial action [10 minutes]

- ▶ A first step to coordination is conducting stakeholder mapping. For example, each labour office should:
 - » Develop a list of local public agencies and organizations that work on forced labour and human trafficking issues in the region.
 - » Gather information about the mandates, responsibilities, and resources of each organization listed.
 - » Visualize an approach for how the labour office can work with each organization on the list to better address forced labour.
 - » Prioritize stakeholders in order of importance and relevance. [5 minutes]
- ▶ Divide participants into small groups of four to five people, matching participants by geographic region if possible. Distribute one copy of Handout F to each participant and ask them to brainstorm about the relevant stakeholders working on forced labour and human trafficking issues in their geographic area to fill out the table to the best of their ability. Once the individual tables are completed, ask participants to prioritize those organizations they feel could be most helpful, by placing #1 next to the most helpful, #2 next to the second most helpful, etc. [20 minutes]
- ▶ Reconvene the participants. Ask for a few volunteers to share the names of the organizations they wrote down, explaining why they believe those organizations would be good partners to work with. Encourage questions and comments. [15 minutes]
- ▶ Wrap up with Q&A and key messages below. [5 minutes]



Key Messages

- ▶ Due to resource constraints, the Labour Department is unable to adequately address forced labour, particularly in the informal sector where most forced labour takes place, without the help of other governmental and nongovernmental organizations.
- ▶ It is important that inspectors engage with the local community and meet with others that are engaged in the fight against forced labour. Doing so will enable inspectors to better understand where the problems are and develop a coordinated response.
- ▶ A well-researched stakeholder map can help inspectors identify and prioritize those partners that can be of greatest assistance in tackling forced labour.
- ▶ Stakeholder maps should continually be updated as new organizations, programmes and initiatives are identified.

Note: As part of this exercise, trainers might also consider inviting one or more guest speakers from relevant organizations that play a role in eliminating forced labour, to discuss with participants how they can work together.

Handout F**List of stakeholders to address forced labour**

Geographic Area (Town and District): _____

Name of Organization	Area of work/specialty	Address/phone	Contact person – name/title/email
Government Agencies			
NGOs			
Trade Unions			

Name of Organization	Area of work/specialty	Address/phone	Contact person – name/title/email
Private Sector/ Industry Groups			
Media Outlets			

Lesson 9: Data-gathering, Record-keeping and Reporting

[20 minutes]

Objective:

- ▶ To understand the importance of collecting, analyzing, and reporting accurate qualitative and quantitative information about forced labour

DATA-GATHERING

Accurate qualitative and quantitative information about forced labour is critical for labour inspectors to be able to track trends, conduct strategic planning, set priorities, determine effective collaborations, decide how to respond to particular situations, measure progress, and advocate for resources. Data-gathering can be done using a variety of techniques, including by conducting workplace observations, rapid assessments, mapping exercises, and baseline surveys. By participating in surveys, inspectors can become familiar with areas and sectors to which they may have had no exposure before, and they gain experience in interviewing workers and employers.²⁶

Apart from direct interviews with employers and workers, other important sources of information include: other civil servants working in the field, such as agricultural extension agents; courts and police records; and social services agencies such as health, welfare agencies, shelters, and counselling facilities that can provide inspectors with information about how to refer vulnerable people.

Whenever possible and/or relevant, data gathered on forced labour should be disaggregated by:

- | | |
|------------------------------------|--|
| ▶ Gender | ▶ Nationality |
| ▶ Age | ▶ Ethnicity |
| ▶ Rural/ Urban | ▶ Native language |
| ▶ Migration status | ▶ Other at-risk populations (sex workers, street children, etc.) |
| ▶ School attendance (for children) | |

REPORTING²⁷

As a general rule, inspectors should take detailed notes during any visit to a worksite. Once the inspection is completed but before leaving the premises, the inspector should take the time to provide a summary of findings to key people at the worksite including the manager, owner or director of the enterprise, and any worker representatives or members of safety councils. The inspector should present their understanding of the situation and what actions are intended, as well as solicit feedback. Having such an exchange is a means of cross-checking information and may reveal whether the employer intends to improve conditions. This is also an opportunity to come to an agreement with the employer on priorities for action. However, care should be taken to safeguard confidential information in order to protect vulnerable workers from retaliation.

Shortly thereafter—ideally within one day—the inspector should prepare a report summarizing any observations, findings, and recommendations. These reports are an important source of information and a resource for supporting future actions, such as in the event of a court case.

Reports should consist of a standard format with the name of the inspector and the date of the inspection at the top, followed by a narrative organized and divided into sections that provide information about:

- ▶ The nature and description of the enterprise including, its ownership, address, name of manager, telephone, street, etc.
- ▶ The description of the workers, the ages of children employed, if any, the nature of employment (seasonal, daily, intermittent, etc.) and the tasks workers undertake
- ▶ The working environment, including any notable hazards such as toxic materials, lack of safety equipment, lack of water, or blocked exits
- ▶ Hours of work, together with a note of any night work done, rest periods, etc.
- ▶ Remuneration, whether on a time or piecework basis, for public holidays, from tips, and the nature of any benefits in kind such as meals, accommodation, transport, clothing
- ▶ Any information about recruitment practices

The following actions can be helpful in preparing reports:

- ▶ Consult the notes taken during the inspection visit in order to re-examine problems identified and confirm – based on personal reflection – that they have been correctly prioritized.
- ▶ Consult with technical colleagues and fact-check against legal texts, guidelines, and publications to ensure that the recommendations proposed, and instructions given, are correct.
- ▶ Decide on what action is required for each problem. This may depend on the assessment of its seriousness, the inspector's powers under the law, and how likely actions are to improve the workplace situation in a sustainable manner.

RECORD-KEEPING

It is important that inspectors maintain adequate systems for keeping records of workplace visits. Files on any given workplace should include the inspector's reports as well as working notes, comments, and the results of any other relevant research. Records for noncompliant enterprises should ideally contain a timeline of reports with explanations for noncompliance and the actions requested, together with any improvement notices and their outcomes. Information stemming from inspections may also help to identify further inspection needs and capacities – generating the evidence for increased investment, training, policy development and technological enhancements – geared to better tackling the informal economy. Inspectors should ideally upload labour statistics and contribute to online databases, including registers of enterprises and workplaces based on the inspections. Even labour ministries with restricted budgets should maintain at least a baseline survey of existing enterprise records and establishments.²⁸

Questions for Consideration



- ▶ How can the current system for report-writing and record-keeping be improved?
- ▶ How is data used by local labour offices in decision-making?
- ▶ How can data collection be improved given scarce resources?

Accurate qualitative and quantitative information about forced labour is critical for labour inspectors to be able to track trends, conduct strategic planning, set priorities, determine effective collaborations, decide how to respond to particular situations, measure progress and advocate for resources.



Lesson 10: Proactive Versus Reactive Inspections

[20 minutes]

Objectives:

- ▶ To understand the difference between proactive and reactive inspections
- ▶ To highlight the importance of proactive inspections that target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential consequences of noncompliance are deemed to be particularly serious

LIMITATIONS OF COMPLAINT-BASED INVESTIGATIONS

Investigations based on complaints make up a significant portion of inspections undertaken by labour inspectorates in most countries. While such complaints play an important role in bringing problems to the attention of inspectors, inspectorates that are entirely complaint-driven risk being purely reactionary to events in the workplace rather than proactive. This can have several negative repercussions, particularly when trying to address forced labour:²⁹

- ▶ First, some complaints may come along after critical events have already been set in motion. Waiting for the complaint could delay intervention and leave vulnerable workers unprotected.
- ▶ Second, just because a complaint is made about a problem does not necessarily mean that it is the most important or the only problem that exists at the workplace.
- ▶ Third, relying entirely on complaints does not ensure that inspections are conducted where the most prevalent problems occur. Complaint-based systems confuse silence with compliance and thus can exclude workplaces where workers do not have a voice.
- ▶ Finally, perceptions play an important role in deterrence: Relying purely on complaint-based investigations could signal to employers that the likelihood of an inspection is low, but if employers believe there is a good chance that they will be the subject of an inspection, they are more likely to comply with the law.

Proactive or discretionary inspections should target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential

consequences of noncompliance are deemed to be serious such as when forced labour is being used.³⁰ For example, domestic workers are vulnerable to forced labour because they are often isolated, are hidden from view, and may not know where to turn for help. Thus, inspectors should develop a strategy for proactively reaching out to domestic workers to ensure they are not being exploited by their employers.

Questions for Consideration



- ▶ Does your office conduct random inspections that are not based on a specific complaint?
- ▶ How are decisions made about which workplaces to target for inspections? Are riskier industries prioritized?

Proactive or discretionary inspections should target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential consequences of noncompliance are deemed to be serious.



Lesson 11: Enhancing Inspections in the Informal Economy

[45 minutes]

Objective:

- ▶ To identify barriers to inspecting the informal sector

THE RELEVANCE OF THE INFORMAL ECONOMY

While labour inspectorates spend most of their time and resources on monitoring the formal workforce, the fact is that much of forced labour takes place in the informal economy. According to the ILO, the informal economy comprises more than half of the global labour force and more than 90 percent of micro and small enterprises worldwide.³¹ The numbers in Ghana are even more stark, with the government statistical service estimating that 90 percent of the currently employed population 15 years and older works in the informal sector.³²

Despite its prevalence, informality poses serious challenges to:

- ▶ **Workers** who suffer from decent work deficits, poverty, and vulnerability
- ▶ **Businesses** which cannot gain access to finance and markets which contributes to low productivity
- ▶ **Governments** when the rule of law is flouted, and taxes go uncollected

WHAT IS THE INFORMAL ECONOMY?

The expression 'informal economy' refers to all economic activities by workers and businesses that are not covered by formal arrangements. It encompasses a diverse array of situations and phenomena and manifests itself in a variety of forms which may include:³³

- ▶ **Self-employed workers** employed in their own informal sector enterprises
- ▶ **Contributing family workers**, irrespective of whether they work in formal or informal sector enterprises
- ▶ **Members of informal producers' cooperatives**
- ▶ **Employees** holding informal jobs in formal sector enterprises, in informal sector enterprises, or as paid domestic workers by households
- ▶ **Own-account workers** engaged in the production of goods exclusively for use within their own household

CHALLENGES TO MONITORING THE INFORMAL SECTOR

Even companies operating in the formal sector often rely on complicated informal sector supply and subcontracting chains that make it difficult to identify who is responsible for recruiting and employing the workers. Thus, inspectors must deal with the practical problem of finding and gaining access to the type of workplaces where forced labour most commonly occurs and figuring out who is ultimately responsible. Doing so can be dangerous as some informal enterprises are controlled by organized crime.

Even when inspectors do have access to job sites, gathering information from workers can be a challenge. Workers are often unwilling to speak out, perhaps because they fear reprisals or because they believe the benefits of their job outweigh the downsides.

If inspectorates lack the ability or are unwilling to intervene and enforce national laws in the informal sector, the vulnerable situation of informal economy workers cannot be properly addressed. This lack of oversight encourages businesses to engage in informal employment practices, to the extent that they believe that the probability of being detected and inspected is very low. By not intervening and enforcing the law, the government inadvertently reinforces the informal economy and allows it to flourish!

In order to identify and address cases of forced labour in the informal sector, inspectorates must find creative ways to overcome these challenges and explore different approaches that might be used alongside traditional methods. Tackling the informal sector requires inspectorates to develop a well-thought-out strategy that prioritizes and targets those sectors most at risk and includes a plan for collaboration with other stakeholders. Inspectors should routinely check newspapers, magazines, and social networking sites where forced labour and human trafficking stories might be reported. Additionally, online research should be conducted to access the latest reports from the ILO as well as international and national NGOs working on the issue in-country. These can provide a wealth of information about sectors where forced labour is most prevalent as well as geographic areas hardest hit by the problem and groups that are most vulnerable.

Another way of tackling forced labour in the informal economy is by encouraging business entities to transition from the informal to the formal economy so that their operations are regulated and more easily monitored. It is important that inspectors understand the factors contributing to informality and become adept at explaining the risks and disadvantages of remaining outside the mainstream economy, as well as the benefits and paths to formalization.

Risks and disadvantages of informality include:

- ▶ Insecure income
- ▶ Decent work deficits and limited legal protection
- ▶ Limited or no access to public infrastructure and benefits such as health and social protection schemes

Benefits to formalization include:

- ▶ Legal identity and recognition of worker and or entrepreneur status
- ▶ Legal protection and access to dispute resolution mechanisms and courts
- ▶ Improved access to mainstream economic resources including investment, capital, finance, property and markets

**Questions for Consideration**

- ▶ Why should inspectorates carry out inspections in the informal economy?
- ▶ In your own experience, what are some challenges to carrying out inspections in the informal sector? What are some potential actions to address these challenges?
- ▶ How might you try to encourage a small business to become part of the formal economy? What are some suggestions you might make?

Inspecting the Informal Economy

Exercise

G



Objective

- ▶ To consider the challenges faced by inspectors in investigating the informal sector and how to overcome these challenges
- ▶ To encourage consideration of different types of approaches to inspections, and how inspectors can best influence employers in the informal economy



Time

90 Minutes



Materials and Preparation

- ▶ One flipchart for each group and one for the facilitator
- ▶ Markers
- ▶ Several copies of Handouts G1: *Case study on farming*; Handout G2: *Case study on domestic workers*; and Handout G3: *Case study on gold mining*



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Ask for volunteers to answer the following questions:
 - » What are current approaches to enforcement of forced labour laws in the informal sector?
 - » How effective are they?
 - » Should a different approach be tried?
 - » What practical steps can be taken to enhance inspections in the informal sector?
- ▶ Encourage the group to come up with at least three to four suggestions for improvement and write them down on the flip-chart at the front of the room. [20 minutes]
- ▶ Divide participants into small groups of four to five people. Provide each group with a different case study (one group receives Handout G1, another receives G2 and another receives G3). Ask the groups to read their case study and answer the questions that follow. Each group should record their answers on the flip-chart. [30 minutes]
- ▶ Reconvene participants and ask each group to share their case study and their answers. Encourage questions and comments. [30 minutes]
- ▶ Wrap up with Q&A and the key messages below. [5 minutes]



Key Messages

- ▶ Workers in the informal economy are not normally organized and lack the ability to make collective representations to their employer or public authorities.
- ▶ Their vulnerability means that they are often subjected to unfair treatment by employers, including underpayment of wages, unwarranted deductions from pay, discrimination, excessively long working hours, and hazardous working conditions.
- ▶ The vulnerability of informal sector workers and large scale of exploitative practices identified among employers, mean that the informal economy is an important issue for labour administration.
- ▶ Inspectorates cannot be expected to tackle informal economy problems on their own. The informal economy also has implications for social security, health and safety, migration, education, employment relations, and macroeconomic policy. Inspectorates should find ways of coordinating with the various ministries and agencies that also are concerned with the informal economy to ensure that information is shared, actions are coordinated, and policies are coherent.

Note: To complement this exercise trainers could build in time during the training for participants to take a field trip to a local market. There they could practice interviewing workers in the informal sector and explain to employers the benefits of becoming part of the formal economy.

Handout G1**Case Study on Farming**

The labour office has received complaints about some employees that may be working under conditions of forced labour at a nearby oil palm plantation. Consult with your group and answer the following questions:

1. What steps can the inspectors take to investigate the complaints?

2. What barriers might they face in gaining access to the site?
How can they overcome them?

3. What barriers might they face in getting information from the employer?
How can they overcome them?

4. What barriers might they face in getting information from the workers?
How can they overcome them?

5. What steps should inspectors take to assist the workers?

Handout G2**Case Study on Domestic Workers**

The labour office is aware that many young girls are working as domestic helpers in houses located in a wealthy part of town. It is well known that many of the girls are not attending school.

There has been a recent complaint that one girl is being abused by the family that employs her.

Consult with your group and answer the following questions:

1. What steps can the inspectors take to address the situation of child domestic workers in the neighbourhood?

2. What barriers might they face in gaining access to the girls and getting information from them? How can they overcome those barriers?

3. What barriers might they face in getting information from the family? How can they overcome them?

4. How can the inspectors investigate the complaint about abuse, ensure the safe removal of the child if needed and connect her with supportive services?

Handout G3**Case Study on Domestic Workers**

A young man named Kwame has come to the labour office to complain about conditions in an artisanal mine where he has worked for the past year. He said the boss did not pay him what he was promised and beat him when he demanded proper compensation. He noted that there are others still working at the mine under similar conditions, but they are afraid to leave because of threats made by the boss. Consult with your group and answer the following questions:

1. What steps can the inspectors take to investigate the complaints?

2. What barriers might they face in gaining access to the site?
How can they overcome them?

3. What barriers might they face in getting information from the 'boss'?
How can they overcome them?

4. What barriers might they face in getting information from the workers?
How can they overcome them?

5. What steps should inspectors take to assist the workers?

Lesson 12: Interviewing Vulnerable Workers

[60 minutes]

Objectives:

- To understand guidelines and best practices for conducting interviews with vulnerable workers
- To introduce the worker interview guide

IMPORTANCE OF WORKER INTERVIEWS

When inspectors have been alerted to potential noncompliance at a work site, before deciding on a course of action, inspectors should attempt to interview any workers suspected of being victims of forced labour or human trafficking. Workers can provide valuable perspectives and insight into their situations, as well as other useful information for the investigation. Workers may also offer valid recommendations for how their situation can be improved.

IMPORTANCE OF RESPECTING AND SAFEGUARDING WORKERS

It is important to ensure that the needs of the worker are respected and that gender-sensitive approaches are used. While conducting interviews, inspectors should treat the worker with respect and do what they can to make the worker feel comfortable and secure.

It is also important to avoid passing judgement on the worker and their situation. Some may have been traumatized and feel embarrassed, which could prevent them from communicating with the interviewer in a positive manner.

When interviewing vulnerable populations, the most important thing to remember is 'Do No Harm'. It is critical that the investigator does not make the situation worse for the worker including increasing the risk that they will be retaliated against.

POSITIVE WORKER INTERVIEW TECHNIQUES

There are some techniques that inspectors can use during the interview that will make the worker feel more powerful and more comfortable with the inspector. Remember that the worker will likely be nervous and therefore the conversation should take place in an undisturbed environment away from their supervisor or manager.

Other interview techniques include using simple nonconfrontational terms and taking breaks when needed. Explain the role of inspector and inform the worker of the purpose of the meeting and what will happen when it is over to help put them at ease. If during the interview it is unclear whether the worker understands what is happening, ask further questions to make sure they are not confused. It is important to focus on listening and validating what the worker says by repeating back what he or she says to ensure that the inspector fully understands what was said. Most importantly, ensure the worker understands that they are not to blame.

INTERVIEW OBJECTIVES

Remember that the key objective of the interview is to listen to the worker and to try to assess:

- ▶ Why they are working there
- ▶ How they came to be employed at that location
- ▶ How they are treated at work
- ▶ What will happen if they stop working there

THINGS TO REMEMBER WHEN INTERVIEWING WORKERS

- ▶ They should be given a choice about whether they want to participate in an interview.
- ▶ They should also be given an opportunity to ask questions of the Inspector.
- ▶ If possible, they should be interviewed away from employers or supervisors in a nonthreatening, welcoming atmosphere. Workers may fear reprisal or retaliation by their employer. They may also fear getting their employer 'in trouble'.
- ▶ Do not take so much time with the interview so as to cost the worker money.
- ▶ Some workers may not understand technical questions. When possible, rephrase with simpler language. Avoid using jargons.
- ▶ If a worker becomes visibly upset (or emotionally shut down), the questions may be too intense or emotionally painful and the interview should stop, or the interviewer should change course. Ideally, someone with professional counselling experience would be available when the inspector suspects issues of trafficking, or other highly traumatic experiences such as physical, sexual or emotional abuse.

- ▶ Some workers may have been coached by their employer. Evaluating their demeanour and triangulating information will be helpful. Open-ended questions will be helpful in drawing out genuine responses.
- ▶ Be aware that some workers may try to conceal or distort information. Interviewers who are given suspicious information must cross-check responses later for accuracy.

STRATEGIES FOR EFFECTIVE INTERVIEWS

- ▶ It can be helpful to talk with workers in small groups, where they often become more talkative and spontaneous. The interviewer can make an introduction, sharing who they are, and then learn about workers' lives, their work, and any number of related issues. With the increased confidence that comes from numbers, workers may be willing to talk about working conditions and about their employer.
- ▶ Friendliness and understanding, expressed sincerely, can also go a long way toward breaking the ice with workers and with other informants as well.
- ▶ Ensure that women and girls are able to speak with a female inspector. Women and girls are usually more willing to discuss things like sexual harassment if being interviewed by a woman.

WORKER INTERVIEW GUIDE

The following guide can be used by inspectors to determine what questions to ask when interviewing workers. It is unlikely that the inspector will want to ask every question in the guide. Instead it can be used as a menu of options to guide the interview depending on the work situation being investigated.

Guide for Interviewing Workers

Starting employment	
»	Tell me about when you started working here.
»	Did somebody help you get this job?
»	Did you feel that person treated you fairly? Why or why not?
»	Did you sign a contract for the job or was it a verbal agreement? Any witnesses to the agreement?
»	Now that you've been working here for a while, is it mostly like what you expected or mostly different? How so?
»	Did you have to pay any money to get this job? If so, how much? To whom did you pay the fee? Did you have to borrow money to pay the fee?
»	What is the repayment schedule for the fee?
»	What did they tell you about the job in advance?
»	What went into making the decision to take this job/start doing this type of work?
»	Did anyone pressure you to take the job? If so, how/tell me about it.
»	How did your family feel when you started working here?
»	What was your first day here like? How did you feel when you started? Has that changed since?
Red Flags to look for:	
▶	Deception about the nature or conditions of the job
▶	Recruitment by a third party/middleman, particularly any actor that charged workers fees for recruitment services
▶	Workers don't have contracts, or contracts aren't written in a language that they understand
▶	Actual terms and conditions of the job are worse than the promised terms
▶	Workers were pressured into accepting the job
▶	Workers went into debt to pay fees for recruitment

Fair treatment/ abuse/ harassment

- » How do people treat you? Is your boss/employer/supervisor kind and understanding? Can you give me an example of how they show it?
- » If you could change anything about how you're treated, what would you change?
- » Do you feel you're treated the same or differently than other workers? In what ways? Why do you think that might be?
- » Tell me about the best time/happiest day you've had since you started work here. What about the worst time/day?
- » What happens if workers make a mistake? Are they punished? How? Have you ever been punished?
- » Are some supervisors/managers nicer than others? Why?
- » What would you do if you felt like you weren't being treated well? Is there anyone who could help you? Do you worry about being retaliated against if you do complain?
- » Have you ever seen any of your colleagues treated badly/unfairly? Can you tell me about it?

Red Flags to look for:

- ▶ Worker feels intimidated or threatened by employer, manager/supervisor or associated party
- ▶ Worker has experienced (or been threatened with) physical, verbal or sexual abuse
- ▶ Worker has seen other colleagues experience (or threatened with) physical, verbal or sexual abuse
- ▶ Worker faces punishment or retribution for mistakes

Health and safety

- » Are there any tasks that you especially don't like to do? Why?
- » Are there any tasks that make you scared/nervous/uncomfortable? Can you avoid that task? Why or why not?
- » Is there anything that could be fixed/addressed/changed to make those tasks less scary?
- » Were you aware of potential hazards of the job before you started? How was this communicated?
- » Do you have all the protective equipment you need?
- » Did you have to pay for the equipment? If so, is the price reasonable? Were you told you would have to pay for the equipment before starting the job?

»	Were you ever trained in how to carry out certain tasks safely?
»	Have you ever gotten hurt or sick from working here? What happened?
»	Did you get to see a doctor?
»	How often does that happen?
»	Does it happen to other workers here?
»	How do you feel physically at the end of the day/work hours? Does anything hurt physically? Are you tired?
»	How do you feel emotionally?
»	What do you do when you leave and go home?
Red Flags to look for:	
▶	Worker expresses or shows fear or anxiety about tasks
▶	Worker reports doing potentially hazardous tasks that the employer or recruiter did not mention prior to worker accepting the job
▶	Worker reports illness, injury, pain or fatigue
▶	Worker cannot remove themselves from dangerous situations or tasks

Wages	
»	Tell me about how and when you get paid. (hourly, daily, piece-rate, percentage of harvest, cash, check, direct deposit, crop or company store voucher)
»	Are you paid on time?
»	Are you paid by the employer or the recruiter?
»	Has your pay ever been delayed or withheld? If so, what was the reason?
»	Do you think this is a fair amount/fair system? Why or why not?
»	Are different groups of workers paid different rates even if doing similar work?
»	Do children or other family members work with hired workers to help them meet a quota or earn a decent living under piece-rate schemes?
»	If so, do they receive their own wages or piece-rate wages for their individual work?
»	Do you receive any sort of explanation of your earnings, like a payslip? (This could be informal, like a handwritten note listing hours worked and rate per hour).
»	Is the payslip in a language you understand? If not, how do you understand what is written in it?

»	Does it clearly indicate wage calculations and any salary deductions?
»	Are any deductions taken out of your wages? If yes, for what?
»	If not statutory government deductions, do you think this is fair? Why or why not?
»	If the deductions are statutory government deductions, e.g. social security, do you know if they are paid to the requisite body on your behalf?
»	If the deductions are statutory government deductions, e.g., social security, how do you verify that deductions are paid to the requisite government body on your behalf?
»	Were you aware these deductions would be taken from your pay when you accepted the job?
»	Are you in debt to anyone at work? Do you owe anyone money? If so, who?
»	How did that debt originate?
»	Will you be able to pay it off?
»	What types of things do you spend your wages on? Are you happy about this?
»	Do you control your earnings? If not, who does? Why?
Red Flags to look for: <ul style="list-style-type: none"> ▶ Wages or earnings are not what the worker was led to believe at the time of recruitment/hiring ▶ Worker is paid less than the legal minimum wage for the sector ▶ Worker receives majority of earnings in 'in-kind' payments, or the promise of such payment (like receiving a bicycle at the end of a harvest season) ▶ Worker is paid in lump sums (such as at the end of the season) rather than regularly ▶ Worker does not understand wage/payment system and/or is not provided with any justification or documentation of earnings ▶ Worker does not maintain control of their earnings or must hand them over to a third party ▶ Worker is indebted to recruiter/middleman or employer ▶ Significant deductions are taken from worker's earnings, particularly for items like food and housing ▶ Workers are paid in vouchers to use at company-owned stores instead of in cash 	

Hours

- » Tell me about what time you normally start and end work?
- » How many hours do you usually work per day? Per week?
- » Do you ever work overtime? Can you say no to overtime? Will you face penalties for saying no?
- » Are quotas or piece-rate systems used?
- » Can a worker earn the relevant minimum wage without working overtime under the quota system?
- » Does the wage system motivate use of family or child labour?
- » How much time do you get to rest each day?
- » How much time do you have to rest each week? Do you have at least one full day off each week?
- » Do the hours that you have to work prevent you from doing other things in your life you want to do? (like sleeping, socializing, etc.)

Red Flags to look for:

- ▶ Worker works long daily hours that exceed legal limits
- ▶ Worker is not granted time off each week
- ▶ Worker is forced to work overtime
- ▶ There are not enough workers employed to meet production targets, quotas or processing volume
- ▶ Number of workers doesn't expand to meet seasonal requirements
- ▶ Employer's records of work hours are inconsistent with hours reported by workers
- ▶ Workers are unable to earn minimum wage under piece-rate schemes without working overtime

Freedom of movement

- » Are there any restrictions on workers' freedom of movement in the workplace during working hours? If yes, what are these restrictions?
- » Do security personnel ever restrict freedom of movement in the workplace for reasons other than workplace security?
- » Are workers ever restricted from or monitored when using the toilet facilities?
- » Are workers free to get drinking water whenever they wish?

- » Are workers free to perform religious obligations without restriction?
- » Are workers free to leave the workplace immediately after their required work hours?
- » If the worker lives in housing operated by the employer or labour recruiter, are they required to live there as a condition of recruitment or continued employment?
- » Are workers free to come and go as they please during non-working hours? If not, what are the restrictions on freedom of movement?
- » Do workers in employer-provided housing have a curfew? Are there any housing rules and regulations that workers believe unreasonably restrict their personal freedom?

Red Flags to look for:

- ▶ Workers experience restricted freedom of movement in their workplace or living areas
- ▶ Workers experience constant surveillance by employer or supervisor
- ▶ Employer or supervisor contributes to environment of isolation
- ▶ Workers experience employer- or supervisor-imposed limitations on their freedom of movement that have negative consequences on other areas of their lives (e.g., ability to see their family, pursue religious activities, socialize, organize freely, access healthcare, etc.)

Questions for Consideration



- ▶ Why might a worker suffering from exploitation try to conceal their conditions from an inspector?
- ▶ How will you handle things if a worker you are interviewing is visibly frightened or upset?

Lesson 13: Enforcement Strategies – Compliance Versus Deterrence Approaches

[45 minutes]

Objective:

To help participants appreciate when it is appropriate to take a compliance/advisory approach to enforcement, versus a more deterrence/punitive approach - which should be employed when serious abuse is detected.

INSPECTORS ARE KEY ACTORS IN LABOUR LAW ENFORCEMENT

Labour legislation is only as effective as the mechanisms for enforcing it, and inspectors are the lifeblood of the enforcement process. Labour inspection activities are fundamental to social justice, and the authority granted to inspectors to enforce the law uniquely positions them to play a critical role in combatting forced labour.

Unlike most other institutions focused on eliminating forced labour, including government agencies and international and national nongovernmental organizations (NGOs), labour inspectors have the power to enter workplaces without prior notice or authorization, question employers and employees, examine documents, stop the work of an enterprise, remove vulnerable workers and if necessary recommend further action to law enforcement. Given their abilities, labour inspectors should be an active and robust partner in any country's forced labour elimination strategy.

The principal roles of any inspectorate are to enforce laws and secure compliance. In the past, the role of labour inspectors was mainly to police entities that violated labour laws. Now, inspectors are expected to be advisors as well as enforcement agents, with an overall mission of improving working conditions and productivity in the workplace, and of upholding international and national commitments to human rights.

COMPLIANCE-ORIENTED APPROACHES³⁴

While carrying out their daily duties, labour inspectors are exposed to a wide variety of business practices. This experience makes them well suited to play the role of a consultant. In this role, the inspector imparts knowledge about legal obligations and offers advice and suggestions for improving workplace conditions. Providing advice and technical information to employers is an effective way to promote compliance with forced labour laws. Using collaboration and persuasion rather than punishment allows inspectors to help employers adapt work systems to better meet production demands while at the same time addressing compliance problems.

Compliance-oriented approaches are best applied when workers are not in imminent danger and the employer is open to suggestions for improvement.



CREATING AN ACTION PLAN

One way that inspectors can help employers comply with the law is to assist them in developing action plans. Action plans are a useful tool that allow employers and inspectors to quickly note changes and improvements made as a result of a past inspection. Plans should outline the steps needed to achieve greater compliance. The general format of an action plan should include realistic targets and expectations that are based on evidence obtained during the inspection and the capacity of the organization to respond to fresh requirements. Action plans should typically include:

- ▶ A description of milestones and deadlines for achieving tasks
- ▶ A description of the roles of stakeholders (i.e., expectations of employers and inspectors)
- ▶ For employers and workers, details of where to access necessary information to help achieve compliance

Action plans can also help inspectors follow up to ensure that offences are not repeated. The use of action plans can provide an audit trail that will help to ensure accountability for those organizations under investigation. Before deciding on the details of the action plan, inspectors must consider what action they wish the employer to take and why, and it should be made clear to the employer that failure to comply with the action plan may lead to a more severe sanction. It is critical then that inspectors follow up with the employer to ensure that suggested improvements were made, and if the situation has not improved, the employer should be penalized.

POTENTIAL ACTION PLAN ITEMS

Depending on the situation, some of the following good practices to avoid forced labour could be included in the employers' action plans:³⁵

During recruitment and hiring:

- ▶ Reach out directly to possible migrant workers about employment possibilities, rather than use recruiters
- ▶ Hold preliminary discussions with workers on the nature of work and terms and conditions (such as activities, hours of work, compensation, living conditions, etc.)
- ▶ Provide employment contracts in language understandable to the workers. If a worker cannot read or write, ensure a neutral witness is available who can help the worker understand what is included in the contract

- ▶ Provide permanent employment contracts to casual or contract workers doing work that can be considered permanent
- ▶ Provide safe and free transportation of workers from home to the work locations
- ▶ Provide free preparation of paperwork for workers (such as travel documents, insurances, identity and age verification documents, etc.) required for employment
- ▶ Ensure that any monetary advancement provided to the workers for travel or as confirmation of employment does not pose a risk of debt bondage

During employment:

- ▶ Introduce workers to the plantation/ farm/factory management
- ▶ Allow workers an opportunity to negotiate working conditions and compensation
- ▶ Ensure management sets and monitors realistic work targets (with acceptable working hours and provision of fair compensation)
- ▶ Arrange for housing/accommodation of the workers (free of cost, of sufficient quality and without restrictions of movement)
- ▶ Ensure effective mechanisms are in place to address and resolve worker grievances or complaints that may arise while working
- ▶ Ensure workers have access to services such as medical attention, childcare in the case of families, schools for the children of workers, legal advice, etc.
- ▶ Ensure that workers are paid actual compensation in cash and in-kind benefits according to the company's wage disbursement schedule
- ▶ Provide free repatriation of the workers at the end of their contracts

Compliance approaches can be highly effective, but their effectiveness is predicated on certain conditions being present:

Potential positive effects of a compliance-oriented approach:

- ▶ Advice and guidance help employers better understand their obligations and can lead to fewer unintended violations.
- ▶ Employers may feel supported by the state and its agencies, leading to high levels of trust.
- ▶ Inspectors can work as problem-solvers rather than as strict enforcers.

The compliance approach will be less effective if:

- ▶ There is no real threat of enforcement. Those with no interest in complying voluntarily will ignore standards.
- ▶ People feel that others are 'getting away with it' and consequently have an unfair advantage. This tends to weaken one's own commitment to respecting standards.

- ▶ Inspectors do not provide sufficient information and practical support to help businesses understand their obligations and ensure that they meet them.

DETERRENCE-ORIENTED APPROACHES³⁶

The deterrence approach emphasizes detecting violations and penalizing those responsible. In some countries, inspectorates have organized intensive inspections in a particular sector or locality where violations are known to be widespread and where the consequences are particularly serious (e.g., where child labour or forced labour is employed). When those violating the law believe there is a high probability of being detected, they will be less likely to offend.

The deterrence approach requires that effective sanctions be applied. If rulebreakers are detected and subjected to sufficiently severe punishments, then they will choose not to offend again in the future, and when word gets out, the threat of punishment will encourage compliance among others. For sanctions to serve as an effective deterrent, however, the penalties enacted must be sufficiently strong.

Benefits of a deterrence-oriented approach:

- ▶ Punishing noncompliant employers may cause them to come into compliance and remain so in the future.
- ▶ Punishment serves as a warning to others and encourages them to meet the required standards.
- ▶ Punishment reinforces the belief that the system is fair and those who do not 'play by the rules' will not get away with it.

The deterrence approach will be less effective if:

- ▶ Employers think there is a low chance of violations being detected.
- ▶ Penalties aren't significant and companies can just treat them as a 'cost of doing business.'
- ▶ Employers are not deliberately ignoring standards but simply do not understand them.



Questions for Consideration

- ▶ What are some examples of when you have used a compliance approach? Did it work?
- ▶ What are some examples of when you used a deterrence approach? Why did you make that decision?

Deciding on an Enforcement Strategy

Exercise



Objective

To determine what type of action is appropriate when forced labour is identified



Time

60 minutes



Materials and Preparation

- ▶ Flip-charts and markers for each small group
- ▶ Copies of Handout H: *Cocoa Case Study* for each small group



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Ask the following questions:
 - » When is it appropriate to simply provide advice to an employer on how to comply with the law?
 - » When is it appropriate to issue sanctions?
 - » When is it appropriate to recommend the case for prosecution? [10 minutes]
- ▶ Divide participants into small groups of four to five people. Distribute copies of Handout H to each group and ask them to read the case study and identify at least five indicators of forced labour and the corrective action they would recommend to the employer for each indicator. [20 minutes]
- ▶ Reconvene and ask each group to share their answers to the questions. Encourage questions and comments. [20 minutes]
- ▶ Wrap up with Q&A and key messages. [5 minutes]



Key Messages

- ▶ There are many different reasons that people end up in situations of forced labour.
- ▶ An effective enforcement strategy requires that inspectors understand why the employer is out of compliance with the law. It is also important to understand workers' perspective.
- ▶ Part of an enforcement strategy should be identifying areas where interventions and education could be applied to prevent exploitation and abuse.
- ▶ Enforcement strategies should punish the worst offenders, while at the same time encouraging and helping employers to comply voluntarily.

Handout H**Cocoa Case Study³⁷**

Willy Bassolé is from Burkina Faso. He was no longer attending school in Burkina Faso, so his father decided it was time for him to earn money for the family. His father contacted Bamouni Boubié, a friend originally from Burkina Faso who owns a cocoa farm in Ghana. Bamouni agreed to hire Willy as an annual worker and brought him to Ghana. Willy had no knowledge of the contents of his employment contract, the job he would have to do or how much he would be paid. These aspects were negotiated between his father and Bamouni.

When Willie arrived in Ghana, Bamouni told Willie he would no longer need identification documents and took them from him. In Ghana, Willie stays with Bamouni in a rudimentary house located near the farm. Bamouni told him that when community members or others inquire who Willy is, he must say he is from the extended family of Bamouni, which is not true.

Willy knows nobody in Ghana apart from his employer, Bamouni. He knows nobody in the village as he is involved in farm activities all day long and is too tired at night for any socializing. If external people visit the farm, such as cooperative staff, his employer forbids him from speaking to them without his presence.

Willy heard about a complaint mechanism available somewhere at the cooperative but heard that it is only for the farmers. Bamouni has shouted at Willie on several occasions but Willie would not dare complain about his situation to anybody, as he fears retaliation from his employer and would not know where else to go. The arrangement made by his father is for a minimum of three years. Willy is involved in all tasks related to cocoa farm maintenance, including preparing the land, clearing with a machete, applying chemicals, and cutting and transporting cocoa pods, among other tasks. He is busy all year long.

When there is less to do on the cocoa farm, Willy is asked to help on the cassava farm managed by Bamouni's wife. Willy is not paid for the work he does there, not even pocket money. He feels that perhaps it is not necessary since he is provided a house and food. At the end of each year, Bamouni sends the annual payment directly to Willie's father in Burkina Faso. Willy must remain silent and work so that his family can receive money.

On the flip-chart identify:

1. At least five indicators of forced labour.
2. The actions that could be put in place to remediate each indicator you identify.

Facilitator Answer Key to Exercise H

[DO NOT DISTRIBUTE TO PARTICIPANTS]



Indicator of Forced Labour	Corrective Action
<p>1 Lack of employment contract, job information: At the time he was hired, Willie was not given an employment contract, nor was he told the job he was being hired to do or how much he would be paid.</p>	Willie should have an opportunity to negotiate working conditions and compensation. The employer should issue a proper contract to Willie in a language he can understand, with clear terms and conditions to which he agrees voluntarily. If this is not possible, or if the worker cannot read or write, then the employer should ensure that a neutral witness is on hand to explain the terms of employment to the worker.
<p>2 Document retention: The employer confiscated Willie's identity documents.</p>	Passport/identity document retention practices must be eliminated. Willie must have access to his identity documents at all times.
<p>3 Inability to express grievances: If external people visit the farm (for example cooperative staff), Willie's employer forbids him from speaking to them without his presence.</p>	The employer should allow Willie to talk with visitors – particularly inspectors – and provide opportunities for expressing any grievances about working and living conditions.
<p>4 Excessive work, forced overtime: Willie is involved in all tasks related to cocoa farm maintenance: preparing the land, clearing with a machete, applying chemicals, cutting and transporting cocoa pods, etc. He is busy all year long.</p>	The employer should set and monitor realistic work targets (with acceptable working hours and provision of fair compensation). Willie must not be forced to work overtime or have unreasonable production quotas.
<p>5 Verbal abuse: The employer has yelled at Willie on several occasions, but Willie would not dare complain about his situation to anybody, as he fears the aggressive reaction of his employer and would not know where else to go.</p>	The employer is prohibited from threatening his employees. Employees should have access to grievance mechanisms or be encouraged to seek advice.
<p>6 Non-payment of wages: Willie is not paid for the work he does, not even pocket money.</p>	At a minimum, Willie must be paid according to national law, including benefits. The employer should reimburse him for any lost wages, back pay and overtime pay.
<p>7 Inability to express grievances: Willie must remain silent and work so that his family can receive money.</p>	Workers must not be made to feel that their family's wellbeing depends on the worker's silence about working conditions.

Lesson 14: The Importance of Focusing on Prevention

[30 minutes]

Objective:

To learn strategies for conducting outreach and awareness-raising in order to stop the problem of forced labour and human trafficking before it begins

THE IMPORTANCE OF PREVENTION

As mentioned earlier, labour inspectorates cannot compel compliance with forced labour laws by deterrence-oriented approaches alone and must find ways of moving beyond their traditional role as enforcers and take a more advisory approach that focuses on prevention and stopping the problem of forced labour before it begins. Forced labour has deep cultural, social and economic roots that have granted it legitimacy and invisibility as a form of exploitation. In these cases, the struggle against forced labour is largely about changing attitudes. Through awareness raising and providing advice, inspectors can help employers, workers and the community realize that by preventing abuse of workers, society gains a more productive, healthier workforce that is better equipped to contribute to the economy and society.³⁸

Prevention work is particularly important in rural economies where forced labour often occurs on farms, quarries or mining sites that are remote and hard to reach. Additionally, individuals living in rural areas who cannot find work locally often migrate to urban areas within the country or seek employment outside of the country. Sometimes unethical recruiters or middlemen take advantage of these migrant workers by charging exorbitant fees for their services. Thus, strong collaboration in the field between local partner associations who understand the local context, service providers, elected local officials, and other relevant groups is the key to successful prevention efforts in remote rural areas. In these cases, it is critical that inspectors understand how the local population receives information (such as specific radio stations, community information centres, village committees, etc.) and work with those outlets to spread the message about forced labour and human trafficking.

National campaigns organized around specific days such as 'World Day Against Trafficking in Persons' on July 30 can have a broad reach. TV and radio spots, along with newspaper ads and billboards in high risk areas warning against forced labour and human trafficking are effective, and public support from well-known entities like the Chamber of Commerce is helpful. Targeted, small-scale and repeatedly delivered messages throughout the year also work to solidify messages, change attitudes and mobilize people. Such targeted campaigns should be used to reach rural areas, marginalized communities and those working in economic sectors that have a high risk of labour exploitation and deceptive recruitment practices.

As with other parts of the inspectorate's work, it is helpful to have a strategy for awareness raising and working with the media. A good strategy should help to identify:

- ▶ Who you want to influence? Who is your audience?
- ▶ What you want them to do?
- ▶ What is the best way to reach them and prompt the change you want to see?
- ▶ What is the optimal time to reach them? When should outreach be done?
- ▶ Who should you partner with?
- ▶ What is your message?

Questions for Consideration



- ▶ What are some awareness raising campaigns that you remember hearing about (e.g., anti-smoking, drunk driving, etc.)?
- ▶ What about the campaign was effective? What was not?
- ▶ Do you think it had an influence on people and changed attitudes?

Developing a Media/Awareness-Raising Strategy

Exercise



Objective

To create a strategy for raising awareness about forced labour and human trafficking



Time

60 minutes



Materials and Preparation

- ▶ Flip-charts and markers for each small group
- ▶ Copies for each group of Handout I: *Awareness raising strategy*



Steps

- ▶ Explain the objectives of the exercise. [5 minutes]
- ▶ Ask the following questions:
 - » Have any of you ever been involved in awareness-raising work as a labour inspector?
 - » If so, what was the issue? (e.g., safety, migration, etc.)
 - » Who was the target audience?
 - » What was the method of communication?
 - » Was it successful? [10 minutes]
- ▶ Divide participants into small groups of four to five people. Distribute copies of Handout I and ask participants to consider the risks of forced labour and human trafficking that exist in the area of the country where they work. The group should work together to build a strategy for raising awareness about those risks. In doing so, the following questions should be answered:
 - » Who do you want to influence? Examples could include migrant workers, farmers, artisanal gold miners, recruitment firms, consumers of certain products, young people, domestic workers, etc.
 - » What do you want them to do? Examples could include use hotlines to report problems; not buy products made with forced labour; etc.
 - » How will you reach them and prompt the change you want to see? Examples could include radio, TV, theatre, music, the press, speaking at public events, school tours, road shows in various districts, SMS messages, internet, messages on buses, billboards and other written material, etc.

Handout I**Awareness-Raising Strategy**

Who do you want to influence?	
What do you want them to do?	
What is the best way to reach them and prompt the change you want to see?	
Who should you partner with?	
What is your message?	
What is the optimal timeframe?	

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