

Borealis case: lessons learned

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Three questions

1. What did we achieve? (results)
2. What did we face ? (challenges)
3. What do we need? (demands)

Four levels

A. Work situation

B. Pay

C. Criminal proceedings

D. Core issue

1 What did we achieve? (results)

A. WORK SITUATION

- Center for Victim Support (Payoke) promised to start proceedings for human trafficking for all Bangladeshi, got funds for it from the government.
- Turkish people no longer recognised as victims HT but got document (valid for 3 months) that allows them to look for another employer who can apply for a new single permit.
- Most of the victims found a new job

B. PAY

- Bangladeshis received partial payments due to their actions and the media attention

C. CRIMINAL PROCEEDINGS

- A criminal investigation has been initiated regarding human trafficking and violations of labour law
- It was first handled by the public prosecutor, and later by the investigating judge (juge d'instruction) (to conduct the investigation abroad)
- Both the victims and the trade unions were recognised as civil parties

D. CORE ISSUE

- Building up a relationship of trust is crucial
- Victims became aware of an economic system that exploits and entraps (e.g. through housing, residence status), supported by policies and legislation that not only fail to protect them — but sometimes even enable this system (e.g. insufficient resources for victim support centers, shortcomings in joint liability legislation).
- Victims often did not see themselves as victims, yet showed strong determination and solidarity across nationalities.
- There was broad public support, including many volunteers.
- While a legal framework is important, this is above all a strategic struggle.

2 What did we face? (challenges)

A. WORK SITUATION

- Finding a new job with a “big employer” was a big challenge due to labour market failures, where working with intermediaries/subcontractors is common.

B. PAY

- Turks not paid and firm went bankrupt. Liquidator does not want to pay (lack of proofs) and wants to close the file. Then we also cannot claim the compensation from the government fund.

C. CRIMINAL INVESTIGATION

- The criminal investigation is still going on
- No news is not good news:
 - No access to the file
 - What has been done so far?
 - Impression of focus on subcontractors
 - Impression of soft approach

D. CORE ISSUE

This state of the art highlights the core of the problem

Despite strong rhetoric about tackling social dumping, there is a clear lack of genuine political will to address these issues:

- Policies / legislation fail to protect victims (in terms of housing, pay, new job)
- Policies / legislation fail to enable trade unions to act on behalf of victims

Authorities play an ambivalent role — often driven by economic interests

3 What do we need? (demands)

A. WORK SITUATION

B. PAY

- Ensure payments during criminal procedures

C. CRIMINAL PROCEEDINGS

- Specialised judges
- Focus on the principal (i.c. Borealis) and the main contractor (i.c. Irem spa)
- Take assertive measures from the very beginning (e.g. seizures, interrogations,...)

D. CORE ISSUE

(1) A better legislation

- that protects victims
- that ensures that wages and social security benefits are paid during criminal proceedings
- that enables trade unions to act on behalf of victims
- that reinforces the role of labour inspection

(2) A better collaboration between all actors involved

Trade union - labour inspection

Thank you for your attention !

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