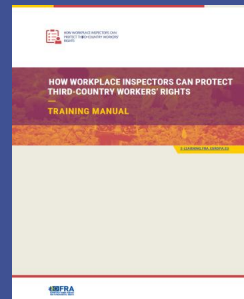


How Workplace Inspectors Can Protect Third-country workers' Rights. Manual and practical exercises for labour inspectors to safeguard workers' rights



Ludovica Banfi
EU Fundamental Rights Agency
ETUC conference
22/10/2025

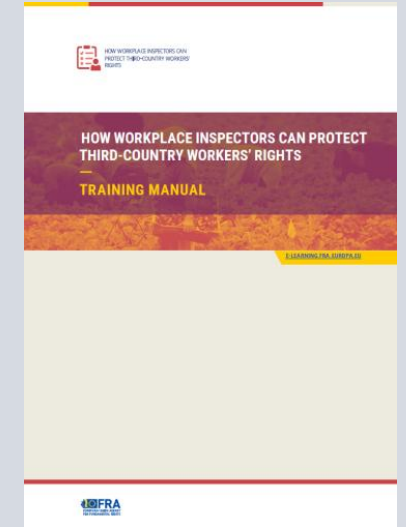
Recent publications

- [How Workplace Inspectors Can Protect Third-country workers' Rights. A Manual \(2024\)](#)
- [Practical exercises for labour inspectors to safeguard workers' rights \(April 2025\)](#)
- [ELA-FRA Guide Detecting and addressing labour exploitation - A guide for labour inspectors \(October 2025\)](#)



Protection for third-country workers under EU law addressed in the Manual

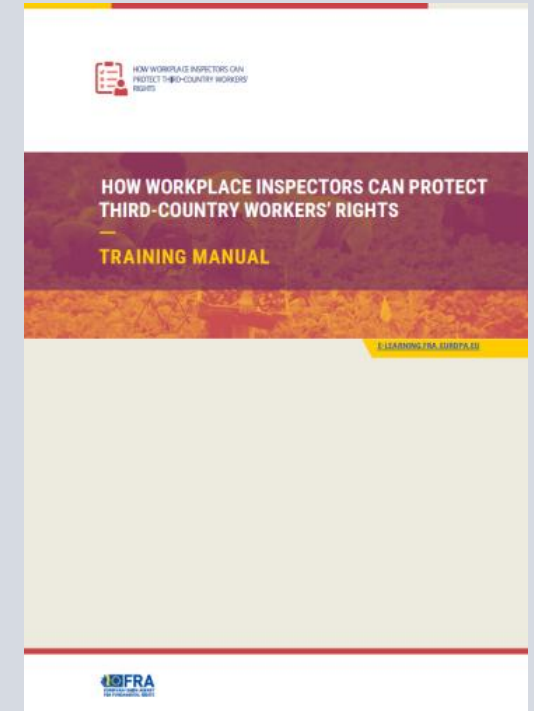
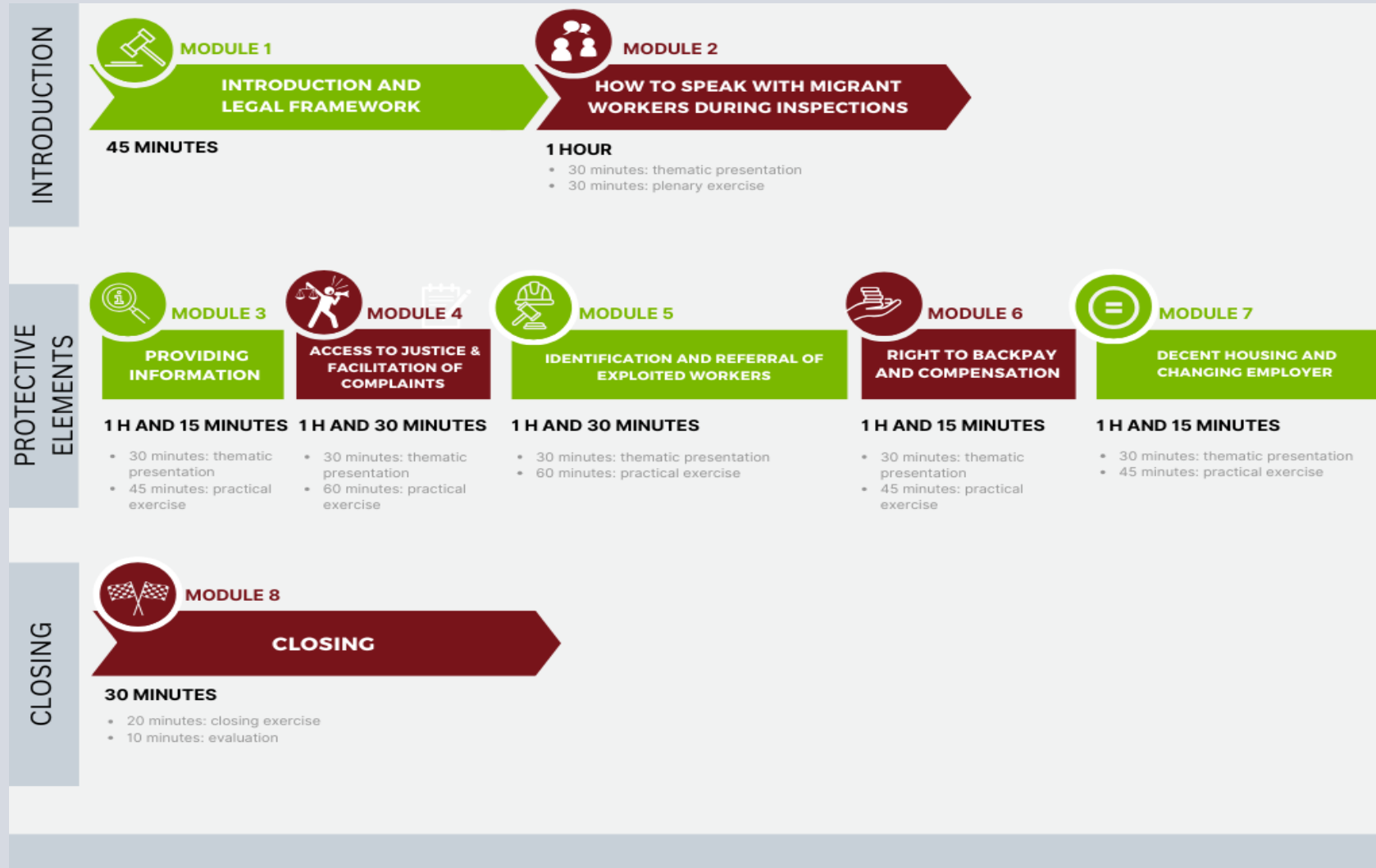
- the [employer sanctions directive](#) (2009/52/EC) for migrants in an irregular situation;
- the [seasonal workers directive](#) (2014/36/EU) for seasonal workers;
- the [single permit directive](#) (EU) 2024/1233 for regular workers. This directive has been recently revised and Member States have two years to transpose the new provisions;
- the [reception conditions directive](#) (EU) 2024/1346 for asylum applicants. This Directive has been recently revised and Member States must transpose it by June 2026;
- the [posted workers directive](#) (96/71/EC), as amended by [directive \(EU\) 2018/957](#) for posted workers;
- the [anti-trafficking directive](#) (2011/36/EU), as amended by [directive \(EU\) 2024/1712](#) for victims of human trafficking.



Key protective elements under EU law for third-country workers

- Right to **information** on rights, obligations and procedural safeguards (SWD, PWD, recast SPD) or limited to backpay (ESD)
- Effective **complaint** mechanism directly or through third parties (ESD, SWD)
- Right to **equal** working conditions (SWD, PWD, SPD)
- Right to **backpay** (ESD, SWD, VRD)
- Protection against severe **labour exploitation** (ESD)
- Monitoring, risk assessment, **inspections** and penalties (ESD, SWD, recast SPD)
- Right to **change employer** (SWD; revised SPD)
- Right to **unemployment** (revised SPD: 3 months allowed during the validity of the permit)
- Employers to provide evidence of adequate **accommodation** (SWD)
- Temporary **residence permits** for victims (ESD)
- Liability of subcontractors

1.5 days training – 8 modules



Key messages for workplace inspectors – right to complain

- inform workers about the right to complain and how to file a complaint with the labour inspectorate or a third party;
- Provide multiple channels to submit complaints, for example by mail, via email, online, through dedicated apps or over the telephone.
- address language barriers by providing forms to submit complaints in different languages
- map which third parties, such as trade unions and relevant associations, can support migrant workers in filing a complaint, and sharing name and contact details of these organisations with workers;
- establish structured partnerships with trade unions and civil society organisations;
- inform migrant workers in an irregular situation of any duty labour inspectors have to report them to immigration law enforcement and suggesting safe ways to file a complaint;
- secure the necessary evidence to support a complaint such as employment contracts, pay slips, working time and attendance records and evidence on substandard accommodation;
- inform workers of the availability of temporary residence permits for victims of labour exploitation

The exercises focus on:

1. Speaking with migrant workers during inspections;
2. Providing information;
3. Supporting access to justice and issuing/ making formal complaints;
4. Identifying labour exploitation;
5. Right to backpay and compensation;
6. Right to adequate housing and the right to change employer.

Exercise 1 – The importance of labour inspectors speaking to migrant workers

- Labour inspectorate conducts routine inspection at a strawberry-picking field in southern Spain.
- The farm is remote, workers exhausted, focused on fieldwork, avoid eye contact.
- Employer states most workers are seasonal from Morocco, returning annually for strawberry season.
- Employer shows paperwork under the bilateral Spain-Morocco agreement to prove legitimacy.
- Observations include extreme heat in the greenhouse and makeshift shelters for workers.
- Shelters lack electricity and sanitation facilities.
- Almost all workers are women, mostly aged 25–45 years.
- Previous research revealed over 100 complaints from similar farms last year.
- Producers' trade association denies encountering inappropriate practices.

Questions for labour inspectors

- How would you approach the workers on the inspection sites? What would you do if the workers responded that there was no problem and everything was all right?
- How would you create an interview environment that could help the workers to open up?
- What are some of the signs you have noticed that point to the workers being vulnerable to exploitation and how could you communicate in a victim-centred manner to address them?

How would you approach the workers on the inspection sites?

- Prioritize the workers' sense of safety by separating them from the employer
- Divide inspectors to manage the employer's presence, another to approach workers
- Introduce the inspectors clearly to the workers, emphasizing the purpose is to verify employer compliance with labour rules.
- Ask if workers are open to sharing their experience rather than immediately focusing on complaints to reduce defensive responses.
- Make clear that participation is voluntary, but explain the inspection process.
- Inform workers about available support services such as translation, medical care, psychosocial support, and migrant NGOs.
- Explain potential sanctions against employers under national law and keep interviews strictly confidential.
- Use intercultural and verbal/non-verbal communication techniques to build trust.
- Offer interviews at a later time, different location, or with another interviewer (e.g. female), and provide contact details for follow-up.

Promising practices: cooperation among labour inspectorates and social partners and NGOs

- Belgium: informal agreement between the Labour Inspectorate for the Control of Social Laws, the Migration Office and the NGOs Myria and FAIRWORK Belgium that if a worker files a complaint with the assistance of Myria or FAIRWORK Belgium and a workplace inspection is initiated as a result of this complaint, the worker will be ordered to leave the country but will not be detained
- In Greece, the Labour Inspectorate cooperates with a local NGO, supporting migrant workers through a cooperation agreement. The local NGO can accompany labour inspectors during inspection procedures and can even interview workers with the help of interpreters and psychologists
- German TU organizations (as ARBEIT und LEBEN) provide legal aid on labour rights free of charge, confidentially and in many languages. It is important for labour inspectorates to cooperate with such NGOs and inform migrant workers of those services (by leaflets etc.).

FRA manual, exercises and guidance for labour inspectors can be downloaded here:

- [How workplace inspectors can protect third-country workers' rights - Training manual | European Union Agency for Fundamental Rights](#)
- [Practical exercises for labour inspectors to safeguard workers' rights](#)
- [ELA-FRA Detecting and addressing labour exploitation - A guide for labour inspectors](#)

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