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Migration Policy Development



**International Labour Organization
International Center for Migration Policy Development
Federation of Employers of Ukraine**

**REPORT ON THE
REGIONAL WORKSHOP FOR EMPLOYERS'
ORGANISATIONS ON
STRATEGIES AGAINST
TRAFFICKING AND FORCED LABOUR**

KYIV, UKRAINE

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Report on the Regional Workshop for Employers' Organizations on Strategies against Human Trafficking

On 21-22 May the Regional Workshop for Employers' Organisations on Strategies against Human Trafficking and Forced Labour was carried out in Kiev with the participation of employers' organisations and international companies from Moldova, Bulgaria, Poland, Romania, Ukraine, experts from the ILO Special Action Programme to Combat Forced Labour (Geneva), ILO Sub-regional Office for Central and Eastern Europe and ILO Sub-regional Office Moscow, representatives of OSCE, IOM, UN Global Compact, and La Strada in Ukraine.

The present workshop was part of the EC funded ILO-ICMPD project "Elimination of human trafficking from Moldova and Ukraine through labour market based measures" and was organized in cooperation with ILO Sub-regional Office for Central and Eastern Europe and Federation of Employers of Ukraine.

It addressed the following key themes:

- Policies and action plans of employers' organisations – the roles of employers and businesses in combating trafficking for forced labour
- Codes of conduct and corporate social responsibility
- The role of business in prevention and victim reintegration
- Supply chain management – eliminating the risks of forced labour and trafficking

This high-level event raised awareness and facilitated cooperation and partnership to fight human trafficking bringing together representatives from employers' organizations and business from Bulgaria, Moldova, Romania, Poland, and Ukraine. Their involvement is a key to the success of the ILO's campaign to rid the world of these abuses by 2015.

The workshop presented a unique opportunity for employers' organizations to have a platform for exchange of information and good practices amongst employers of Eastern Europe.

The overall objective of the workshop was to demonstrate what role can play employers at different levels of their operation to prevent forced labour and trafficking.

OBJECTIVES OF THE WORKSHOP:

- Inform and raise awareness of Employers' Organizations (hereafter EOs) about problems of forced labour and human trafficking by providing information from various civil society organizations (NGOs), corporate entities, international experts, international and government organizations.
- Explain and discuss the link between labour migration, forced labour and human trafficking;
- Address the reasons for both internal and external migration of labour, particularly in Eastern Europe, and discuss ways of curbing this phenomenon;
- Address the particular problems of labour migration in Bulgaria, Moldova, Romania and Ukraine, and what actions are being taken to solve these challenges;
- Discuss the importance of Corporate Social Responsibility (CSR) and supply chain management, and how EOs should play active roles in leading this positive trend within their countries;
- Provide Employers' experiences and practices on addressing forced labour and human trafficking issues;
- Discussing the importance of National Action Plans (NAPs) against forced labour and human trafficking in both source and destination countries; and the importance of cooperation between source and destination countries;
- Discuss the preliminary findings of the ILO's Employers survey for Azerbaijan, Georgia and Ukraine;
- Discuss best practices for EOs on how to deal with migrant workers within their countries;
- Discuss current measures being taken by governments, NGOs and private businesses in informing the public about, and trying to prevent forced labour and human trafficking;
- Discuss the role of recruitment agencies in labour migration and the importance of self-regulation to prevent abusive recruitment and situations of forced labour and human trafficking;
- Discuss the importance of and means of re-integration of migrant workers and victims of human trafficking into the national labour force;

SUMMARY OF THE DISCUSSIONS OF WORKSHOP PARTICIPANTS

The workshop was opened by welcoming speeches.

Mr. Volodymyr Gryshchenko, Director General of the Federation of Employers of Ukraine, welcomed the workshop participants and on behalf of the employers' organizations expressed gratitude to the ILO and EC on organization of the workshop. He also underlined it is important for the employers' organization to be involved into the global alliance against forced labour.

Mr. Vasyl Kostrytsya, the ILO National Coordinator in Ukraine, pointed out that this event as all other ILO activities in Ukraine are organized to promote the Decent Work Country Programme. The ILO intervention in the field of labour migration regulation, forced labour and human trafficking combating is realized to respond to the main priorities of the Government of Ukraine: a) promotion of the labour migrant return; b) social protection of the migrant workers through bilateral agreements; and c) domestic labour market protection against irregular immigration. He stressed it is important to invite employers from different countries, namely, Moldova, Bulgaria, Poland, Romania, Ukraine, as well as international organizations to share experience and good practices.

The main topics covered at the seminar were the following:

- *Reasons for employers' organizations engagement in prevention of human trafficking and forced labour*
- *Policies and action plans on human trafficking – the role of employers' organisations and business*
- *A Global Alliance against forced labour*
- *Corporate Social Responsibility and supply chain management*
- *Employers' survey on human trafficking and forced labour*
- *International efforts against human trafficking and forced labour*
- *Breaking the trafficking cycle – Employers' good practice in prevention, recruitment and reintegration*



Conference panel (from the left): Anne Knowles, ILO-SRO Budapest Office, Vasyl Kostrytsya, ILO National Coordinator Ukraine, Volodymyr Gryshchenko, Federation of Employers of Ukraine, Sophia Lytvyn, ILO Project Coordinator

Reasons for employers' organizations engagement

Anne Knowles

**Officer in Charge, Senior Specialist Employers' Activities
International Labour Organization Sub regional Office for Central and Eastern Europe**

- Forced labour/trafficking is a fundamental issues for the ILO
- It is important for members of employers' organizations (EOs) to participate in this seminar. EOs often feel that someone else should be looking after this problem – not employers – especially if they are not involved in forced labour/trafficking. And so they do not feel that they need to take part in prevention.
- The purpose of ILO workshops for employers on the issue of forced labour/trafficking is to know what the implications are if these issues are overlooked. EOs should put this on their agenda in all countries where people are employed – not just developing, poor countries, where there are sweatshops, etc. – but anywhere where people are vulnerable to these issues – i.e. migrant workers. These are key target groups and that's why migrant workers, forced labour and trafficking are linked.
- Key protections – if there were good economic conditions, job opportunities, and high wages in every country, there would be no need for migrant workers who are the low end, low skilled level of labour (and most vulnerable).
- Looking at internal and external migration, rural folks are moving to large cities where there are job opportunities and they can better their lives.

Why we need to focus on forced labour:

Globalization is the wider picture. Ukraine now has a closer link to the WTO (it just became a member on May 16th). The WTO ensures that world trade and globalization is controlled. Therefore, there is a focus on EOs in terms of tariff control and equal advantages. The same rules, standards, and conditions (in transparency in law making, commercial, protection of investment, etc., but also in terms of labour standards) have to be applied across the board. The WTO has accepted the ILO's core standards, and these are also the international standards that the WTO has in terms of sameness of competitive advantage of countries.

ILO's fundamental principles and rights at work:

- Freedom of association and the right to bargain collectively
- Freedom from discrimination, and equality of opportunity and treatment
- Freedom from forced labour

- Protection of children and young persons

The WTO looks to the ILO to apply these.

Further international frameworks and guiding principles:

- Social Accountability 8000
- Global Compact
- EU General System of Preference
- Countries customs and trade laws (i.e. US – officials are allowed to stop goods coming into the country that have been made with forced labour)
- Buyers' codes of conduct – the supply chain
- Corporate social responsibility (CSR) (freedom of association, no forced labour, no child labour, no discrimination)

Therefore, EOs need to have an understanding of what forced labour is all about. What they can do to raise awareness for engagement by their organizations and members, and what they can do proactively to ensure that forced labour/trafficking does not have an impact on the businesses in their country.

Why are the four ILO fundamental principles and rights at work those that they are?

Because fundamental rights are something that employers can actually control themselves. It is the responsibility of workers that they also ensure safety standards at work. These areas also form the constitution of the ILO. Merely by membership in the ILO, each country accepts the principles of these 4 areas. The two ILO forced labour Conventions 29 and 105 have been ratified in the countries present today at the seminar.

Implications for countries not abiding by, understanding, realizing what the importance of this is:

- We have moved away from tariffs. We can no longer have subsidies, but we can have a reduction of tariffs and quotas.
- What has been put in place are other non-tariff barriers. Labour standards imposed by countries that have had time to develop their economies more – i.e. refuse goods that

have been made by forced labour, child labour, etc. The international community has decided that there should be standards that no country should fall below.

- The EU General System of Preference (GSP) granted lower tariffs to countries that have applied/ratified the core labour standards. But there was a vast difference between reality and what was on the books.
- So, now (GSP +) countries have to prove when they export to the EU that they apply the core labour standards.
- Meeting the WTO standards is basically a passport to international markets.
- It is an issue of country reputation – it does not take much to lose a market. There can be a media report that gives examples of forced/child labour – and your reputation is gone. This is damaging to a country because it has a huge impact on the minds of buyers and consumers.
 - o For example, because of child labour in the carpet industry in Nepal and Pakistan, Italy refused to buy their carpets. As a result, all of Asia was put into the same category, regardless of country and the isolation of the incident. A country's reputation leads to a regional reputation – and EOs need to be very aware of this in order to protect the reputation of good companies.

Practical examples of forced labour allegations against employers:

Example 1:

Products from the Mongolian textile factory, Dong Fang International (Chinese owned), were stopped at the U.S. border based on allegations made by the International Federation of Trade Unions of forced and child labour. As a result, the entire textile industry in Mongolia was impacted as they were all put into the same category as this one employer. The Chinese reputation was also damaged – the implications were immense.

Example 2:

- The American trade union AFL-CIO, petitioned the U.S. WTO trade representative about unfair trade practices of dumping, rules of origin, and labour practices being carried out in China. The Union alleged that these practices gave a 70% price advantage to the Chinese.

The EU General System of Preference:

- The EU uses an incentive approach to encourage countries to meet standards, by granting greater economic advantages (i.e. GSP +).
- These incentives will be removed if a country is found not implementing the ILO's four key areas, and if any forms of slavery, forced/prison labour are found to be in use.
- This is part of an ongoing review that the EU is undertaking (review of the GSP Scheme 2005-2014) to ensure that proper incentives are in place and being supported through technical assistance and funding projects, in order to ensure that forced and child labour in particular do not exist.

What is forced labour?

- 173 countries have ratified convention 29 of the ILO against forced labour.
- Looking at the definition – it is very broad – it covers “all work or service, which is exacted from any person under the menace of any penalty (also very broad) and for which the said person has not offered himself voluntarily.”

Examples:

- A case brought forth in Guatemala looked at two areas of forced labour that would fall under the above stated “broad” definition:
 - o production levels are set so low that people have to work overtime to earn a sufficient wage;
 - o if they do not agree to work overtime workers lose their jobs
- The impact on police (which are employees of the government) and a practice that exists in every country – all police leave is cancelled during particular times (i.e. a major conference, football matches – where the police is needed to keep control). This practice

is common in many countries, but this might fall into the very broad category of forced labour (penalty).

SESSION I: Policies and action plans on human trafficking – The role of employers’ organisations and business

Employers’ response to human trafficking – The example of Ukraine

Volodymyr Gryshchenko

Director General

Federation of Employers of Ukraine (FEU)

The Federation of Employers of Ukraine (FEU) encompasses employers’ organizations widely represented in industries and regions.

There are more than 500 EOs in Ukraine. The FEU does not work directly with employers – only with their organizations:

- 29 oblast (regional) organizations
- 15 all-Ukrainian organizations
- 448 city and district level organizations
- 5 million workers (constitute its work force)

The FEU is an official lobby agency and its mission is to protect labour interests through dialogue with trade unions and employers:

FEU’s goals/objectives:

- Enable legislation for business to develop independently
- Provide free access to business
- Break away from government regulation
- Work in the labour market – create highly efficient jobs

- Offer aid in industrial relations, collective relations
- There are about 30, 000 collective agreements to date (this is not mandatory in Ukraine)
- Regional agreements as well – between regional government, trade unions and the FEU
- Sectoral agreements

The FEU is also involved in international activities:

- The FEU has social and industrial/political relations with their colleagues – the ILO, international projects, etc.
- Since 2003, the FEU has been connected to the International Organization of Employers
- FEU takes part in the ILO’s annual conference
- In 2006, the FEU became a member of the UN Global Compact Network (GC).
- In 2008, a GC steering committee was set up in Ukraine.

- Multi-faceted, international projects
 - o Project “Dialogue in the Labour Market of Ukraine” (LMD, Sweden)
 - o International Programme on Elimination of Child Labour (ILO-IPEC in Ukraine)
 - o ILO Anti-Trafficking Programme in Ukraine
 - o ILO Technical Cooperation Programme “Strengthening of the legal and institutional foundations of social dialogue in Ukraine”

Today:

It is indeed difficult to explain to and motivate EOs to get involved in combating forced labour. They feel that they represent the legal part of the labour market. The FEU tries to highlight these threats to the labour market.

Ukraine only seems to be a source for migrants that fall into forced labour, but this is not true because Ukraine is also a receiver of migrants (Ukraine is a transit and destination country). The government or employers are not ready to address this challenge. The growing numbers are not known in Ukraine and this is a big concern.

There is a deficiency of top skilled professionals all across Ukraine. Many well educated people go abroad and are employed legally.

The consequences of trade and trade relations:

- Ukraine has joined the WTO, which means there are advantages but also threats. This requires an adequate approach to products that should not be produced with forced labour. Ukraine, as an ILO member state, needs to abide by this.

Civil society's stance:

- In Ukraine, what we see is trafficking and child labour, especially for the sex trade.
- The NGO La Strada, for example, works to address these issues. It tries to prevent and mitigate the consequences for victims of trafficking.

Preventative Measures taken:

- Implementing the ILO's labour principles: setting up decent work conditions, providing adequate pay, as well ensuring safety and health at the workplace
- The FEU pursue these. It has not been 100% efficient, but it has seen them introduced in many cases in Ukraine.
- There are demographic problems in Ukraine as well.
- The key tools in achieving the FEU goals are social dialogue instruments.
- The FEU spent 3 years negotiating the General Agreement with the government, EOs and trade unions. Viktor Khmylovskiy defended it. Three governments came and went, and finally on April 15, 2008, the agreement was signed.
- 2 clauses out of 200 are relevant (the rest are technical):

- not to make any decision on matters of interest to EOs without consulting the employers' organizations first. An annex to this agreement, features all the details for holding consultations relevant to business regulations.
- Consultation routines. When a concern arises, which may hamper business, a consultation should be held and government should respond within 7 days. The government cannot make a decision as long as the consultation is underway.

The need to eliminate child labour is a key priority.

On March 7, 2007, Ukraine's Cabinet of Ministers adopted a state programme on combating human trafficking.

Conclusion:

There is a need for coordinated actions and cooperation to curb these problems. Countries that are donors of irregular migrants have not ratified the ILO's conventions on the fundamental principles and rights at work. We ask employers to be aware of this in order to counter this cancer of the 21st century.

Trafficking in human beings – The Bulgarian response

Silvia Benyova – Bulgaria

Director of Vocational Training

Bulgarian Industrial Capital Association

According to UN statistics, 2-4 million people get trafficked every year. According to the Department of State, \$7-13 billion USD is made on human trafficking annually, third after gun running and drug trafficking. Approximately 500 women in Europe become sex slaves or are forced to prostitute – whereas the global statistic is 8-900 000 people per year. According to the U.S., 80% of those trafficked are women, 70% of them are sexually exploited.

10,000 Bulgarian women cross the border every year (2003 stats). About 11% of women prostituted in Germany are Bulgarian nationals, followed by Moldovans. These women went to foreign countries following offers of legal employment, and used recruitment agencies to find jobs. According to the International Organization for Migration (IOM), Romania, Bulgaria and Moldova are key areas for trafficking in women. Marseilles, Nice and Strasbourg are some of the cities that receive these women.

What can employers and NGOs do to address this problem in Bulgaria?

The NGOs addressing these concerns – who are speaking out against human trafficking –are La Strada, Face to Face, etc. Face to Face developed a government handbook aimed at preventing trafficking with the aim of informing the public on the dangers of trafficking.

Bulgarian institutions that address these concerns are: the Ministry of Foreign Affairs, which takes care of all Bulgarian citizens that leave the country; the Ministry of the Interior, which takes care of Bulgarian citizens and migrants that enter; the Ministry of Social Policy/Aid; the Senior Directorate of Labour (controls, inspects, and ensures health and safety); and the State Agency for the Protection of Children (prevents child and forced labour). Bulgaria's constitution has policies and laws protecting people with disabilities, ombudsmen, battered women, and against human trafficking. All of these bodies seek to prevent human trafficking and forced labour.

Bulgaria is preparing an important paper, to be endorsed by the Cabinet of Ministers – the National Strategy of Bulgaria in regard to Migration and Integration 2008-2015. Bulgaria is a transit country for migrant workers, and so it needs to address this problem. Bulgaria also has a manpower deficiency – a lack of skilled tradesmen. Bulgaria accepts workers from Ukraine, but it should be able to offer them good working conditions, which do not exist right now.

The Strategy's 2 priorities:

- 1) Bring Bulgarian nationals back from foreign countries to work in Bulgaria
- 2) Accept migrants from other countries

There is a tripartite dialogue involved in the strategy among government institutions, EOs and syndicated organizations.

The key goal of the strategy is to help ethnic Bulgarians come back to Bulgaria. Also to accept migrants from other countries who come to live and work in Bulgaria. There should be a policy on the balanced intake of foreign nationals. The government will make sure that migration will be controlled and it will crack down on irregular migration. This should work within the Shengen agreement, which is to guarantee the national sovereignty of the EU in the balanced intake of foreign nationals, to target a crackdown on irregular migration.

National Action Plans and provisions for employers – Findings of the ILO database: Action Plans and Employers Organizations

Anne Pawletta

ILO Programme Officer, Special Action Programme to Combat Forced Labour

- The ILO approach sees malfunctioning labour markets as the root causes for trafficking. All labour markets should be involved in combating and having national strategies against forced labour and trafficking.
- The ILO database consists of 28 National Action Plans (NAP) against human trafficking and forced labour, from 28 countries. It looks at the weaknesses and strengths of these action plans, and how we can learn from them.

How are EOs and employers involved in the NAPs?:

Only 8 NAPs mentioned employers or EOs. 6 of these 8 employers are part of a NAP as an implementing partner. The other 2 NAPs mention employers as the target group for activities, not as active actors.

Summary of NAPs:

- In the **Ivory Coast**, EOs advocate for the adoption of new legislation against child labour and trafficking. It aims to limit the vulnerability of children being trafficked, and offers support to rural families to improve their incomes.
- **Nigeria** – one EO is a member of the National Commission on Forced Labour. It has an active role in the country.
- **Laos** has a NAP against trafficking in persons. In regard to labour migration, EOs conduct research on current recruitment practices. They organize workshops for recruitment agencies to improve business practices.
- **Togo** has a NAP to combat trafficking in children. It foresees EOs taking part in the organization of this research. EOs support researchers who are trying to establish how many employers use child labour. They are creating awareness among members.

- In **Moldova**, the role of EOs is more prominent. They provide workshops for employees to raise awareness against forced labour. There is a strong focus on recruitment agencies to establish an Association of Recruitment Agencies.
- **Destination countries:**
 - o **Greece** is screening the attitudes of employers toward the issue of trafficking in order to help to develop what already exists among employers within the country.
 - o **Macedonia** has a national hotline sponsored by a business.
 - o The **UK** is working to better the protection of migrant workers who come to the UK to work. EOs campaign to inform employers about regulations that exist in the UK, and have developed a step by step guide for employers on how to employ migrant workers according to UK regulations.

Action Plans for EOs:

- There is an increased attention on trafficking and forced labour in social responsibility. In order to show that they are active against these issues, EOs need action plans.
- Action plans are important because they show the public and government that these organizations are willing to tackle these issues, and how to go about this.
- Action plans ensure accountability, where actions taken can be reviewed against the plan. They create internal coordination and cooperation and use existing resources efficiently.
- First step in developing a plan – assess the awareness and attitude of employers toward forced labour and trafficking (i.e. conducting a survey)
- Second – Assess whether industries and sectors that are more arduous have encountered forced labour.
- Third – Assess the NAP. Link an employer’s action plan to the existing NAP.

The EO needs a strategic goal, and based on that create responsibilities, a time frame, and assign financial and HR personnel to implement the action plan, and then follow up on the effectiveness of the plan.

Potential areas for action of EOs in the prevention of forced labour and trafficking:

- Reduction of vulnerability, creation of decent work, and equal treatment of migrant workers.
- Self-regulating schemes (codes of conduct)
- Reintegration of victims (vocational training schemes, business development training)

The ICMPD's guideline on how to develop a National Anti-Trafficking Response is useful for EOs in developing their action plans as well.

For an action plan to work employers need to:

- be involved and committed
- link the EO action plan to the NAP
- identify corporation partners i.e. NGOs that are already active in these areas.
- allocate sufficient resources for their activities
- provide monitoring and evaluation.

COMMENTS

Representatives from Moldova and Romania gave their comments on how they are involved in the national action plans.

Moldova

First, we need to look at the root causes – why has human trafficking emerged? There are other social issues – demographic problems, medical problems – lots of interconnected problems.

People want to find a better living, there has been a liberalization of border regimes – free flow of migration over borders. Moldova is a source of migrant immigrants who are also used for trafficking of organs. They have been able to liberalize wages and salaries in the country – they are no longer controlled by government. Therefore, the situation is getting better.

Recruitment agencies do things legally in Moldova. In order to prevent irregular migration and trafficking, recruitment agencies started an association to regulate themselves in order to put the onus on agencies if abuses are found. The association keeps in touch with the National Bureau on Migration and other labour organizations.

We don't know how many migrants are out there – 600 000 to 1 million are the estimates.

The Moldovan government has legislation regarding late salary payments, etc., but there is a need for corporate responsibility – i.e. a refusal to use products and services by those violating labour rights.

Romania

We started as a source country and now we are a destination country. In 1990, irregular migration started to be a problem, so recruitment agencies were created. In 2000, the government decided to be part of the recruitment process as a result of unemployment. Employers started experiencing deficiencies because intellectuals were going to other countries to work as low skilled labourers.

Causes for problems:

- Poverty in Romania
- A permanent solution for the government to bring outside money into Romania by exporting their workers – but this creates inflation.

- Romania does not experience a high rate of illegal work because of the lack of labour personnel. But it still exists, especially in construction and road construction. This has been caused by the income tax level, which increases almost every 3 months.
- Employers started using Asian HR because they do not have enough workers.
- Problems of training – young people are tempted to work in places where it is easier to find work. Romanian students studying in foreign universities get a good education and want to work in good placements.
- There is a demand for Romanians in Canada and Australia. There are lots of employment possibilities for Romanians, but the government needs to find a solution to keep Romanians in the country. Salaries are rising, but we need to keep the intellectual workers in the country too.

Comments of Mr. Viktor Khmilyovskyi – President of the Union of Lessees and Entrepreneurs of Ukraine, Kyiv.

One of the factors contributing to trafficking is that recruitment agencies are not always fair and legitimate. There are barriers along the borders and visa requirements – a lack of freedom of movement. Europe is now divided into the United Europe and the Un-United Europe (i.e. the former USSR states) and that is where the criminal activities develop – as in Ukraine.

What we call migration is often refugees that flee, but there are some migrants looking for a better place to work. We need to define the line between these two groups. For migrant workers, we need to form associations in source and receiving countries, which would assume responsibility and create a rapport in order to prepare working conditions for each other's workers. We need a united association of employers. This does not exist in Ukraine yet. We are not working in line with the principles of the ILO. We need help with methodologies, and we need to be more advanced with social dialogue in this country.

Over five consecutive years, employers have been monitoring this situation. There cannot be any political or governmental ambitions connected to implementing a united association of employers.

SESSION II. Corporate Social Responsibility and supply chain management

Corporate Social Responsibility and supply chain management

Anna Danylyuk

The Global Compact, Ukraine

Assistant to the Office of the Resident Coordinator, *UN Global Compact*

The Global Compact (GC) Network is the largest global Corporate Social Responsibility (CSR) initiative. It involves businesses, labour, academia and governments in the implementation of sustainable development.

Global Compact principles:

- Human rights, labour standards, the environment, and anti-corruption

The GC was officially launched in Ukraine on April 6, 2006. It started with 34 members with strong support from the Ukrainian government. It has now expanded to 102 members, with 64 multinational and Ukrainian companies, 5 labour organizations, and 33 NGOs.

GC Objectives and priorities:

- Outreach, promotion, and capacity building, knowledge sharing and networking
- A focus on an enabling policy environment
- Public-private partnership development

Examples of Outreach and Promotion in Ukraine:

- Regional GC was launched in Lviv, Donetsk, Odessa and Zhytomyr
- Published newsletter on website

- GC website functional
- Published first Responsible Business Directory of Ukraine

Examples of Stakeholder Capacity Building:

- Multi-stakeholder conference on CSR (April 2007)
- Workshop on non-financial reporting for GC companies (June 2007)
- Round-tables on role of media in CSR
- International media forum on CSR (July 2007)
- Siemens Ukraine supported 2 Ukrainian journalists to attend a training for journalists on “Reporting on Climate Change,” in Kyrgyzstan (Feb 2008)
- Forum, “Developing Business Partnerships for CSR” (March 2008)
- Regional seminar on the “Perspective of the international standard on social responsibility ISO 26000 for Eastern Europe” (April 2008)
- international Conference on Poverty Alleviation (April 2008)

Examples of knowledge sharing and networking

- 5 Ukrainian companies attended the annual GC Leaders Summit in Geneva.
- Ukraine has hosted delegations from different countries on GC launches, etc.
- Ukraine attended the European Forum for Sustainable Development and CSR in Paris (March 2008)

What do GC members do in Ukraine?

- Work on relations with the Ministry of Labour and Social Policy
- Work on national CSR initiatives
- Public/private partnership projects:

- SCM and the UN teamed up on a human trafficking project. Three major telecommunication companies (competitors) came together to set up a hotline “527”.
- Intel and UNDP launched a joint project in 10 universities across the country to establish e-communities – a means of building youth’s social skills.

CSR in Trade: How does it work throughout the supply chain

Tatyana Babenko
Head of Corporate Communications
METRO Cash & Carry, Ukraine

There are currently 19 Metro stores in Ukraine, with 6100 employees within the company. Metro does not exist on its own. It is part of a network of 615 stores in 30 countries around the world. So, anything done in Ukraine may have an impact on the rest of those countries. Metro is also a part of another 3 divisions of Metro Group – which is part of the stock exchange. Any wrongdoing will have an impact on stock shares.

Since 1992, Metro has published a sustainability report on how they care about their employees, what they do with volunteers, etc. But, most for-profit organizations are focused on spending money that will impact price shares, not society (i.e. giving money to support a children's home).

Metro's 4 global aspects – commodity, transport, stores, consumers

Commodity

- Guarantee quality of products to customers
- Work with legitimate companies that have good products.
- Use public brands sanctioned by the government and that meet standards, but also use private brands which Metro takes responsibility for.
- There is a code of conduct that should be followed by employers in regard to working conditions for employees. In Ukraine, not a lot of work has been done in this aspect.
- Some initiatives that Metro has begun show their CSR in cooperation with Ukrainian producers. It involves foreign experts in purchases. It works jointly with Ukrainian producers toward meeting international quality standards – i.e. creating a new approach toward meat packaging.
- It works to develop new products that better meet hygiene standards.

- Metro has a logistical platform for a fruit and vegetable farmer's project in the Kherson region. It is lobbying the government to get a law modified that will positively affect this sector.

Transportation

- Metro uses IDI and GMS systems in Ukraine, where the information is inputted into a logistic platform in order to see how many transport trucks need to be dispatched daily. This system boosts effectiveness and optimizes the chain of supply. It also helps to save money. But these programs needed to be bought – and so there is a need to invest money into a system in the beginning in order to see its positive results.

Stores

- Metro will become the first retailer in Ukraine to be registered on paper. In Ukraine, only one Metro store has been in operation for 5 years – the rest are younger.
- Globally, Metro stores have been in operation for 45 years.
- The temperatures in Metro stores stay intact.
- Metro upgraded 150 stores to energy saving systems – saved 800 tonnes of emissions per year, which is equal to 1000 homes producing energy.
 - o In Turkey, the largest trade centre in Europe and in the world is running on solar energy. Metro is looking for other sources of energy. This is easier in warmer countries like Vietnam, but even Germany is looking into alternatives.

Consumers

- Half a year ago, Metro published a report as to what CSR initiatives have been seen.
- There is a need to get people using re-usable bags again. New practices need to be implemented in recycling. Metro does not throw away its packaging boxes but sells them to another company for re-use.

- Companies should keep consumers aware of their activities in terms of CSR. Keep customers posted on health (nutrition labeling), and environmental protection. This is currently being tested out in Germany as a pilot project.
- Metro also supports the vulnerable people in Ukraine. In Germany, stores are responsible for products to be sold before the due date. If not, they send the products back to the issuing companies. Currently, Metro is working on a project to give these products to canteens where people eat for free – “Die Tafel”. Caritas is working to distribute these products to canteens.
- Metro offers money to master’s classes and schools.
- Metro does its research before signing any cooperation agreements – it is very aware of whom it works with.

The more fierce the competition, the more CSR matters because it is seen as an advantage. In Ukraine, reputation matters. And CSR is basically your reputation. In Ukraine, when a company goes public (IPO) this is what people are looking at – investment in the future. The companies are trying to act socially responsible. CSR is part of a corporate strategy – the corporate advantage of tomorrow.

Today, Metro tries to make its working environment as comfortable as possible for its workers by offering bonuses, insurance for oneself and family, trainings, development program involvement, etc. Metro has personality development programs as well – i.e. a focus on young professionals.

The purpose of employers' survey on human trafficking and forced labour

Anne Pawletta
ILO Programme Officer
Special Action Programme to Combat Forced Labour

The ILO is currently implementing three employers' surveys on issues of human trafficking and forced labour together with national research institutes and employers' organizations. The first survey started in Ukraine in April, followed by surveys in Azerbaijan and Georgia in May.

Ukraine:

- The purpose of the survey is to collect the best practices of employers in Ukraine on domestic employment, forced labour in vulnerable sectors, and reintegrating trafficking victims into the labour market.
- The survey was qualitative and quantitative.
- It developed recommendations for a strategy and practical ethics for employers.
- It showed that there are existing best practices and corporate social responsibility.
- It will be used as a tool for joint activities between employers and the ILO in developing action plans against human trafficking and forced labour.

Azerbaijan and Georgia:

- 400 employers were interviewed for the survey (quantitative).
- Qualitative interviews were also carried out.
- The purpose of the survey is to collect information on the needs of employers regarding strategy development and awareness raising on forced labour and trafficking.
- The survey will help to refine projects, strategies and activities aimed at employers in these countries.

Social assessment of Ukraine: Preliminary survey results

Gulbarshyn Chepurko

Expert, Centre of Social Expertise of the Institute of Sociology

National Academy of Sciences of Ukraine

The best practices of employers in Ukraine against forced labour and trafficking (from April 2008, and onward) – The study looked into:

- unregulated activities in forced labour and trafficking
- reintegration of victims into the labour market
- bring back migrants into the national labour market
- see impact of regulated and irregular migration on the labour market

Methods applied:

- Reviewed employers' documents
- Expert interviews with managers, representatives of EOs and associations, NGOs, representatives of business services
- 4 regional areas in Ukraine

Managers and experts:

- According to experts, the key consequences of irregular migration is the violation of human rights, a loss of qualified personnel (brain drain), the growing deficiency of qualified personnel, and the growth of taxes due to loss of manpower.
- According to employers, the key consequences are reduced competitiveness, informally employed individuals, and no investment in training manpower.

What can be done to prevent irregular migration?

- *Managers:* better working conditions, higher social responsibility, meeting labour standards, developing migrations legislation, raising awareness, interaction between government agencies on migration policies.
- There should be migration offices in cities across the country. There needs to be awareness in cities. Today, there is no clear cut strategy or policy to prevent irregular migration.
- Representatives of employers associations did not report any positive impacts of labour migration – they are always negative.

What can be done to reduce labour migration?

- *Experts:* implement ILO standards (at the national level), CSR practices, premiums, bonuses, personnel training programs, and work jointly with the local government against irregular migration.
- Still to see more information from the qualitative survey, which is still in process
- Awareness raising efforts are very important today.

What are the problems of migration? How do we prevent forced labour and trafficking?

- The economic situation of a country has an impact.
- Business leaders and managers should have decent working conditions in place, and should introduce social programs.

What is being done locally by their businesses to combat these phenomena?

- Two things: 1) establishing conditions for decent labour; 2) establishing policies for socially responsible business (raising awareness among local businesses).

Workers from Employment Centres (37 centres):

What are the most significant trends in your areas? (1 – the lowest level; 5 – the higher level)

- Outflow of manpower to other regions of Ukraine - 3,0
- Outflow of workers abroad - 2,8
- Inflow of labour force from other areas of Ukraine - 1,8
- Inflow of labour from abroad - 1,6

However, outflow is of much greater concern to these centres.

There is a shortage of skilled personnel as a result of outflow. Those most in demand are labourers that can use tools and machinery, tradesmen, experts, and specialists.

Most centres (25 out of 37) have tried to stimulate labour inflow back into Ukraine. The regional centres are the leaders in these efforts, where municipal and district centres hardly ever have that experience.

Rehabilitation of trafficking victims is also a problem and there is a need for a number of institutions to be involved in this aspect. Experts say that employment centres do not cooperate openly with NGOs and employers. Only 12% are said to cooperate, while none of the municipal and district centres offer their assistance to returned labour migrants.. 17% of centres cooperate with NGOs, employers, etc., for the rehabilitation of trafficked persons. Municipal and district centres do not partake in this.

35 of 37 centres are aware and know of successful efforts by employers to retrain labour within their organizations. In general, social packages and bonuses are offered. It is no problem for good companies to keep labour.

- For example, in Sumy there is a business that offers free food, clothes, gifts, health care aid, for workers and family members, with an in-house training centre.
- The Kremenchug vehicle manufacturing factory has a canteen, stadium, camps for children, daycare, and as a result, it is keeping its employees. Good businesses like these may prevent irregular labour migration.

NGO experience in placing returned labour migrants or victims of trafficking

- NGOs that work in this area: La Strada, Caritas, the Centre for Social Initiatives, the League of Business Women in Donetsk
- Interviewed about 20 of these NGOs for the survey
- In 2007, the number of returned migrants helped was 125 persons; victims helped – 38.
- Most of the NGOs cooperate with employment centres and employers to employ victims of trafficking.
- The organizations that NGOs tend to work with are employment centres, employers and entrepreneurs, training centres, medical centres, family services, youth services, and trade unions. There is a vast range of counterparts.
- Returned labour migrants and victims of trafficking are sent to work with the above centres to try and reintegrate into the national labour force.
- In 2007, 36 returned migrants and 34 victims of trafficking were employed.

The survey is ongoing. Interviews are in progress and many answers are yet to come. But as we are putting together our findings we can offer the following recommendations:

- The standard of living for Ukrainians needs to be increased
- There should be an attractive domestic labour market
- Stronger motivation for legitimate employment is needed
- Legislative acts on labour migration regulation need to be passed
- Conditions need to be established in order to allow Ukrainian nationals to work abroad legally
- Ukrainian irregular labour migrants should be legalized in foreign countries
- Internal labour migration needs to be monitored (3-8 million people are internal labour migrants, which is equivalent to 15-24% of Ukraine's population)
- There is a need for the coordination and involvement of all government institutions. This is where NGOs are useful because they help to reintegrate victims of forced labour and trafficking.

SESSION III. International efforts against human trafficking and forced labour

Efforts in combating forced labour: the policy of the International Organisation of Employers

**Anne Pawletta, ILO,
on behalf of Barbara Leon,
International Organization of Employers**

The International Organisation of Employers

- International network of national employers' organizations
- 148 member organizations in 140 countries
- Institutional engagement in ILO - Secretariat of the Employers 'Group
- Works with a variety of UN and multilateral agencies

Mission of the International Organisation of Employers:

- *“To promote the interests of employers and their organizations at the international level through representation, information and advice”*
- One voice for all employers
- International forum

Forced labour: Why should employers get involved?

- Support member efforts and concerns
- Forced labour – lower profile
- Supply chain risk management
- Grey zone between formal and informal
- Awareness of consumers and buyers
- Increasing pressure to respect fundamental / human rights
- Against the law

UNDERSTANDING FORCED LABOUR

... *“the term forced or compulsory labour shall mean 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 Convention 29

- Both conditions should be met
- Overtime, poor working conditions are not forced labour
- Human trafficking
- Need for sensitization
- A cultural issue

ON-GOING EFFORTS

Within the ILO work through:

- 1998 ILO Declaration of Fundamental Principles and Rights at Work and its follow-up
- Conventions: 29 (1930) – 105 (1957) – supervisory system, e.g. Myanmar
- Technical cooperation: ILO, relations with other agencies, with employers' organization
- Direct support to members and its member companies
- Participation in different debates
- Preparation of material on forced labour (position paper to be released at the end of June)

The ILO Business Alliance

Phillip Hunter
ILO, Special Action Programme
to Combat Forced Labour

In November 2005, ILO gave a mandate to strengthen the capacity of employers' organizations (EOs) on global supply chains to integrate issues into policy and practice.

The ILO worked closely with the IOE (the International Organization of Employers) and ACTEMP (ILO's Bureau for Employers Activities), engaging the CSR community, businesses, and civil society organizations (NGOs).

Different aspects of work

Raising awareness and building capacity:

- Today's seminar in Kyiv is an example of this work
- The UN GIFT initiative – forum in Vienna (spoke of forced labour, trafficking, trade unions, etc.)
- Events took place in Atlanta (U.S.) and London (U.K.), which engaged EOs and senior representatives of global companies in raising awareness of forced labour, its prevention, and how to identify it.
- Trainings with buyers were conducted in Jordan with supplier companies in the garment industry. They raised issues of forced labour and meeting labour criteria.
- Worked with Chinese and Vietnamese supplier organizations to develop handbooks on forced labour.

Policy and technical support:

- Developed codes of conduct in China and Vietnam for recruitment agencies in Vietnam, and developing FAQs.
- Tools development – compliance principles and good practice guides.
- Conducted employers surveys and national action plans

Supply chain management in CSR – growing issues:

- Tools are being developed to manage the risks of forced labour in supply chains. For example, third party social auditing, guidance for auditors, and methodological suggestions on monitoring workplaces to identify forced labour.
- The ILO is preparing case studies on a sectoral basis.
- Encouraging stakeholder dialogue – i.e. in Georgia

- 10 principles for business leaders:
 - Develop clear and transparent policies on forced labour
 - Train auditors and HR officers
 - Promote industry wide agreements and codes
 - Treat migrant workers fairly and monitor recruiting agencies;
 - Use contracts
 - Encourage national and international business events to share good practices
 - Contribute to programs for victims of trafficking
 - Build bridges between government, workers and labour inspectors

Work in labour recruitment:

- There should be a code of practice for recruitment agencies, employers' handbooks on combating trafficking, and training manuals about forced labour and trafficking.
- Cooperation with international organizations and private recruitment agencies for the regulation of recruitment agencies.

At the sectoral level:

- The ILO and the EBRD worked with the construction industry in Russia to develop a code of conduct.
- Research on the pig iron industry in Brazil, which is used in the manufacture of cars, and is thus an important industry. There are growing issues for buyers in the U.S. with this industry and so they would like to monitor it.
- Research on mining in Mongolia and forced labour – looking at relationships between miners and intermediaries.
- Doing case studies on industries – garment, IT, food retail, etc.
- Preparing short booklets addressed to sectoral EOs.

National Action Plans (NAP):

- The ILO encourages governments to develop NAPs.

- In Bangkok 2008 – 15 countries will attend and participate in a regional employers’ workshop, where they will develop “action points” within 3 different areas – identification, prevention and protection.

Future Actions:

- Finalize practical tools for greater engagement and increased capacity
- Hold round-tables with buyers, suppliers and auditors
- Continue working with the CSR community and multi-stakeholder initiatives
- Continue with the UN Global Compact
- Continue research on raising awareness

Breaking the trafficking cycle – Employers’ good practice in prevention, recruitment and reintegration

Good practices from employers’ organizations

Anne Knowles
Officer in Charge, Senior Specialist Employers’ Activities
International Labour Organization Sub regional Office for Central and Eastern Europe

Raising Awareness

EOs need to make a business case for NAPs and should require reporting on social elements. There is a growing demand for suppliers to meet shareholders’ requirements. There are different realities on both sides of this situation. It is equally important for multinational companies to understand the particular economies of supplier countries as they could have different national legislations (domestic laws), which could influence economies differently – i.e. hours of overtime vary from country to country, which may give certain countries a competitive advantage.

- Do not only focus on the CSR approach, but also make a link between buyers’ conduct and their CSR people. Ensure that they understand that reporting requirements are becoming more global in regard to global supply chain issues.

Investment is now more applicable in the global supply chain. Not only for exporting companies, but EOs also need to be aware of the implications and how investment can be affected. While developing companies need to be more productive and competitive because they are not only competing with companies in their sub region, but also with those who are aiming for the same market.

A key link between migrant workers and forced labour – a case study:

As skilled labour moves on to other parts, countries will be looking for labour supply – i.e. in construction. This was the case in Malaysia and Vietnam. Malaysia needed a work force and was the largest receiver of workers from Vietnam, in particular for construction. A project between Malaysian and Vietnamese EOs was established. Particular provisions of Malaysian law were translated and sent to Vietnam so that workers and recruiters could understand the situation. This was important for recruiters taking on workers from Vietnam.

Vietnam's Department of Foreign Affairs and other officials were also provided with this information. The information was provided in Vietnamese to Malaysian EOs too.

A workshop was held for all recruiting agencies in Vietnam (84 Vietnamese recruitment agencies attended). The Executive Director of the Malaysian EO conducted the seminar, talking about labour law, and cultural expectations that workers would need to know about (i.e. Malaysia is a Muslim country). He also spoke of taxation issues and remittances organized through banks. From the discussion a Q&A was developed focused on the workers – i.e. social security, healthcare, etc. Any Vietnamese worker, who applied for a visa, got a copy of the requirements and Q&A, including contact details on where to go for help. With all of this information being provided no one could plead ignorance.

This is a good example of how equally important the work is at both the sending and receiving ends in regard to labour migration.

Kunming City (China) EO Anti-Trafficking Initiative:

In the business world, reputation is also important. An EO in the southern Chinese city of Kunming, Yunnan Province, recognized that there were allegations of sweat shops in China. Allegations are easy to make and hard to overcome, and so this EO created a joint initiative with various companies, who wanted to protect their reputation in international markets, to ensure that this issue was addressed internally.

The EO found that many Chinese employers lacked knowledge, awareness and experience in regard to overarching problems of trafficking, including intermediary recruitment and bonded labour. Thus, the EO developed education problems, relying on the CSR to engage in these societal issues.

Employers' Actions:

- Developed codes of conduct
- Used legal channels of employment
- Trained employees on trafficking prevention (especially workers from rural areas)
- Trained to check employees identities (this is important in regard to child labour)
- Established contact with employees' families

- Revealed illegal practices of other employers

Outcomes:

- A greater understanding and awareness of the breadth of forced labour and trafficking
- Shared responsibility
- Elimination of gender discrimination was linked as well (as a result of vulnerable women from rural areas coming to the city for work).
- Employers established trafficking prevention networks.
- They implemented practical actions such as exit interviews. This practice is in place particularly in Vietnam and Cambodia at local textile plants. When an employer receives a resignation from a worker, the company should acquire information on the individual's new employer. This is their social responsibility to protect vulnerable employees against illegal work.
- Exploring long-term mechanisms for combating forced labour and trafficking.

Recommendations for employers regarding migrant workers:

- Review your hiring procedures – do you use intermediaries? Are they legitimate?
- Be aware of what contractual arrangements exist between an intermediary and an employee.
- Be aware of debt bondage. What had to be paid in order to acquire this work? What are workers' costs for accommodation and food? Are they realistic? What are the interest rates that might be payable? These issues should be understood by both sending and receiving countries. Will the use of these intermediaries who abuse people put the country into disrepute?
- Talk about the troubles of trafficking within a company. Focus on induction, but also the dangers of living outside of one's native country and being susceptible to trafficking.

- Look into the issue of holding migrant workers' official documents. There are areas where sometimes national law requires employers to hold on to migrants' documents, like visas. Make sure that migrants have copies of these documents to show the authorities, with the name and address of their employer on it.
- Take care of arrangements with the families of migrant workers. Build a culture of talking with your employees.
- Check contracts to see that all legal requirements have been met – i.e. being paid for overtime work.
- Provide info on workers' rights and responsibilities in their own language and appoint a senior staff person as a liaison.
- Do exit interviews to find out why people are leaving your company. You are responsible to find out if there are any problems in the workplace. Any good company will do this. Ask the worker for the contact details of the new job, the place of work, job description, and how the worker met this person (was it a recruiter or someone off the street?), and if the worker's family knows of the job change.
- Regarding forced labour – review overtime issues. Check the IOE's position on this matter. Is it part of the contractual arrangements?
- The engagement of prison labour is sometimes part of the rehabilitation of prisoners, but this may also be considered forced labour if there is a penalty (i.e. being locked up) if you do not do this work.
- Curb discrimination against workers who come from other countries.
- Ensure that all safety requirements, rights, responsibilities, etc. are in a language that migrants understand.
- Cultural issues – what should be explained to migrant workers in regard to the cultural context of the country where they are working? For example, for the Pacific island employees who work in New Zealand it is very important how you treat someone who is older or above you in rank. You do not look this person in the eye, otherwise it is considered very rude, whereas New Zealanders look people in the eye as a sign of respect and confidence.

How can we implement all of these requirements through governments?

- Develop point systems for immigration as in Canada, Australia, and New Zealand.
- Provide support to workers and families when they arrive in the country – i.e. provide English lessons.

How does one deal with documentation from an Asian migrant worker?

This depends on an employer's awareness and understanding of foreign documents. Thus, there is a need for governments to ensure that rules are the same between receiving and sending countries. Assess what translation is necessary for these documents. Can we employ a person at the embassy to assist these people? This also cuts down the time it takes to hire a person.

Combating Trafficking in Human Beings: Information Campaign at Exit and Entry Points of Ukraine

Joint Project between Concern Galnaftogaz and the IOM

**Svitlana Batsyukova
Counter-Trafficking Unit
International Organization for Migration (IOM) Ukraine**

Concern Galnaftogaz tries to raise awareness on trafficking as part of the Global Compact agreement.

On December 12, 2007, the IOM and Galnaftogaz signed an MOU on anti-trafficking. The regions and countries on Ukraine's north-eastern borders (Lviv, Volyn, Zakarpattya oblasts (Ukraine), Romania, Hungary, Slovakia and Poland) cooperated in this initiative as they are all areas that suffer from human trafficking. The campaign was carried out from January to March 2008.

The company's goals with the campaign:

- Create an information campaign to increase awareness among the general public
- Provide Ukrainians going abroad with information on trafficking
- Provide a hotline number for those going abroad to work

Billboards were created providing the number for the hotline (527), which was established in collaboration by the top three telecommunication providers in Ukraine – Life, Kyivstar and MTC. By calling the hotline, one could obtain information about safety abroad, and the assistance that one can receive in Ukraine if a victim of trafficking. The billboards were put up by gas stations and in cities of the three oblasts (Lviv, Volyn, Zakarpattya) that are situated on borders (exit and entry points).

Results of the campaign:

- The number of phone calls received by the hotline increased by 6.4% (in comparing the three months before the campaign and the three months after the campaign)
- The number of victims identified increased by 63% (from 37 to 50+ victims)
- The number of calls referenced from a billboard rose from 5 to 25
- The Lviv oblast alone experienced an 80% increase in calls

Other Galnaftogaz joint initiatives:

- Galnaftogaz partnered with the IOM and Metro Cash & Carry in 2006 for an award ceremony on combating trafficking.
- Microsoft Ukraine partnered with Galnaftogaz this year on a program that aims to increase combating trafficking with the assistance of NGOs. The Program offers community based computer centres for use by NGOs.
- Western Union also partnered with the company by agreeing to provide information in their offices on trafficking. Western Union is also offering financial support to assist victims of trafficking through psychological health programs, vocational training, etc.
- Therefore, private entities in Ukraine are becoming more and more a valuable asset in combating human trafficking.

Self-regulation of the recruitment industry

Adecco Candidates International Mobility Program - Adecco international recruitment and employment best practices

Dariusz Ptak
Adecco International Mobility
Director, Russia, Eastern Europe & Balkans

Background:

Adecco is a recruitment company, which focuses on providing support for local markets with skilled labour through temporary service, outsourcing, permanent placements, and consulting. Its main activity is to support clients looking for a flexible workforce. Temporary work placements are its primary business, but they also look for permanent workers.

The company wants to supply the industry with initiatives for local regulations. It wants to build positive visibility on the market, and support companies who want to work with the rules of local legislations.

Adecco reports to its headquarters, and has to implement corporate standards for their internal employees. Thus, it offers good training for internal employees in regard to codes of conduct. It provides online training about ethics, dealing with clients and candidates, avoiding unequal and illegal situations. Adecco works in 16 countries and so it needs to implement the same standards across the board. As such, it follows the ILO rules – especially Article 8 of ILO C181, which addresses cross-border recruitment.

There are more than 200 local Adecco branches in the Eastern European zone. Branches have all the information on job opportunities in various countries across Europe.

Adecco wants to help people find a safe working environment in the country where they are seeking a job. For example, if Adecco recruits someone in Romania and assigns the candidate to France, it ensures that the worker's final destination point is his/her company of employment, thus taking responsibility for that candidate.

The Recruitment/Selection Process:

Adecco has implemented standards and set clear steps on how to recruit, select and deal with candidates when they go abroad:

Pre-selection:

- Adecco discusses the expectations and employment standards of the company where the candidate will work, as well as cultural and communication differences. The company has a centre where it can provide candidates with a basic knowledge of the destination country's language. Training continues after candidates arrive in their destination country.
- Adecco has developed a booklet on the culture (customs) of each destination country, in which the country's social environment for workers is presented.
- This process also ensures the prevention of lost costs. Adecco makes sure that a person wants to go to a certain country, so it does not have to pay for the costs of returning that candidate back to his/her own country.

Phone interview:

- Establish candidate's education and level of experience for applied job

Face to face interview:

- In the personal interview Adecco looks into the candidate's suitability for a job, and evaluates the candidate's level of education and job experience

Tests:

- The company does a practical language check with the candidate, and conducts expert tests online and in Adecco test centres.

References:

- A reference check is done on the candidate.

Final selection is made

Best practices:

Adecco has organized testing centres for trades, where practical testing takes place before a candidate leaves the country. For example, the company organized a school for welders because of the lack of welders in Europe and the need to upgrade these workers' skills before departure. Adecco accepts 400 people per week at its training centres. The company also holds courses for drivers. The company's courses are just at the beginning stage, but it is a good practice for companies to establish since Eastern Europe has many unskilled labourers due to the lack of good education systems.

Adecco also helps to re-integrate workers coming back into their native country. The company offers jobs that are now available to labourers in their own country. In 2004, approximately 2 million people left Poland, and now the country does not have enough skilled employees.

Adecco has an agreement in place between Ukraine and Poland for Ukrainians to work in Poland for 6 months within a three year period, but this system does not work because it offers too short a period of time abroad.

Understanding the core activity in recruitment:

- Integrating workers in host and native countries is a clear goal of the company.
- Adecco's vision: "better work, better life"

Adecco helps migrants with full integration in the receiving country, including the legal aspects of working abroad – setting up visas, bank accounts, etc. Most of the time when migrants work abroad they have a goal for the money they earn – i.e. update machinery for the farm or business, provide more for his/her family (improve one's standard of living), etc. Low-medium skilled workers do this. High skilled workers usually go for longer periods of time. On average, it takes 4 to 6 weeks to recruit people for our clients and training takes about half a year.

Training for soft skills – i.e. carpenters, builders, etc. (language training, basic communication) takes 6 weeks. For nurses it takes half a year to complete the communication training. Hard skills like welding – just upgrading them – take more than 2 months to complete the courses.

Adecco has contracts signed in both the host and sending country's languages. The company cannot punish anyone for leaving because they have the right to do so. That is why Adecco focuses on country information, and upgrading skills. If the workers are in a good situation, they will not want to leave. We are always learning how to improve the company in order to keep employees at their jobs. The four week training also helps people to integrate because they live together during that training period and so are less likely to leave each other later too.

The situation is changing in Poland and so that is why some Poles are returning because they are now being offered better wages for the same jobs they did in foreign countries.

But even if they have i.e. a good house in their own country, like in Romania, migrants may leave their homeland not just for the money, but for a better life for themselves and their children. They may not come back until pension perhaps.

Adecco accepts Ukrainians already working in Poland for new jobs. Adecco is looking for channels on how to get through to these people in the Ukrainian language. Approximately 150 000 irregular Ukrainians are working in Poland, and we want to work on getting these people into legal jobs.

Self-regulation of private employment agencies – The Moldovan experience

Mefodie Virlan

National Confederation of Moldovan Employers

The key purpose of this workshop is to discuss how to prevent the massive outflow of the workforce abroad, and this is a major problem in Moldova. The other difficulty is that destination countries do not always have Moldovan embassies and so it takes longer to process documents for workers who would like to go abroad. The authorities are also often reluctant to do so.

The brain drain in Moldova peaked in the late 1990s because the economic situation in country was very bad. There have been violations in this process – enormous violations. Moldova needs to legalize this process in order to make it legitimate. In 2000, the government passed a law on employment to regulate recruitment agencies. The law states that recruitment services should be offered for free, but we know that there are sometimes charges for these services – and sometimes they are quite big.

Moldova has a shortage of manpower, and if the visa regime becomes simpler for Moldova with the EU, then more people will leave, which will result in broken families, pension difficulties, and children without parents.

The regulations are still under government control because it wants to control the wrongdoings of these agencies. While domestic companies suffer because they cannot always find people for jobs. The result is that domestic jobs are now paying their workers as much as those abroad.

I hope that over time, the pressure on wages and salaries will go down in Moldova. This is a good prerequisite to bring Moldovans back to the country. The Dutch Syndrome (consume what you earn) has been overcome in the country as well. People have started to re-invest their earnings into Moldova, but the government is trying to control the process of remittances coming in from abroad.

On an annual basis, Moldova receives 1 million euro in remittances from abroad. However, the banking system can easily suspend these funds for several weeks at a time for various, arbitrary reasons – i.e. new taxes (which is to the government's benefit).

Reintegration and assistance to migrant workers

Promotion of return of migrant workers

**Roxana Prodan
Vice President**

Alliance of the Romanian Employers' Confederation

The problem of re-integrating Romanians, who return from abroad, has only been with Romanian authorities for the last several months. This makes for a complex situation as most workers have migrated abroad with their families. There is no solution yet as this is a new issue for the authorities.

According to the mass media, between 1.2 million and 3 million migrants have left Romania, but further details on who these migrants are not available. A Soros Foundation study stated that migration out of Romania started in 1992 and exploded in 2000 when visas for entering EU countries were no longer required. Without the massive migration many people would be unemployed in Romania as a result of the fallen economic system after the USSR disbanded.

Romanians were welcomed by the host countries as they took on jobs that qualified nationals did not want - mostly jobs in agriculture and construction. The Romanian government's concern rose once employers started complaining about the lack of a workforce. In 1989, 8 million people were employed across the country. Now, approximately 5 million are working internally, and it is assumed that the other 3 million are working abroad. According to the Ministry of Labour, Romania has a deficit of 100 000 employees. According to employers in the construction sector, there is a deficit of 300 000 labourers.

We are now trying to desperately bring workers back from abroad. Job fairs were organized in Italy and Spain, but were not very successful. Even those who found good jobs back in Romania did not come back because they did not know what they would do with the rest of their families. For example, women abroad can work as housekeepers, in childcare, caring for the elderly, etc. and make good money doing this. These women would not have the same opportunities in Romania. According to a Ministry of Labour study, most of those who have returned to work in Romania are doing so without a contract, are self-employed or unemployed.

The Romanian mentality is that it is easier to move around externally than internally. It is not profitable for Romanians from poorer rural areas to move to bigger cities where there is a deficit in the workforce because the salary they would be paid would not cover their living expenses. For example, renting apartments is very difficult in Romanian cities. The price of an apartment in Bucharest is the same, if not more than an apartment in Brussels, but an employer cannot offer accommodation to its workers on top of their salaries because it is just too expensive. So the cycle continues.

Romanian Ministry of Labour had in the last several days, organized the first national debate on labour migration. She hopes this is the beginning to an eventual solution.

FEEDBACK AND RECOMMENDATIONS FROM WORKSHOP PARTICIPANTS

Union of Lessees and Entrepreneurs of Ukraine (Mr. Viktor Khmilyovskyi, President):

The points stated in the seminar were very good. I was convinced of the root causes for forced labour and trafficking, and in view of that, it is advisable to keep uniting efforts of governmental institutions and authorities – the State Employment Service, Ministries of Labour, etc. – with employers. By combining our efforts we can achieve integrated efforts to coordinate labour migration across countries.

It is also important to make sure that legislation in every country has the mandatory involvement of employers. Labour migration will no longer be criminal if governments get involved. Responsibility should be put on employers too when taking on labour migrants.

Another concern is the lack of public understanding of this problem in Ukraine, where irregular labour migrants often end up paying for their slavery. Thus, we need powerful educational propaganda in regard to child and forced labour. We did something similar a few years back. We have the “Employer” magazine, which is a good start to an educational campaign both for employers and employment services that we cooperate with.

The ILO should focus on this as they provide financing for such projects. When it comes to implementing international projects, there should be equal opportunity for any employer organizations to participate, especially those that employ foreign workers. We will then see a new quality of relationship.

Bulgarian Industrial Capital Association (Ms. Mariana Trifonova, Ms. Silvia Benyova):

The seminar has been very interesting. We passed a strategy on migration in Bulgaria until 2015. One of the strategy’s goals is to find policy, which would enable a balanced acceptance of high skilled labour so that we would be able to meet the demands of employers and Bulgaria’s economy. We realize that this is an issue faced by all countries joining the EU, and so it was very interesting being exposed to best practices and areas of concern.

We also realize that we will have an uphill battle with the implementation of this strategy. We are going to have to develop a lot of paperwork and documents, which will help us to examine all of the needs we see within the country. Apart from that, we will be able to see where we lack a labour force in Bulgaria – where the gaps are. Based on that, we will develop different contracts and partnership agreements with countries.

We are going to consider having requirements placed on source countries and on receiving countries. Thus, any assistance from any country working on these issues is very welcome, as well from the ILO. Is it possible for the ILO to fund those projects?

All Bulgarian employer organizations have come to work together to address these issues, and that is the difference between Bulgaria and other countries – where the others have not yet achieved that unity. At this point in time, our EO chairs this association of employers. The chairmanship is rotational, but we could be a coordinator for a project that addresses issues of the labour force. Such a project could involve different countries. The project results would be beneficial to everyone because problems and concerns are pretty much the same across the board – some are more advanced in addressing problems, while some are not – that is the only difference.

We believe that the ILO could unite the labour force for all receiving and sending countries – develop rules for everyone to follow. It could develop standards that all countries would have to follow.

OSCE (Mr. Hlib Yasnytsky, Human Rights Programme Officer):

The presentations made at this workshop were very interesting – lots of information. We received information on the experiences of the other countries.

Practices that are success stories can be implemented in Ukraine, which is pretty much, a source country. But now, Ukraine is also becoming a host country and those migrants end up in unregulated systems. We need to understand why EOs should get involved in combating forced labour and trafficking, and what role they can play in this. The comments heard at the workshop enable us to see why EOs can and should be involved in private dialogue. Thus, it is important for private businesses to get involved.

One activity to be pursued is what was addressed on socially responsible business. For the time being, Ukraine doesn't have a full understanding of what corporate responsibility is, let alone the public in general. So, we need to look into perceptions and ideas regarding socially responsible business and how this theory can be put into practice in Ukraine. Is this a growing problem today? Or can it be put into the background? Is it an urgent matter? Or is it not yet mature enough in Ukraine right now?

Alliance of the Romanian Employers' Confederation (Ms. Roxana Prodan, Vice President):

The main idea is to increase employer responsibility. We have to take care of our people. We need legal hiring channels. The exchange of information is very useful so as not to re-invent the wheel if it already exists. We need to apply good practices to migration because regardless, we will have irregular migration, and we need to deal with what is at hand.

La Strada-Ukraine (Ms. Larisa Jerebtsova):

Our organization seeks to prevent trafficking and domestic violence – so we pursue prevention and aid to victims (medical attention, legal and social aid). This workshop has been useful. It is good to see employers taking care of improvements in this area.

We are involved in quite a lot of projects, including with the ILO and the OSCE. We released several brochures lately on country information for migrants – i.e. for the UK (culture, traditions, dos and don'ts). This is invaluable information, which is in demand by the public.

Kyiv City Employers Organization (Ms. Zoya Pavlyshyn):

We had our top skilled colleagues at the workshop and we learned a lot. Some things never crossed mine or my organization's mind. It gives us a lot of hope that over time we are going to jump on the bandwagon and will support these activity lines.

Ternopil Oblast Employers' Organization (Mr. Valeriy Smirnov, Acting Director):

We were exposed to a lot of practical advice. It is clear that a lot of the things being done are out of patriotism, but by and large we did not see any officials at the seminar who are

responsible for passing laws on the issues we discussed. Maybe the government in Ukraine likes the status quo.

Confederation of Employers of Ukraine (Mr. Dmytro Tolkachov, Law Department):

We wonder how Ukrainians are doing in foreign countries. We would like to hear more from representatives from those countries where Ukrainians are. We would like to hear more from state employees about these issues, as many jobs are also state run.

We operate nationwide, so we try to set up an enabling environment for business and decent labour. After this workshop we are launching an awareness campaign. Affiliated organizations will be updated. We would like to see more seminars like this, but we would also like to see them attended by more state employees who make legal decisions.

Mykolayiv Oblast State Administration, Main Department of Labour and Social Protection of the Population (Ms. Olga Syvoplias, Head of Department):

The workshop was very useful and valuable, and I have been relaying this information back to colleagues in my Department. It is good to have communication with internal and external organizations, and with the ILO.

In Mykolayiv, organizations are licensed to send people for employment abroad – Italy, Spain and the Czech Republic. I think that we will now change some of the agencies' practices because we now know what they should be like.

In Mykolayiv there is an association of employers. We keep in touch with them and with employment centres. We would like to get more information and updates to use in information campaigns in Mykolayiv. We inspect the operations of these organizations so we need to know what these people should do if they want to get employed in other countries. I feel that people in my area do not know enough about these practices.

We have learned a lot more about the motivations of EOs to combat this phenomenon in their countries. This is important because Euro Cup 2012 is coming up. At a Ministry of Labour and Social Policy of Ukraine meeting, we tried to see what opportunities and threats Euro 2012 might bring. One threat is the potential inflow of irregular migrants in order to

construct some sites cheaply and quickly. But once construction is completed, what do you do with that labour force? We need to monitor that they all go back to their own countries. If they do not, they could become competition for Ukrainian workers. Thus, it is a good idea to have local authorities monitoring the paychecks of these workers to make sure that no one is getting paid much lower than they are supposed to. This way, employers will employ local workers instead of looking to cheap foreign labour because they will have to pay the same price for labour. The next workshop should focus on Euro Cup 2012.

IOM (Ms. Svitlana Batsyukova, Counter-Trafficking Unit):

There have been lots of important insights. A few years back in Kyiv, no one ever talked about social responsibility projects. They did not even think of the idea. But then a number of conferences were held, the ILO got involved, and soon after, the IOM. So private businesses are becoming more aware of the situation and CSR is becoming more popular in Ukraine.

ILO (Ms. Valeriya Taran, ILO Anti-Trafficking Programme in Ukraine):

It is important to look at the motives of getting into social responsibility. It was nice to see practical issues being presented – not just theories.

ILO (Mr. Vasyl Kostrytsya, ILO National Coordinator in Ukraine):

The Minister of Labour of Ukraine takes global/European standards very seriously and works to implement these as much as possible. Representative of the Mykolayiv Oblast State Administration is right – information needs to reach all the right channels – government, NGOs, etc., and it should be put to use, not just put on the shelf.

The information discussed at the workshop is relevant to Ukraine today. A couple of days back, a draft labour bill was introduced for reading in Parliament. Tomorrow, a national conference on modernizing labour development will be held in Ukraine.

Every participant voiced their satisfaction in attending this workshop for its informative materials and presentations on various important aspects of forced labour and human trafficking. At the conclusion of the workshop many participants stated that they felt more informed about the situation of forced labour and human trafficking, and understood what actions need to be taken to prevent these phenomena within their own countries.

Employers' organizations were also satisfied with the information provided on corporate social responsibility and the importance of their active participation within this sphere of business. Many EOs walked away feeling more informed as to their roles in CSR and best practices on how to implement this trend.

Overall, there was an understanding that no one country stands alone in the fight against forced labour and human trafficking. It is an ever-increasing problem experienced by every country in the world due to factors of globalization and failed economies. This gave participants all the more incentive to continue their course of action in developing preventative measures in cooperation with the governments, NGOs and businesses of both source and destination countries.

SUMMARY OF WORKSHOP RESULTS

The workshop's results were a good reflection on the ILO's objectives and expected results:

- Raised awareness of participants at the workshop of the problems of forced labour and human trafficking within Eastern Europe and globally;
- Information sharing between participants present on best practices on dealing with and preventing situations of forced labour and human trafficking, as well as reintegrating migrant workers and victims of human trafficking within the labour market;
- Opportunity for participants from source countries that are currently becoming destination countries to listen to the experiences of employers in destination countries for migrant workers and trafficking victims
- Increased understanding of the importance of National Anti-Trafficking Action Plans against human trafficking and forced labour and the role of EOs in the implementation;
- Increased understanding of the importance of recruitment agency regulation to prevent abusive forms of recruitment, the unregulated outflows of labour and situations of forced labour and human trafficking;
- Increased understanding of EOs of the important role that they play in guarding their business and regional reputations, their countries' economic markets, in enforcing CSR, and preventing situations of forced labour and human trafficking within their countries.



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ICMPD

International Centre for
Migration Policy Development



**International Labour Organization
International Center for Migration Policy Development
Federation of Employers of Ukraine**

**Regional Workshop for Employers' Organisations
On Strategies against Human Trafficking and Forced Labour**

**"Slaviansky Hall", Hotel Lybid, 1, Peremogy square, Kiev, Ukraine
May 21st-22nd, 2008**

AGENDA

Wednesday, 21 May 2008

- | | |
|---------------|---|
| 9:30 – 10:00 | Registration of participants |
| 10:00 – 10:30 | Welcome address
<i>Volodymyr Gryshchenko, Director General, Federation of Employers of Ukraine</i>
<i>Vasyl Kostrytsya, ILO National Coordinator in Ukraine</i> |
| 10:30 – 11:15 | Reasons for employers' organizations engagement
<i>Anne Knowles, Officer in Charge, Senior Specialist Employers' Activities, ILO Sub regional Office for Central and Eastern Europe</i>
Questions and answers |
| 11:15 – 11:45 | Coffee break |
| 11:45 – 13:15 | Session I. Policies and action plans on human trafficking –
The role of employers' organisations and business
Employers' response to human trafficking – The example of Ukraine
<i>Volodymyr Gryshchenko, Director General, Federation of Employers of Ukraine</i>
Trafficking in human beings – The Bulgarian response |

Mariana Trifonova, Bulgarian Industrial Capital Association
Silvia Benyova, Bulgarian Industrial Capital Association
National Action Plans and provisions for employers – Findings of the ILO database
Anne Pawletta, ILO, Programme Officer, Special Action Programme to Combat Forced Labour
Discussion

13:15 – 14:15

Lunch

14:15 – 14:45

Video: A global alliance against forced labour

14:45 – 16:00

Session II. Corporate Social Responsibility and supply chain management

The Global Compact, Ukraine

Anna Danylyuk, assistant to the Office of the Resident Coordinator, UN Global Compact

Supply chain management

Tatyana Babenko, Head of Corporate Communications, METRO Cash & Carry, Ukraine

Discussion

16:00 – 16:30

Coffee break

16:30 – 17:30

Employers' survey on human trafficking and forced labour

The purpose of employers' surveys

Anne Pawletta, ILO, Programme Officer, Special Action Programme to Combat Forced Labour

Preliminary results of the employers' survey in Ukraine

Gulbarshyn Chepurko, expert, Centre of Social Expertise of the Institute of Sociology (National Academy of Sciences of Ukraine)

Questions and answers

18:00

Dinner

Thursday, 22 May 2008

10:00 – 11:00

Session III. International efforts against human trafficking and forced labour

The policy of the International Organisation of Employers

Anne Pawletta, ILO, Programme Officer, Special Action Programme to Combat Forced Labour

The ILO Business Alliance

Philip Hunter, ILO, Special Action Programme to Combat Forced Labour

Discussion

- Breaking the trafficking cycle – Employers’ good practice in prevention, recruitment and reintegration**
- 11:00 – 11:30 **Good practices from employers’ organizations**
Anne Knowles, Anne Knowles, Officer in Charge, Senior Specialist Employers’ Activities, ILO Sub regional Office for Central and Eastern Europe
- 11:30 – 12:00 **Coffee break**
- 12:00 – 12:30 **Prevention through awareness raising and active migration management**
Joint awareness raising campaign in Ukraine
Svitlana Batsyukova, Counter-Trafficking Unit, IOM Ukraine
- 12:30 – 13:15 **Self-regulation of the recruitment industry**
Adecco Candidates International Mobility Program - Adecco international recruitment and employment best practices
Dariusz Ptak, Adecco International Mobility Director, Russia, Eastern Europe & Balkans
Self-regulation of private employment agencies – The Moldovan experience
Mefodie Virlan, National Confederation of Moldovan Employers
- 13:15 – 13:45 **Reintegration and assistance to migrant workers**
Promotion of return of migrant workers
Roxana Prodan, Alliance of the Romanian Employers’ Confederation
- 13:45 – 14:45 **Lunch**
- 14:45 – 16:00 **Recommendations from the workshop participants & final discussion**

ANNEX 2 – LIST OF WORKSHOP PARTICIPANTS



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**International Labour Organization
International Center for Migration Policy Development
Federation of Employers of Ukraine**

Regional Workshop for Employers' Organizations on Strategies against Human Trafficking and Forced Labour

**"Slaviansky Hall", Hotel Lybid, 1, Peremogy square, Kiev, Ukraine
May 21st-22nd, 2008**

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