



Australian Government
Australian Institute of Criminology

Labour trafficking: Briefing on recent AIC research.

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Today: labour trafficking

- About the research.
- Issues arising in the research:
 - “Front line” awareness.
 - The information we have: cases / context.
 - The information we don’t have.



Research focus: (non-sex industry) labour trafficking

- Trafficking as defined UN Trafficking Protocol...
- Where the exploitative purpose (sexual exploitation, forced labour, slavery, slavery like practice)...
- Occurs in a context other than the sex industry.



Trafficking in persons

1. An **action**: the recruitment, transfer, harbouring, receipt of persons
 1. By **means** of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person
2. For the **purpose of exploitation**: the exploitation of the prostitution of others, sexual exploitation, forced labour, slavery and slavery like practices, servitude, removal of organs.

UN Trafficking Protocol, Article 3(a).



1. Awareness of labour “trafficking”



- As a concept with broad application.
- As a set of options / responses.
- Low awareness.



2. The information we have: reported crime.

Australian Federal Police:

- 250 + investigations / assessments.
- 20% industries other than sex industry.
- Agriculture, domestic work, hospitality.



The information we have

Prosecutions:

Known:

- *Rasalingam* case: forced labour / chef.
- *Kovacs*: slavery / sex assault, domestic.

Unknown:

- Other Federal?
- Other under State law?



The information we have...

Cth victim support program (Office for Women):

- 128 clients, May 04 - March 09.
 - 113 clients: sex industry.
 - 15 clients: agriculture, domestic, hospitality, construction.
- Recent changes client profile.



The information we have: unreported crime?

Salvation Army service, Sydney.

- 18 months operation: 50 referrals, 30 clients.
- Of 30 clients, 6 “reported”; 24 not “reported” to AFP.



The information we have: unions etc

Some clear cases of forced labour:

- Domestic workers (Bangladesh, India, Indonesia, Philippines)
- Construction workers (Cook Islands).
- Nurses / cleaning (Philippines).
- Stonemasons (India).

Lots of borderline cases:

- Hospitality, trades.



Finding the line...



“We want to tell you about our situation here. We have no salary on board for almost 7 months. Every day water rationed even when we are in d’port. We have no rest even on Sundays when the captain has us working. Even on holidays have to work because have guaranteed overtime. This captain tells us send him home, already sent two crew home...”



The migration context: “migrant workers”, visa holders?

- Working holiday makers.
- Domestic workers (diplomats, senior execs).
- International students.
- “Illegal” workers.
- Maritime crew visas.
- Recent arrivals (spouse, refugee).
- No visa required (NZ).
- Subclass 457s and spouses.



457 visa review: “Exploitation” claims well founded.

Problems:

- Exploitation ASCO 4 -7 (cooks, chefs, trades)
- Wage disparity country of origin.

Issues:

- Sponsorship requirement: bonded?
- Permanent residency: incentive / threat.
- How much is “forced labour” or “slavery”?



3. The information we do not have.

- Prevalence?
- Agriculture / fishing?
- Some communities?
- Spouses 457 visas?
- Beyond visa holders and migrants?