Social Fieldwork Research (FRANET)

Severe forms of Labour Exploitation

Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States

Greece, 2014

FRANET contractor: Centre for European Constitutional Law (CECL)
Author: Social Expert on qualitative fieldwork research: Xenia Chryssochoou,
Legal Expert: Apostolis Kapsalis,
Social Experts/ Researchers: Artemis Griva, Christos Iliadis, Konstantinos Markidis, Spyridoula Ntani, Eleni Takou, Filyra Vlastou

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Categories of interviewees:

Nine categories of experts working in the context of labour exploitation took part in the interviews and focus groups:

M – Monitoring bodies (such as labour inspectorates, health and safety bodies)

P – Police and law enforcement bodies

S – Victim support organisations

J – Judges and prosecutors

L – Lawyers

R – Recruitment and employment agencies

W – Workers' organisations, trade unions

E – Employers' organisations

N – National policy experts at Member State level.

FG – Focus Group

Throughout this report, references to these groups as 'M', 'P' etc. are to be understood as referring to the above-named 9 categories.

Where [M(X)] appears, this denotes the group from which the referenced interviewee came, in addition to the number of interviewees from that group referenced (for example, if a statement is supported by references to three interviewees from the M group, two from the S group and one from the J group, the reference will read '[M(3); S(2); J(1)]. Likewise, if a statement is supported by statements from interviewees who participated in focus groups (in the following example, a lawyer), the reference will read '[FG(L)]'.

For data protection reasons, no names of interviewees have been mentioned.

1. Introduction, including short description of fieldwork

This research took place between 20 February 2014 and 7 July 2014 in Greece and included 30 individual semi-structured interviews, one focus group discussion and 10 case studies as follows:

Interviews

Monitoring bodies: Total of 5 interviews

Police: Total of 5 interviews

Victim Support Organisations: Total of 7 interviews

Prosecutors or Judges: Total of 3 interviews

Lawyers: Total of 3 interviews

Representatives of recruitment, employment or temporary work agencies: 1 private agency

Representatives of migrant workers or workers rights: Total of 3 interviews

Employers Organisations: 2 interviews

National Expert: 1 interview

Focus Group: Five participants, duration 2.5 hours [L(1); M(1); P(1); S(1); W(1)]

Additional themes discussed in the focus group were (in no particular order): a) the difficulty of being recognised as a victim of labour exploitation, and how the immigration status (illegal presence) can prevent the recognition of the exploitation b) the fact that the burden of proof lies with the worker, c) how victims can feel that justice is done if it takes years for a decision to be issued, d) the difficulty of applying preventive controls, e) the role of the economic crisis, f) what would be an effective strategy to prevent labour exploitation of migrants and what can be practically done besides the institutional framework, g) what is understood as labour exploitation and what is the difference between this and trafficking, h) how the educational level of immigrants can play a role.

Case Studies: 10 cases

The sample presented above is a close match of our initial sample. During the fieldwork we encountered difficulties in getting participants from the police, but the final sample includes relevant participants from this body. Moreover, despite continuous efforts, we were only able to interview one participant from a private recruitment agency.

2. Legal framework

The legislation criminalising slavery is article 323 of the penal code[1] which states the following:
"1. Anyone using violence, threats or other coercive means or the imposition or abuse of authority, hires, transfers, promotes within or away from the Greek territory, detains, encourages, delivers with or without any exchange to another party or receives from another party in order to remove cell tissue or body organs ***or to himself or another person exploit his work or begging****, is to be punished with imprisonment of up to ten years and a fine of between 10,000 and 50,000 Euros.*
2. The sentence of the preceding paragraph is punishable against the perpetrator if, in order to achieve the same purpose, he extorts the consent of the person using ***fraudulent means*** *or, takes advantage of their* ***vulnerable position****, with promises, gifts, payments or other benefits.*
3. Anyone who knowingly accepts the ***work*** *and* ***services*** *of a person in the conditions described in paragraphs 1 and 2, or the proceeds from the* ***begging*** *of that person, shall be punished with imprisonment of at least six months."*

Paragraph 4 of article 323 A of the penal code[2] stipulates that:
"4. With at least ten years imprisonment and a fine from 50,000 to 100,000 Euro, the perpetrator is punished in accordance with the preceding paragraphs, if the act: a) ***is against a minor or a person physically or mentally disabled****, b) is performed professionally, c) is performed by an assistant who commits or takes part in the act taking advantage of his position, d) resulted in the serious physical harm of the victim".*

The main article ***323[A]*** of the penal code has been modified by Law 4198/2013 "Prevention of and fighting human trafficking, protection of its victims and other dispositions[3]"

Paragraph. 1 and Paragraph. 4 of article 323[A] have been replaced by article 2 paragraphs 3 & 4 respectively of Law 4198/2013 Official Gazette of the Government ΦΕΚ A 215/11.10.2013.

1. Anyone using violence, threats or other coercive means or the imposition or abuse of authority, or with abduction, hires, transfers, promotes within or away from the Greek territory, detains, encourages, delivers with or without any exchange to another party or receives from another party in order to remove cell tissue or body organs to himself or for another person to exploit his work or begging, is to be punished with imprisonment of up to ten years and a fine of between 10,000 and 50,000 Euros.

[1] Greece, Penal Code, Article 323 'Slave trade' *('Εμπόριο Δούλων')* (1951), available in Greek at *www.ministryofjustice.gr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/el-GR/Default.aspx*.
[2] www.ministryofjustice.gr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F%CE%A3%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3/tabid/432/language/el-GR/Default.aspx [in Greek].
[3] Greece, Law 4198/2013 'Prevention of and fighting human trafficking, protection of its victims and other dispositions' *('Πρόληψη και καταπολέμηση της εμπορίας ανθρώπων και προστασία των θυμάτων αυτής και άλλες διατάξεις')* (OG A' 215/11.10.2013), available in Greek at: www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=fryOvBOh3Lg%3D&tabid=132.

2. The sentence of the preceding paragraph is punishable against the perpetrator if, in order to achieve the same purpose, he extorts the consent of the person using ***fraudulent means*** *or takes advantage of their* ***vulnerable position*** *with promises, gifts, payments or other benefits.*

3. Anyone who knowingly accepts the ***work*** *of someone in the conditions described in paragraphs 1 and 2, or the proceeds from the* ***begging*** *of that person, shall be punished with imprisonment of at least six months."*

4. With at least ten years imprisonment and a fine from 50,000 to 100,000 Euro the perpetrator is punished in accordance with the preceding paragraphs, if the act: a) ***is against a minor or a person physically or mentally disabled****, b) is performed professionally, c) is performed by an employee who commits or takes part in the act taking advantage of his position, d) results in the serious physical harm of the victim or put his life in danger".*

5. Whoever uses the means of paragraphs 1 and 2 to recruit a minor in order to use him/her in military conflicts is punished with at least 10 years imprisonment and a fine *from 50,000 to 100,000 Euro.*

6. If the act results in death, according to the previous paragraph, the perpetrator is punished with life imprisonment.

There is relatively recent legislation covering most of the forms of human trafficking[4] which are mainly the slave trade, forced labour, human trafficking, forced begging and solicitation to prostitution.
The two main provisions of the Penal Code that punish human trafficking are 351 (Solicitation to prostitution) and 323A (human trafficking) which focus on three specific forms: labour exploitation, the removal of body organs and the recruitment of minors for their use in armed conflict.
Law 3064/2002 refers to several articles of the penal code and was modified by subsequent laws such as Law 3875/2010[5] .
This recent law modifies some important dispositions of the fundamental immigration law 3386/2005[6] "*Entry, residence and social inclusion of third country nationals in the Greek Territory*"
The new legislation (Law 3875/2010) provides that a third country national who has been designated a victim of trafficking by an act of the competent public prosecutor, a residence

[4] Greece, Law 3064/2002 'Fighting trafficking, crimes against sexual freedom, child pornography and generally the economic exploitation of sexual life and assistance to victims of such acts' *('Καταπολέμηση της εμπορίας ανθρώπων, των εγκλημάτων, της πορνογραφίας ανηλίκων και γενικότερα της οικονομικής εκμετάλλευσης της γενετήσιας ζωής και αρωγή στα θύματα των πράξεων αυτών')* (OG A' 248/15.10.2002).
[5] Greece, Law 3875/2010 'Ratification and implementation of the UN Convention against transnational organized crime and its three Protocols thereto and related provisions' *('Κύρωση και εφαρμογή της Σύμβασης των Ηνωμένων Εθνών κατά του Διεθνικού Οργανωμένου Εγκλήματος και των τριών Πρωτοκόλλων και συναφείς διατάξεις')* (OG A' 158/20.9.2010), available at: www.isotita.gr/var/uploads/NOMOTHESIA/VIOLENCE/%CE%9D%20%203875-2010%20trafficking.pdf [in Greek].
[6] Greece, Law 3386/2005 'Entry, residence and social inclusion of third country nationals in the Greek Territory' *('Είσοδος, διαμονή και κοινωνική ένταξη υπηκόων τρίτων χωρών στην Ελληνική Επικράτεια')* (OG A' 212/23.8.2005), available at: www.elinyae.gr/el/lib_file_upload/212a_05.1149574763509.pdf [in Greek].

of twelve months is issued if he/she cooperates in combating human trafficking, which is renewed each time for one more year to facilitate ongoing investigations or criminal proceedings. Moreover, the right to recognition as a victim of illegal trafficking of migrants is secured, even if legal proceedings have not been started[7]. ***The "new" article 1 of Law 3386/2005 provides specific definitions about both the trafficking victim and the victim of human trafficking***.

Under the new law 4251/2014 (01.04.2014) which groups dispositions on migration into a single legal text (Migration Code), art. 1 of Law 3386/2005 has been abolished (by article 139 para. 1 of Law 4251/2014).

Article 1 of law 4251/2014 on specific definitions now explicitly provides the following in its first paragraph:

"ia) Victim of human trafficking is both the natural person whom there are reasonable grounds to consider a victim of any of the offenses referred to in Articles 323, 323A, 323B, 339 paragraphs 1 and 4, 342 paragraphs 1 and 2, 348A, 348B, 349, 351 and 351A of the Penal Code, before respective criminal proceedings are initiated, as well as the person against whom any of the above offenses was committed and respective criminal proceedings were initiated, regardless of whether the person has entered the country legally or illegally. Victim of trafficking, as per the previous paragraph, is the victim of the offense referred to under Article 336 of the Penal Code, when this person is a minor. The classification as "victim of human trafficking" is attributed by an Act of the competent Public Prosecutor, both immediately after initiation of criminal prosecution for an offense referred to in Articles 323, 323A, 323B, 339 paragraphs 1 and 4, 342 paragraphs 1 and 2, 348A, 348B, 349, 351 and 351A of the Penal Code, as well as prior to the initiation of criminal prosecution for any of these offences. In the latter case, issuing this Act requires the written opinion by two scientists specialized in psychiatry, psychology or social work, who serve in a Department or Unit for the Protection and Assistance as provided in Articles 2, 3 and 4 of Presidential Decree 233/2003, as applicable, or in the First Reception Service, NGOs or IOM or in International Organizations or in other qualified and state recognised bodies offering protection and assistance in accordance with the provisions of Articles 2, 3 and 4 of P.D. 233/2003. The Classification Act is issued regardless of whether the victim cooperates with the law enforcement services, in those cases where the Public Prosecutor considers, upon the assent of the Appeals Prosecutor, that the requirements of Article 1 par. 2 of P.D. 233/2003 are met, or that the victim does not cooperate due to threats against family members who reside either in Greece or in the country of origin or elsewhere and that, if the victim is not protected or is removed from the country the said family members face imminent danger. The above procedure also applies to a person classified as a "victim of trafficking in migrants", as defined in case ib' of this article.

ib) victims of trafficking in migrants is both the natural person whom there are reasonable grounds to consider a victim of any of the offenses referred to in Articles 29 paragraphs 5 and 6 and 30 of the present, when committed by criminal organizations, as per Article 187 par. 1 of the Penal Code, before respective criminal proceedings are initiated, as well as the person against whom any of the above offenses was committed and respective criminal proceedings were initiated, insomuch as the person has entered the country illegally.

[7] Greece, Law 4251/2014 (art. 1) 'Migration Code and Social inclusion Code and other dispositions*' ('Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις')* (OG A' 80/1.4.2014).

Directive 2009/52 has been transposed into Greek legislation by Law 4052/2012 (OG A' 41/1.3.2012)[8]. Article 9 of the Directive has been transposed by article 88 of the previous law providing set punishments as regards these three specific crime acts: particularly exploitative conditions (9[1]c), exploiting a victim of human trafficking (9[1]d), illegal employment of minors(9[1]e). In particular, the crime stated in case 9 (1) d of the directive is punished under the provisions of pars. 3 of article 323 A of the penal code mentioned above.
The above mentioned are the basic legal provisions as regards the labour exploitation of migrants. However, it should be noted that, very recently, new provisions of law have been introduced. Law 4198/2013, which incorporates Directive 2011/36 into Greek law, along with Law 4251/2014, which codifies the legal framework for migrants (see above for the provisions relevant to human trafficking).

[8] www.eaed.gr/attachments/4495_n.4052_12.pdf) [in Greek].

3. Labour exploitation and the institutional setting

3.1 Tasks of institutions involved in preventing labour exploitation and in enabling victims to access justice

This section presents the mandate of the different institutions that are fighting labour exploitation and includes a description of each organisation's mandate and its collaboration with other bodies. This collaboration runs smoothly, although the economic crisis has undermined some of its aspects. The salient point of this section is the lack of resources of monitoring bodies that undermines the efforts made to combat labor exploitation.

Police

The Group For Combating Human Trafficking (OKEA), a department in the Police service, was set up in April 2001 with a Joint Ministe**Error! Bookmark not defined.**rial Decision of the Ministers of the Interior and Public Order[9]. OKEA proposed the establishment of the special "anti-trafficking" unit of the Greek Police Force and the enactment of Law 3064/2002. The OKEA's jurisdiction mainly regards: a) the victims of trafficking (art. 323 A of the penal code.), thus cases of labour exploitation and b) victims of pimping (art. 351 of the penal code)

The tasks of this Division are described by participants as follows:

The basis of the Financial Police Division's brief in relation to labour exploitation is Act 4144/2013. [10] In particular, the basis of the Division's brief are articles 14 and 16 of this act, according to which the Financial Police along with three other agencies and a) Cyber Crime Division, along with b) the IKA [Social Insurance Institute] and c) the Body of Labour Inspectorate, has the mandate to investigate, prevent and persecute cases of undeclared and uninsured employment and social security evasion.

The Division is a police monitoring authority aiming to combat undeclared uninsured employment. It carries out inspections and draws up reports identifying offenders. These reports are forwarded to the Social Insurance Institute and the Labour Inspectorate, which are responsible for imposing administrative fines on offenders.

Concerning cases of employment of undocumented migrants, which are consiIn this case, the undocumented worker was deported and the employer arrested for an offence committed *flagrante delicto*.

Regarding the protection of rights of workers and migrant workers specifically, one respondent [P(1)] mentioned that this role is not explicitly defined by the legal framework. However, as a result of the inspections carried out, there has been a decrease in the rates of

[9] www.astynomia.gr.

[10] Greece, Law 4144/2013 'Offences in the field of social security and employment, and other articles in the competence of the Ministry of Labour, Social Security and *Welfare' ('Αντιμετώπιση της παραβατικότητας στην Κοινωνική Ασφάλιση και στην αγορά εργασίας και λοιπές διατάξεις αρμοδιότητας του Υπουργείου Εργασίας, Κοινωνικής Ασφάλισης και Πρόνοιας')* (OG A' 88/18.4.2013).

undeclared immigrant labour. Inspections carried out promoted workers' rights and immigrants' rights specifically, even though no other measures were taken (e.g. campaigning).

Through these inspections, once a case of undeclared labour of a documented migrant is identified by the Division of the Financial Police, the migrant worker is immediately insured and sees an immediate improvement in working conditions. Regarding other aspects of working conditions, such as health conditions, these fall under the competence of the Labour Inspectorate. This division's mandate is described as monitoring/carrying inspections, policing, and having criminal justice functions.

The activities of the Financial Police are described by a P group participant as follows:
(1) Documenting/assessing the situation. This is done through on-the-spot inspections. The Financial Police draws up an 'on-the-spot inspection report', where all employees found to be working in the business at the time of the inspection are recorded. This list is then compared with the list of employees provided by the business to the IKA ('orange book'). Thus, the Financial Police identify whether there are undeclared employees working there.
(2) Safeguarding information or evidence. This is done through coming into contact with every worker. The Police collect information such as the duration of employment, whether the worker is insured or not by the employer, and if not, why not. The service records the duration of undeclared work. Evidence includes health certificates and residency documents.
(3) Offering initial information or assistance to victims. To a small extent, the Financial Police provide information to victims about inspections and how these inspections serve their interests. Characteristically, one participant [P(1)] says that the police tries to explain to workers that their raids serve their interests because they defend insured labour. This is done in an unofficial way.
(4) Enacting measures aimed to protect the victim, and (5) Passing on information to other institutions: These two steps are combined, since measures aimed to protect the victim are enacted through informing the Social Insurance Institute and the Labour Inspectorate. The former institutions are responsible for imposing sanctions on employers.

The Alien's Bureau of Athens and of Thessaloniki (capital and 2nd major city in Greece)'s mandate is described as follows:

According to one respondent [P(1)], the basis of the Aliens' Bureau brief in the context of labour exploitation is Law 3386/05 on immigration[11]. This law contains articles on illegal labor. This law mentioned by participants related to the illegal employment of migrants and now is replaced by 4251/14 which relates to the codification of migration legislation (see legal framework section above).

Cases of immigrants' illegal labour are considered offences committed *flagrante delicto*, where charges are pressed against the employers. The latter face criminal and administrative penalties such as large fines (10,000 – 11,000 euro per immigrant worker). Besides the Aliens' Bureau, other cooperating organisations involved in instances of violation

[11] The main law regarding the arrival, residence and social integration of immigrants in Greece. For the legislation document, see file attached on the website www.metanastes.gr/metanasteusi/65-2011-10-29-18-50-36/89-nomos-kwdikopoiisi.html [in Greek]]. This law contains articles on illegal labour. This law mentioned by participants related to the illegal employment of migrants and now is replaced by 4251/14 which relates to the codification of migration legislation (see legal framework section above).

of labour legislation are Ministry of Health officers (when poor health conditions are found) and officers from IKA [Social Insurance Institute].

Regarding the protection of the rights of workers and migrant workers specifically, the respondent [P(1)] mentioned that this is not part of the Aliens' Bureau mandate.

If an incident of illegal labour is revealed during inspections, a case file is established, the organisations involved are informed (such as the Ministry of Health in the case of private nurses in hospitals) and the case proceeds to criminal justice.

For one participant [P(1)], the Police (Alien's Bureau) aim is to prevent and address phenomena of exploitation and for this purpose usually target and control night clubs and businesses in tourist areas in general, where, during the summer, the frequency of migrant women becoming victims of exploitation is higher. In addition, the police have always targeted begging and illegal labour as well. In general, they aim to protect labour rights first through preventive measures and then by enforcement.

The main mandate of the Alien's bureau is policing but one participant [P(1)] describes it also as monitoring and supporting victims who are able to consult police psychologists after being arrested.

One P group interviewee notes that the Division for the prosecution of Illegal Immigration in the ministry of Public Order has the following mandate: Firstly, this division of the central authority of the Alien's Bureau is responsible for informing the competent services and the public prosecutor when offences concerning labour exploitation are identified.

Secondly, the basis of the institution's brief in relation to labour exploitation is a recent law[12] (4249/21-3-2014)[13] on the restructuring of the Greek Police. According to the provisions laid down by this law, the Division for the Prosecution of Illegal Immigration is responsible for arresting traffickers of immigrants or persons who facilitate the illegal residence and employment of immigrants, and is also responsible for bringing these individuals to justice. Thirdly, this Division is one of the bodies responsible for implementing the Employer Sanction Directive of the EU.

In particular, the Division is responsible for directly bringing to criminal justice employers who have committed offences so that administrative and other sanctions are imposed. The Division also forwards the cases to other institutions, such as the district authorities or the Ministry of Labour, for the implementation of other sanctions, such as fines or bans. Thus, the Division's involvement is either direct, through arresting offenders and making the case for a public prosecution, or indirect, through informing other services and institutions.

Regarding the protection of the rights of workers and migrant workers specifically, the respondent [P(1)] mentioned that it is part of the Division's mandate in an indirect way. The interviewee stressed that respect for human and labour rights is an absolute priority of the Division, resulting from its mandate which focuses mainly on combating undeclared work.

[12] www.policenet.gr/portal/downloads/astunomia-idruse-leitourgia-uperesion/636.html for the legal document, in Greek.
[13] Greece, Law 4249/2014 'Restructuring of the Greek Police' *('Αναδιοργάνωση της Ελληνικής Αστυνομίας')* (OG A' 73/24.3.2014), available at: www.policenet.gr/portal/downloads/astunomia-idruse-leitourgia-uperesion/636.html [in Greek].

This respect is also stressed in every answer to international organisations and the EU.. In the event of offences or infringements of the human and labour rights in very rare cases, the Division has powerful mechanisms for self-regulation, imposing sanctions on any offenders within the police. The division's role is described as policing and monitoring, which has recently been constituted according to the above-mentioned law. Guidelines are provided by the head of the central division of the Aliens' Bureau which these guidelines concerns mainly explanations on how to deal with the different cases, but according to the participant, this is very much at early stages.

Monitoring bodies

The Labour Inspectorate (SEPE)[14] is the responsible body for inspecting workplaces and for detecting violations of labour legislation. Although it does not provide a specific body as regards forced labour issues, SEPE is the most competent institution to verify forced labour incidents within the labour market.

Simultaneously, the Special Insurance Control Service of the Social Insurance Institution (IKA-EYPEA[15]) is tasked with combating undeclared labour, which is more often than not associated with forced labour phenomena, especially as regards migrant labour.

Two M group participants describe SEPE 's mandate as follows:

According to one respondent, SEPE's primary task is to supervise and inspect the extent to which the Labour law is implemented. The respondent referred to Law 3996 of 2011[16] which includes all the provisions for the Labour Inspectorate and its role. The respondent emphasises that this law specifies that within the framework of applying and safeguarding the labour laws (working conditions, occupational safety and health standards), SEPE's responsibility is also to promote equal treatment and more generally, to combat discrimination at the workplace. The interviewee clarified that equal treatment also includes migrants (the law refers to discrimination based on racial, ethnic, origin and religion differences).

The main function of this body is monitoring, but in some cases, this institution also has criminal justice functions: if criminal actions are encountered, depending on whether or not they have first-hand knowledge of the incident, they: (a) submit a law–suit to the public prosecutor, if they have first-hand knowledge (i.e. after an inspection) and (b) if they don't (i.e. the incident occurred in the past so they cannot verify it or there are no proofs of the victim's claims) they transfer the case to the public prosecutor along with the victim's declaration (υπεύθυνη δήλωση). This institution also operates, in the context of a conciliatory process, as mediator between the employee and the employer in order to reach a common solution (the procedure is open to any employee). This process is called "labour dispute" (εργατική διαφορά) and it is described as a meeting between the employer, the employee and a labour inspector. In that sense they advocate workers' rights and advise victims.

SEPE is also regulated by Law 4052/12 in relation to illegal employment and its penalties. In case an incident of illegal employment of an immigrant is detected, SEPE is tasked with the implementation of sanctions, ranging from a 5,000 € fine up to the temporary shutting down

[14] www.ypakp.gr/index.php?ID=UQH3HmYOtWvx5Eoq&Rec_ID=6946.
[15] www.ika.gr/gr/infopages/contact/addresses/eypea.cfm.
[16] www.poeota.gr/_download/N.3996-2011.pdf.

of the company. If the penalty entails closure of the business for more than three days, then the Ministry of Labour could decide to permanently close either a part of the business or the whole business. However, as it can be seen in one case study, the enforcement of these penalties can be difficult. Indeed, the Labour Inspectorate (SEPE) decided to close down a bakery whose employee had been severely tortured and exploited and yet the bakery continued to work.

One case study collected as part of the research notes that SEPE proclaims preventive inspections to cleaning companies but inspections are only conducted after a complaint due to the lack of resources. In response to a parliamentary question, the Ministry of Labour acknowledged the lack of resources of SEPE. Similarly, the President of the Labour centre of Amaliada, after the events in Manolada (in one case study) said that they request controls but are told by the labour inspectorate that there is not enough staff. The interventions of this Inspectorate, however, can also be positive as in one case study where the migrant worker had the support of SEPE in his negotiations with the employer.

SEPE learns about possible labour exploitation in the following ways:

- Proactively looking for cases through targeted inspections in sectors prone to exploitation and in time periods that this exploitation occurs.
- The case is brought to SEPE's attention by another public institution such as the Police, IKA-EYPEA [17](Social Security Organisation) or SDOE (Financial and Economic Crime Unit) when during an inspection a case that lies within SEPE's jurisdiction is identified.
- The case can also be brought to SEPE's attention through a private institution, like a union or an NGO.
- Finally the case can be brought to SEPE's attention by an individual.

The Directorate of Programming and Coordination of SEPE is notified by SEPE's regional offices, who first receive the information about a possible labour exploitation or infringement of labour law. One respondent [M(1)] emphasises the confidentiality policy of SEPE that gives the possibility to someone to submit a complaint without revealing his/her name, or personal details. The respondent also states that there is no checklist or guidelines for assessing labour exploitation or identifying victims of labour exploitation, but there are some circulars (εγκύκλιοι) with guidelines for inspections, codes for conducting inspections and codes of confidentiality. These circulars aim to help inspectors apply the provisions of law and do not refer to migrants, but to workers in general.

<u>The Special Insurance Control Service of the Social Insurance Institution IKA-EYPEA.</u>

Its mandate is described as follows by participants as to control undeclared labour and to check whether employers pay social security contributions for their workers. For this purposes they carry out inspections on site and record any working staff. They also receive complaints and proceed with their investigation. IKA's objective is to document and assess the situation in relation to undeclared labour as well as to forward the information to other public or private institutions that can follow up. According to one respondent [M(1)], the fragmentation of public bodies and their competences undermines the cooperation between them.

[17] Greece, Social Security Organisation *(Ίδρυμα Κοινωνικών Ασφαλίσεων).*

However, one respondent [M(1)] declared that they have the experience required, the know-how, the infrastructure, and also the time they need in order to conduct the necessary inspections 24h per day. This point is in contradiction with the general argument about lack of infrastructure. The same respondent considers later that there is now a lack of personnel due to the crisis. The inspection service where the respondent works is based in one city but covers the whole country.

This central inspection service is in direct collaboration with the local departments of IKA-EYPEA that, contrary to it, do not have the role to carry out inspections on site. Local departments are responsible for cross-checking and elaborating any data that the inspection service collects and forwards to them. It is very hard but substantive work. Therefore, it could be said that the inspection service is responsible for the fieldwork and the local departments for the office work. Their actions are interdependent.

One respondent [M(1)] stressed the lack of personnel in both the inspection service and local departments due to the budget-cuts imposed as a result of the economic crisis. Indicatively, the inspection mechanism of IKA_EYPEA has only 30 people responsible for on-the-spot inspections in the entire country. Similarly, local departments with 10 employees in the past now only have one person left. The interviewee said that the IKA_EYPEA service is responsible for ¼ of Attica (metropolitan area and administrative county of Athens) and as they receive approximately 20 complaints a week, the service is unable to carry out inspections for all of them. Using their experience, IKA_EYPEA attempts to put them in some sort of order based on the severity of the incident and the place it happened. In this way, they are able to prioritise the most serious cases and investigate them in groups based on location, thus saving precious time and resources.

The necessity of this approach is needed because of the service's inadequate resources, for instance, they are supplied with vehicles only for certain days each month or not at all, forcing them to even use their own vehicles in the process. In the case of SEPE, this lack of resources was also mentioned in one case study by one J group interviewee. The Labour Inspectorate (SEPE) is unable, according to the interviewee, to inspect the whole region of ILIA given the limited budget for gas for official vehicles. In addition, past incidents of vandalism and damages inflicted on service's cars make personnel hesitant about using them often so as to protect them. Moreover, as in one case study, the fines that IKA-EYPEA imposed on employers were not implemented as the latter used their right of appeal and the procedure becomes lengthy and discouraging for the worker. In one case study, the worker did not, for instance, understand that the IKA-EYPEA had ruled in her favour. It is also difficult for IKA-EYPEA to attribute fines after their controls on the real perpetrators who are hiding behind straw men, usually migrants.

The inspection service of IKA-EYPEA is learning about cases of labour exploitation from the police (2), a private unknown person/individual and anonymous complains (4) and finally, they are proactively looking for cases (1). In the latter case, labour exploitation is not that easy to detect. Inspectors have to use their experience. IKA-EYPEA focuses on looking primarily for uninsured workers.

Within the framework of the investigation's frame, the rights of workers in general are promoted without distinguishing between national and migrant workers. The mandate of IKA-EYPEA is described as both monitoring and advocating rights.

Health and safety officers/health inspectorates

No specific body is provided. These provisions are the responsibility of SEPE and IKA_EYPEA (see above)

Youth welfare (in particular with regard to child labour)

No specific body is provided

National Human Rights Institutions (NHRIs) or other bodies with a human rights remit with a quasi-judicial mandate

The National Commission for Human Rights (ΕΕΔΑ)[18] is an advisory body of the state on issues regarding the protection of human rights and was established in accordance with the Paris Principles. Its mandate it to monitor human rights conditions in Greece. The NCHR aims to incessantly draw all state bodies' attention to the need for an effective protection of human rights of all those living within the boundaries of the Greek state.

Labour unions or other representative bodies (representing workers and their rights)

The Secretariat for Economic Migrants of the General Confederation of Greek Labour[19] and the Migrant Office of the Labour Center of Athens[20] are two trade union structures entrusted with the duty to intervene for the protection of migrants' rights and to represent trade unions in official bilateral and trilateral commissions for migrant labour and insurance issues.

Hellenic Confederation of Workers in Food Service and Touristic Occupations[21]

The basis of the confederation's brief in relation to labour exploitation is the labour law and the tradition of the trade union movement. The mandate of the organisation is to represent workers on the first (primary) level. Trade unions on the first level are members of the confederation, which has a coordinating and monitoring role for the whole country.

Even though the confederation has member unions all around the country, there are some areas, such as the Cyclades islands, where there are no unions. In these islands, it is extremely difficult to establish a trade union, because workers there are seasonal and in precarious jobs and with a very quick turn-over, so there are no permanent workers to defend such union. This mostly concerns very popular tourist destinations, such as Mykonos and Santorini, where, according to the respondent [W(1)], there is extreme labour exploitation and no one to identify these offences.

The protection of the rights of workers and migrant workers is a main objective of the confederation, stemming from its mandate. It has a coordinating role over first level unions, and as a central institution it is responsible for initiatives concerning the advocacy of the rights of workers. Irregular migrants can also join unions.

[18] www.nchr.gr/
[19] www.gsee.gr.
[20] www.eka.org.gr/index.php/foreign-workers.
[21] www.poeeyte.gr/.

The confederation has an accompanying role in inspections, which are carried out by the Labour Inspectorate. It also provokes inspections by informing the Labour Inspectorate about workers' complaints. However, the confederation does not carry out inspections independently. It advises and supports victims of labour exploitation and advocates their rights. It represents workers (contracts, negotiations with employers, representation in ministries and other institutions for claims concerning the tourist sector).

GSEE KEPEA (Worker's and Unemployed Information Center)[22]

The GSEE is the highest, tertiary trade union body in Greece with several union federations and labour centres with members throughout the country and with a distinct role and actions taken for to protect workers' rights. Specifically, the GSEE consists of the Secretariat for Migrants, which primarily addresses all migrants' exploitation issues and also collects and deals with all the different complaints submitted. The Information Centre for the Employed and Unemployed - KE.PE.A. has a specific Service for migrants, which provides information and offers assistance where appropriate. An example of this are its guides for labour and social security rights in different languages.

In order to promote the protection of the rights of migrant workers, GSEE performs the following actions: Provision of educational programs for learning the Greek language and developing skills that migrants need in order to enter or re – enter the labour market. These educational programs are organized by two GSEE institutes: The Labour Institute (INE) (see also next participant) and the Centre for Education Policy Development (K.AN.E.P.).

- Collecting all complaints that migrants may have submitted to the GSEE and forwarding them to the competent authorities.
- Monitoring the progress of the proceedings and ensuring that all complaints reach a positive outcome.
- Defending all workers' labour rights before the competent bodies such as SEPE, the Labour Inspectorate, the Social Insurance Institute and others.
- Provision of legal support. In some cases of violation of collective labour agreements, a GSEE attorney may be called to defend victims.

INE-GSEE[23]

The INE-GSEE is a research institution of the General Union of Workers; its mandate involves scientific research and documentation in all issues of labour. As labour exploitation is an area that affects labour workers, and as INE-GSEE researches in all areas of labour work, it also touches upon issues of labour exploitation and provides research and documentation to the unions in order to increase their capacity and knowledge to combat these phenomena.

[22] www.kepea.gr/.
[23] www.inegsee.gr/.

Since 1993, the INE has been dealing with migrant labour and the migration issue in Greece, an important issue that affects labour work. That decision is another basis of its brief in relation to labour exploitation. This institute monitors and advocates workers' rights and advises victims.

Victim support

Several non-governmental organisations collaborate with the official authorities to combat the phenomenon and support victims. Such organisations include Arsis,[24] Act-Up Hellas,[25] Praksis[26], the Greek Council for Refugees[27] and three migrant workers organisations.

ARSIS

The organisation's primary task is to provide services, information and consultancy that will help people (not only migrants) to find employment, but it is not a recruitment or employment agency. It provides support and information to increase economic and social participation and integration and to fight exclusion. Skills-training, consultancy and Greek language lessons to migrants and refugees are also included in order to increase the chances of employment. Through these activities, the organisation gains knowledge about labour exploitation. It is part of the organisation's mandate to promote the rights of workers and migrant workers. They promote social rights, and thus the right to work.

Arsis cooperates with many other institutions – both private and public - in the context of labour exploitation. Many are other NGOs that also work with asylum seekers (Doctors of the World, Oikoumeniko Programma Prosfygwn, Aitima, UNHCR), or the Ministry of Labour, etc; Also, with migrant associations, like the Migrants' Forum (Forum Metanaston). However with the crisis there are limited funds and all organizations are fighting for the survival of their projects.

ACT-UP HELLAS

Act-UP HELLAS deals with human rights and (lack of) access to health. One of the top priorities is sexual exploitation and human trafficking, as this was a widespread problem during the 1990s. From the late 1990s, the institution started to monitor various forms of exploitation and work with other institutions and organisations both in Greece and abroad to combat human and labour trafficking and assist victims. The organization supports the rights of migrant workers in three ways: by campaigning, by lobbying and exerting pressure on official institutions and by assisting specific persons-victims.

ACT-UP Hellas cooperates with other organisations that have a minimum of two years operation in the field, and are funded by acceptable sources. Funds from sources that have direct interests or have contributed to the exploitation of workers and trafficking are excluded. Organisations must be self-funded at a minimum of 50% of their total budget. Most

[24] www.arsis.gr/en/who-we-are/.
[25] www.actup.gr.
[26] www.praksis.gr.
[27] www.gcr.gr.

of these organisations are NGO's while very few are the official institutions. In order for a cooperation to take place, organisations should be able to 'speak the same language', thus to define the problem in the same way. Therefore, cooperation usually is possible with organisations that use the Protocol of Istanbul on Abused and Tortured persons.

Praksis

Three actions were mentioned [S(1)]: Firstly, supporting, consulting and informing people who approach the NGO about their labour rights. Secondly, if an incident of labour exploitation is spotted, they will inform the responsible body. Thirdly, they provide assistance with applying for a work permit and gaining access to labour market as a way to fight black labour.

According to a circular dated October 2012, although asylum seekers have formally the right to work this becomes very difficult because among the papers they need is a certificate from the National Organisation for Employment (OAED)[28] confirming that in this area and for this job there are no unemployed Greeks, EU citizens and statutory refugees. Thus, a work permit for asylum seekers is provided only if no other unemployed people (Greek or EU citizens) exist. Practically there is no legal document resembling a work permit for them, resulting in the vast majority of them being forced to work illegally (black labour). One institution, in collaboration with other NGO's and the Office of the High Commissioner for Refugees (UNHCR), aims to change the legal framework around this and illustrate the problems that arouse from this circular. They also list asylum seekers whose applications for work permits are turned down by the responsible body, which is at Stadiou 60 in Omonia square.[29]

PRAKSIS collaborates with other institutions in the unusual case where victims are willing to file a complaint against their employers. In these cases, PRAKSIS forwards the case file to other public bodies such as the Labour Inspectorate (SEPE)[30] or trade unions (GSEE)[31]. This does not happen often because victims are usually afraid to submit a complaint, especially when it comes to black labour (unregistered). However, in those very few cases, the partnership works well.

GREEK COUNCIL OF REFUGEES

The Greek Council for Refugees is a human rights organization that deals with the rights of asylum seekers. Because labour exploitation is a frequent occurrence for this population, the organization has also started to deal with these issues, incorporating them into its internal regulations.

Moldovan Association

The organisation has no legal role to intervene between the employer and the employee. It supports victims of labour exploitation through the lawyers that cooperate with the

[28] Greece, Manpower Employment Organisation *(Οργανισμός Απασχόλησης Εργατικού Δυναμικού)*
[29] www.patt.gov.gr/main/.
[30] www.ypakp.gr/index.phpor.
[31] www.gsee.gr

association. However, legal support is possible only for those that have legal right to live and work in Greece.

Generally, the organisation participates in the Migrant Forum and together with other organizations promotes migrant rights by making demands on the government on problems faced by migrants, migrant rights and permit issues.

Union of Philippino Workers KASAPI-HELLAS

The mandate of KASAPI-Hellas is to promote the rights and welfare of migrant workers. It provides support to the victim in the form of legal assistance, mainly by bringing any case of labour exploitation to the Body of Labour Inspection. KASAPI Hellas has a team of volunteer lawyers who assist victims of labour exploitation free of charge in their legal cases. In several instances, the cases have been brought to court with the assistance of the organisation, and the employer was convicted or forced to give financial compensation. Networking with other organizations, such as labour unions, is also an important part of the organisation's mandate.

On the brochure of the organization, its mandate is described as offering legal assistance to victims including advocacy and campaigning on labour rights, operating projects (day care centre, Filipino Women's Cooperative) and networking with other organisations.[32]

United African Women Organization

AWO[33] is an NGO founded in 2007 to create a solidarity network for women from African countries. A group of volunteers joined AWA to find ways to support African women and the problems they face which involves information about their rights, access to justice, claiming their rights and financial support. AWO is mainly based on voluntary work.

AWO cooperates with various institutions such as the Research Centre for Gender Equality which has developed a network for women victims of violence and another Ministry of Justice institution, Epanodos, for supporting migrants that have been released from prison. According to one participant [S(1)], there is a network of support between institutions such as PRAKSIS,[34] DIOTIMA,[35] BABEL.[36] These organisations exchange information and support cases together depending on the specialisation and experience of each NGO. The problem with this cooperation is that it is difficult for these institutions to intervene centrally.

National Rapporteur for Combatting Human Trafficking

The main role of the institution is not to so much to coordinate, but to act as a 'rapporteur'. This makes the office more independent in the sense that it assesses the situation and expresses an opinion freely without political pressure. However, this office does not have the authority to control other public services and to really coordinate their efforts to combat

[32] www.kasapihellas.gr.
[33] www.africanwomen.gr/.
[34] www.praksis.gr/.
[35] www.diotima.wizcom.com.gr/.
[36] www.syn-eirmos.gr/babel/.

human trafficking and exploitation. The official name of the office is 'Office of the National Rapporteur for Combating Human Trafficking" and it is based on a European mandate 2011/36 that was ratified by the Greek parliament 6 months ago Law 4198/13. This European mandate institutionalises the office, and promotes a culture of cooperation between various authorities. It also introduces standards and penalties. Apart from this European mandate, there are also international agreements, like that of the UN against organised crime, that of the Council of Europe against trafficking, and the Greek law 4198/13. The Greek office mostly deals with human trafficking and labour exploitation. Another aim is to train all official authorities that deal with trafficking and exploitation. Moreover, the office tries to introduce measures to protect witnesses, like video-testimony. On the European level, the Greek office participates in the European network of coordinators, trying to build a European Business Coalition.

Prosecutor's Office

The mandate of the Prosecutors office is described as follows:

Special Prosecutor for Racist Crimes

The mandate of this institution is the law on labour exploitation and the Law 3304/2005 about the application of equal treatment despite race, ethnicity or religion[37]. There is also legal basis in articles 323 and 323A of the Greek Penal Law[38] that refer to slavery and human trafficking. Laws 1986 on the obligation of the employer to pay his social security part and Law 690/1945[39] are also valid.

The prosecutor's office

The prosecutor's office issues general orders to local police departments about investigations to be carried out. If punishable acts are noted, such as workers without legal papers, or living in poor conditions, in stalls, with no water installation, then the inspectorates draft case-files, which are submitted to the prosecutor's office. Afterwards, the prosecutor takes over the case and drafts a prosecution file which is then directed to courts. The prosecutor's office does not exclusively deal with labour exploitation issues, nor is it dedicated to protecting the rights of workers. At times various NGO's send press releases providing information or focusing on certain developments, but this is only for information and it does not create a mandate or an obligation for a policy direction. In a wider sense, its activities are part of the advocacy of the rights.

Lawyers

[37] Greece, Law 3304/2005 'Application of equal treatment despite race, ethnicity or religion' *('Εφαρμογή της αρχής της ίσης μεταχείρισης ανεξαρτήτως φυλετικής ή εθνοτικής καταγωγής, θρησκευτικών ή άλλων πεποιθήσεων, αναπηρίας, ηλικίας ή γενετήσιου προσανατολισμού')* (OG A' 16/27.1.2005).
[38] Greece, Penal Code, Article 323 'Slave trade' *('Εμπόριο Δούλων')* and Article 323A 'Human trafficking' *('Εμπορία ανθρώπων').*
[39] Greece, Law 690/1945 'No payment of salary accrued' *('Μη καταβολή δεδουλευμένων')* (OG A' 292/1945).

One interviewee [L(1)] refers to an office whose mandate on labour exploitation is linked to the implementation of the relevant legislation whether this is national or whether it concerns the implementation of EU directives. The office has developed an orientation towards issues concerning exploitation of women involving cases of domestic violence and sexual harassment at work. They focus on advising and supporting victims of labour exploitation when workers cannot afford to bring the case to court and will bring cases to court if the victim of labour exploitation wishes.

Another L group interviewee works at a law firm which represents persons whose labour rights have been violated and undertakes legal cases. The respondent mentioned that the office has not come across cases of severe labour exploitation such as labour trafficking, slavery or forced labour. Their office collaborates with the Hellenic League for Human Rights.[40] The League deals with cases related to human rights by making public interventions, and in some cases, such as the Manolada case, undertaking strategic litigations. As a law firm, the promotion of working migrants' rights can be realized through defending them in labour or criminal cases. Moreover, law firms can exert influence on the authorities such as the judicial system and the state, by using national and European legislation and by making claims. This can achieved through collaborations among law firms and other organisations.

The third lawyer is a freelance lawyer, so the interviewee's mandate is defined from the Regional Union of Lawyers and the Code of Ethics of Lawyers. The Union of Lawyers does not have any specific responsibility on the subject.

Employers' Organisations

The Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE)[41]

GSEVEE Small Enterprises Institute[42] is one of the five social partners that sign the collective labour agreement which according to one respondent [E(1)] constitutes the ultimate act which assures free collective negotiations in Greece. Until recently this defined minimum pay rates. In addition, through participation in various types of surveillance, inspection and consultation committees (not specified by the respondent) the GSEVEE Small Enterprises Institute is implicated in the safeguarding of healthy competition in the market. Thus, labour exploitation appears as an issue of violation of equal terms of competition since a business that exploits its employees has a competition advantage against other businesses.

Hellenic Federation of Enterprises (SEV)[43]

[40] www.hlhr.gr/index.php?MDL=pages&Alias=MENU_10_10.
[41] www.gsevee.gr/en/organisation.
[42] www.imegsevee.gr/presentation.
[43] www.sev.org.gr/online/index.aspx?lang=en.

The role of the Department of Human Resources is to provide advice, directives and the know-how to companies-members of SEV, on subjects of human resources and labour issues. In this context, they convey practices and policies that promote legal labour and prevent phenomena of labour exploitation from surfacing. SEV's member companies have signed and accepted the SEV's Charter of rights and obligations which stipulates the respect for human and labour rights. However, there is no internal regulation specifically referring to migrant workers. Being a social partner, SEV has the institutional role to participate in bodies such as the Labour Inspectorate (SEPE) and through that, to (indirectly) deal with labour issues.

Recruitment Agency

According to one respondent [R(1)], the recruitment agencies ensure that workers' rights will be protected. The respondent presents the role of recruitment agencies as that of mediator between the employer and the employee. The interviewee then contrasts the recruitment agencies with the unmediated contact between the employer and the employee i.e. through an advertisement in the press. In the latter situation it is very likely that the employee will become a victim of exploitation. Recruitment agencies constitute a safeguard that such exploitation will not happen.

In relation to the cooperation between the different actors, a participant from the Labour Inspectorate mentions that Law 4144/2013 article 14 refers to "mixed inspection groups" including people from SEPE, IKA-EYPEA and the police. However, these mixed teams are rare and usually each agency is notified by the others when a case needs its intervention (for instance police is called when there is suspicion of human trafficking). Nevertheless, the participant [M(1)] is satisfied with the level of cooperation between the different agencies especially because each of them has a specific mandate and does not step over the toes of the others.

These views are also echoed by the second Labour inspector [M(1)]. However, this participant regrets the lack of coordination of the different bodies. The respondent also points to the fact that this cooperation cannot be done on the spot, when needed, and to call the police for help in an inspection, permission should be submitted officially in writing beforehand. This undermines quick interventions. One respondent [M(1)] says that this service collaborates with the Body for the Prosecution of Economic Crime (SDOE), the Labour Inspectorate and the Police, and notes that although the cooperation is good, these units should be unified to be more effective. Another M group participant mentioned that as of 1 July 2014, the mandate of IKA-EYPEA and of SEPE has merged (health inspections and social insurance). The police accompany inspectors to protect them as they have been attacked on many occasions. However, the respondent regrets that, in their opinion, the police, when detecting some illegality concerning immigration, becomes "a bit more brutal in their behaviour" [M(1)]. The smooth cooperation between police and IKA-EYPEA is also acknowledged by three interviewed police officers [P(3)]. Besides these collaborations, a respondent from the police also mentions collaboration with the Hellenic Centre for Disease Control and Prevention for the medical examination and psychological support of victims of

trafficking and with the NGO “ARSIS” in cases of child labour. Both collaborations are judged to be smooth.

A national expert notices the “positive spirit” that characterises the cooperation between their office and various institutional bodies and NGOs (the police, the network for corporative responsibility). However, although there is a good cooperation in developing common proposals for funding through the NSRF package (National Strategic Reference Framework, ESPA in Greek), bureaucracy undermines these efforts and delays their application which can be very frustrating for the respondents.

Victims’ support organisations report collaborations with both public and private bodies. Although this collaboration is judged in general to be positive, it is also considered to be sometimes difficult according to a participant from a victims’ support group. This is due mainly to 3 reasons: a) the high turn-over of people in organizations that undermines continuity of collaboration, b) the high level of emotional involvement that prevents people in the field from separating their emotions from the tasks and c) the lack of funding for organizations, which obstructs collaboration. This third factor, funding, is also echoed by another participant from a victims’ support group. This participant, although they acknowledge the various collaborations with many private and public institutions, also notice that because of the crisis NGOs have been fighting for survival over the last two years. Thus, they are more focused on their activities and less open to cooperation. Cooperation is also occasional as in the case of the Philippino sailors who were abandoned on their ship anchored in Greece and rescued through the collaboration of different bodies (case mentioned by one participant [S(1)]).

Workers’ Unions mention collaborations with employers’ organisations [W(1)]. As mentioned by this participant, in the past meetings were confrontational. However, now that collective agreements are no longer mandatory and unions cannot resort to arbitration, a collaborative effort with employers can help to protect workers’ rights. Workers’ unions are on good terms with NGOs that request their assistance [W(1)] and with public inspection bodies. However, the crisis has undermined these collaborations as the lack of resources is preventing control of the cases unions are complaining about [W(1)].

3.2 Forms and frequency of incidents of labour exploitation encountered by experts in their work; economic areas affected

This section presents the forms and practices of the severe labour exploitation of migrant workers and the sectors of the economy and occupations that are mostly affected. Agriculture, the Food and Tourism industry, domestic work and cleaning services are the areas and occupations mostly affected. According to information gathered during the fieldwork phase, migrant workers are undeclared, without work contracts and badly informed about their rights, and their wages. Their documents are withheld, they work and live in very difficult conditions, and in several cases, they are physically assaulted.

The most frequent forms of labour exploitation mentioned by all professional groups were categorized under 5 (working under particularly exploitative conditions (see table 3.2.1). This category was mentioned 23 times. These conditions were described as illegal and undeclared employment in which employer's contributions to social security were not paid. This situation does not allow immigrant workers to claim a residence permit nor to have health insurance since their residence permit is dependent on having a work contract. Health insurance also depends on having a job. Both conditions contribute to immigrant illegality and therefore to making them prone to exploitation and at risk of being arrested and deported.

Participants also mention that wages are often withheld and people work under pressure and terror of losing their job. Sometimes their papers are also withheld by employers. When they claim their wages they are threatened with being denounced to authorities (because of their illegal status) and being arrested and deported or in some occasions are physically assaulted (see also the case study describing the case of 119 migrant workers who were shot when they claimed their wages, and the case study, presenting the case of a worker of a bakery, who was tortured when he asked for his money).

The second most frequently mentioned form of exploitation was category 4 (Trafficking for labour exploitation) which was mentioned by more than half of the participants (17 times). These more frequent forms (categories 5 and 4) included people in different sectors but mainly concerned farm workers and sex workers. Thirteen participants mentioned child labour (category 3) which concerned either underage workers in family businesses or children begging in the streets and cleaning car windows at traffic lights. Less mentioned were categories 2 (forced labour including bonded labour), mentioned by 9 participants and 1 (slavery) mentioned by 7 participants. Participants were unwilling to classify forms of exploitation in the category “slavery” because they did not encounter forms that restricted migrants' freedom of movement or forced labour [W(1); P(1)]. However, it was often mentioned that the working conditions of migrants were close to slavery [M(3)]. Those who were considered as falling under this category were undocumented domestic workers, workers in households on call 24 hours a day [S(1)].

Employers' representatives do not acknowledge the existence of exploitation amongst their members. Characteristically, one respondent [E(1)] said:

> *“Such phenomena wouldn’t even be possible to exist in the large and well-organised companies which I represent, because it’s their organisation that prevents them in the first place. […] What you read to me before, where I work is not documented and speaking strictly for myself I cannot say that I have any experience. Thus, I cannot answer. Thank god I cannot answer this question.”*
>
> *“Εκπροσωπώντας εμείς τις μεγάλες και οργανωμένες επιχειρήσεις τέτοιου είδους φαινόμενα δεν θα ήταν δυνατόν, δεν θα μπορούσαν καν να υπάρχουν γιατί το λόγο ότι είναι ήδη η οργάνωση της επιχείρησης τέτοια, η οποία τα αποτρέπει. […] Αυτά που μου διαβάσατε πριν, εγώ τουλάχιστον από το χώρο που εργάζομαι, δεν έχουν*

καταγραφεί, δεν μπορώ να πω ότι έχω κάποια εμπειρία. Κι έτσι θα ήταν κάτι που δεν μπορώ να απαντήσω. Ευτυχώς βέβαια που δεν μπορώ να το απαντήσω." [E(1)]

Another representative of the same professional group [E(1)], however, acknowledges:

"…informal types of work, working without social insurance or how to put it, unregistered payments, what we call, a payment is agreed between the employer and the employee, the migrant employee in this case, which constitutes the minimum of the formal payment and then an extra payment is given under the table. About working hours - we already talked about this. There are many violations of working hours…"

"… άτυπες μορφές εργασίας σε μεγάλο βαθμό, ανασφάλιστη εργασία, ή πώς να το πω, αδήλωτες πληρωμές, αυτό που λέμε, συμφωνείται ένας μισθός μεταξύ του εργοδότη και του εργαζόμενου αλλοδαπού στη συγκεκριμένη περίπτωση ο οποίος είναι στο μίνιμουμ της τυπικής αμοιβής κι από κει και πέρα το επιπλέον ποσό δίνεται «μαύρα». Για το ωράριο είπαμε. Αρκετές παραβιάσεις του ωραρίου εργασίας πιθανά να συναντήσουμε." [E(1)]

Somehow these conditions seem to be considered as "normal" conditions insofar that these practices are very common.

Table 3.2.1 Frequencies of the most frequent forms of exploitation.

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
Slavery	3		2				1		1	**7**
Forced labour, including bonded labour (debt bondage)	1		3		1		3		1	**9**
Child labour	3	1	3	1	2		2		1	**13**
Trafficking for labour exploitation	2	2	4	2	2		3	1	**1**	**17**
Moving beyond the categories mentioned so far: exploitation of a migrant worker under particularly exploitative working conditions (in the terms of the Employer Sanctions Directive)	5	5	5	2	1	1	2	1	**1**	23

Regarding the occupations affected, as illustrated in table 3.2.2 below, the occupation mentioned by the majority of participants was service occupations including people working in the tourism industry and domestic workers. Most participants consider that in the food industry (in one case study collected as part of the research, a migrant from Pakistan working in a cafeteria was physically assaulted by his employer when he complained to the labour inspectorate about his missing wages), hotels and other tourist businesses (one case study also saw an Albanian origin worker in a hotel in Chania/Crete whose social insurance

stamps were declared to the owner's wife) and in domestic work and cleaning services (another case saw a Bulgarian worker in the cleaning sector attacked with acid because of her union activities and a woman from Ghana working for a cleaning company was forced to accept forced retirement when she complained about her work schedule) migrants are heavily exploited. Convention 189 of the International Labour Organization on domestic work was only ratified by the Greek authorities in September 2013.[44] One participant [S(1)] mentioned the special category of domestic workers regulated by Law 89/67[45]. These people are employees of shipping companies who end up working as domestic workers. These workers have a temporary residence status which is actually a dock pass ('seafarer's document') meant for people working on boats. It is renewed every month. This participant is one of the few who mentioned "slavery" as a form of exploitation that they encountered. The same category affected private nurses from ex-Soviet Union countries who accompany people in hospitals as personal carers.

The second category where exploitation is encountered is amongst farm workers. There are notorious cases such as the cases in the strawberry fields in Manolada (Peloponnese) where migrant farm workers were shot when they claimed their unpaid wages. These are heavily mediatized cases and therefore are salient in the minds of participants. The J group interviewees amongst our participants referred only to cases in the agriculture sector [J(2)]. However, as one participant [W(1)] remarks:

> *"There is a saying that human trafficking is mainly present in the rural sector of the economy but this is incorrect. The story can't be verified. In rural labour we face the biggest problems – because of the lack of a legal framework, as we will see later – but the phenomenon appears in many other sectors. Also in the construction industry…i.e. such phenomena has been noted since 1990 in the Labour Center in Xanthi or in Athens, at bakeries…"*
>
> *"Υπάρχει ένας μύθος που λέει ότι αυτή είναι κυρίως στην αγροτική εργασία, αλλά δεν είναι σωστός. Δεν επαληθεύετε ο μύθος. Εκεί αντιμετωπίζονται τα μεγαλύτερα προβλήματα – λόγω και της έλλειψης νομικού πλαισίου, στο οποίο θα αναφερθούμε στην συνέχεια – αλλά το φαινόμενο εμφανίζεται και σε πολλούς άλλους κλάδους. Και σε κατασκευές…δηλαδή, έχουμε τέτοια φαινόμενα από την δεκαετία του 1990, στο εργατικό Κέντρο Ξάνθης, στο Εργατικό Κέντρο Αθήνας, σε φούρνους…"* [W(1)]

The 3rd category mentioned was unskilled workers where participants included people working in craft industries (tailoring, see also relevant case study), small packing industries, employees filling Sunday newspapers with adverts and magazines, security companies and people working in metal scrapping. Category 9 affected sex workers and night-club dancers, employees of petrol stations, child labour and domestic workers under law 89/67. The few people who mentioned category 2 of semi-skilled workers were mainly referring to people working in small businesses such as bakeries and the construction industry. The

[44] www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189.

[45] Law 89/67 (supplemented by law 378/68 was voted during the dictatorship. According to this law aliens that had a work contract with a shipping company gained residence permit for as long as their contract was in place.

construction industry is probably not mentioned often because it is currently in recession due to the economic crisis which has affected this sector badly.

Domestic workers, cleaners and carers as well as sex-workers mainly involve women from the Balkans and former Soviet Union countries whereas farm workers are mentioned as male occupations employing people from Pakistan and Bangladesh. Craft industry and food and tourism industry occupations are not clearly differentiated by gender or origin, according to the interviews.

Table 3.2.2 Frequencies of most frequent occupations mentioned. Each occupation was counted once per participant

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	Total
Skilled worker e.g. electrician, foreman, motor mechanic										
Semi-skilled worker e.g. bricklayer, bus driver, cannery worker, carpenter, baker	1		1	1	2			2		**7**
Unskilled worker e.g. labourer, porter, unskilled factory worker	3	1	3				2	1		**10**
Farm worker e.g. farm labourer, tractor driver, fisherman +1	1	3	4	2	1		2	2	1	**16**
Service occupations e.g. waiter, care-taker, domestic worker	3	4	6		2	1	2	2	1	**21**
Sales occupations e.g. shop assistant										
Clerical occupations e.g. clerk, secretary										
Professional and technical occupations e.g. engineer, accountant										
Other - please specify (employees at petrol stations, prostitutes, child labour in streets, dancers at night clubs, workers law 89/67)	2	1	2		2			1	1	**9**

Our participants in this section described exploitative working conditions that are echoed in the case studies and are aware that these are a small part of what is actually happening. Characteristically one respondent [N(1)] says:

> "*I also have to say that our main problem is that (trafficking) is invisible (unreported) crime; in other words the cases that reach the Police and the courts are only a few dozens, hundreds. Last year the victims were (only) 100 [...] Last year we had almost 40 recognised victims from Bangladesh; some cases are becoming widely known and they create a small basis to find further elements.…*"

"Επίσης πρέπει να πω ότι το βασικό μας πρόβλημα είναι ότι είναι ένα αόρατο έγκλημα, δηλαδή τα θέματα, οι περιπτώσεις με τα οποία ασχολείται η Δίωξη δηλαδή και η αστυνομία και τα δικαστήρια είναι κάποιες δεκάδες ή εκατοντάδες, τα θύματα είναι 100 συγκεκριμένα, πέρυσι, [...]Πέρυσι ας πούμε είχαμε γύρω στα 40 αναγνωρισμένα θύματα από το Μπαγκλαντές, δηλαδή είναι ορισμένες περιπτώσεις οι οποίες είναι ας πούμε πολύκροτες και δημιουργούν μία (μικρή) βάση για να αντλήσεις στοιχεία..." [N(1)]

This is also echoed by a participant [P(1)] who, when referring to victims of trafficking for prostitution, mentioned that the police had only dealt with 198 case for the whole year of 2013. Thus most of the cases of exploitation continue unnoticed.

Table 3.2.3 below summarizes the economic sectors mentioned and confirms that the sector of agriculture is the most considered as a field of migrant workers' exploitation. This is followed by the food and tourism industry and domestic work. Also frequently mentioned were the manufacturing industry and construction. These areas match the cases studies presented: agriculture, food and tourism, domestic work and the cleaning industry. In relation to agriculture, the representative of group W in the focus group discussion mentions that the official numbers of farm wage workers are about 40,000 people but in reality there are about 180,000. Farm wage workers' conditions are not monitored since there are not in the mandate of the Labor Inspectorate according to the information of the focus group. Thus, the participant [FG(W)] suggests that, as in Norway, farm wage workers should become part of SEPE's mandate.

3.2.3 Frequencies of most frequent economic areas mentioned. In brackets the codes when mentioned by participants)

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	Total
Agriculture forestry and fishing 1 (02, 03,04,06)	2	4	4	2	3		2	2	1	**20**
Mining and Quarrying										
Manufacturing 19 (29,22, 23, 30, 31, 32,34)	3		1				1	1		**6**
Electricity, Gas, steam and air conditioning supply										
Construction 43 (44)	1	1	1				1	1		**5**
Wholesale and retail trade, repair of motor vehicles and motorcycles 50 (52)					1					
Transportation and storage 54 (58)			2							

Accommodation and food service activities 60 (61, 64, 65)	1	3	2		1		1			**8**
Information and Communication										
Financial and insurance activities										
Real Estate activities										
Professional, scientific and technical activities										
Administrative and support service activities 81 (86)	1		1		1					**3**
Public Administration and defense										
Compulsory social security										
Education										
Human health and social work activities 100 (101, 102,105)		1	3							**4**
Arts, entertainment and recreation 106 (111, 110)		2	1		1					**4**
Other service activities 113 (nurses' agencies)	1									**1**
Activities of households as employers 120 (122, 123,124)			4		3		1			**8**
Activities of extraterritorial organisations and bodies										
Other please specify 130 (Clothes processing, scrap industry, craft industry)	2			1						**3**
Don't Know 99										

Regarding the practices of exploitation (table 3.2.4) the most frequent situation is the lack of contract of employment or the absence of a contract of employment that migrant workers can understand. One participant [M(1)] identifies three reasons for this absence: a) Migrant workers do not speak and understand Greek to read the contracts when they exist, b) the contracts are presented by employers as unimportant documents and c) migrant workers are forced to accept hideous working conditions because they are in need. A respondent [P(1)] mentioned that sometimes signed contracts are written in Greek and signed in English.

The second more frequent conduct that leads to exploitation is the fact that migrants are not well informed about their entitlements and rights. However, a respondent [L(1)] observes that

migrants know their rights through support networks. The problem is that they do not dare to claim them. A respondent [M(1)] notices that there is a difference between the levels of information amongst different groups of migrants. The respondent states that Albanian, Bulgarian and Polish migrants are informed about their rights and so according to them, this lack of information concerns mainly Asian migrants (Pakistani and Bangladeshis).

The third more frequent case is the fact that employers do not pay social security contributions. This is illustrated in one case study where the employer not only did not attribute the social security stamps to his Albanian origin employee but that his wife declared these stamps as her own. Undeclared work is a common practice of employers that affects Greek workers [P(1)] and constitutes the focus of intervention of the different agencies (Financial Police, IKA-EYPEA). However, as noticed by one interviewee from the S group, migrant workers are more vulnerable because if they are undeclared they cannot regularize their residence status [S(1)].

The fourth case mentioned relates to the fact that employers withheld wages or paid considerably less than agreed. This is also illustrated in several case studies where, despite the difficult working conditions, the dispute was initiated because wages were withheld.

Migrant workers were quite frequently dependent on the employer beyond the employment contract. This concerned domestic work but also cases in agriculture where workers were dependent for their accommodation.

Three more practices were mentioned. One is that part of the wages are given back to employers for accommodation and food (in one case study for instance workers were paid 5 Euros a day and were obliged to pay 150 Euros per month as a rent for the abandoned warehouse where they were forced to stay) or to pay recruiters. Characteristically in one case study, Romanian workers did not receive the wages for their work as their “recruiter” kept part of it allegedly as a compensation for having found them a job, provided them with water and electricity and accommodation (makeshift shelters made out of paper and plastic). He also forced them to buy their food supplies from an illegal shop he owned where he overcharged them.

A respondent [W(1)] also mentions a case of workers who were forced to pay back their recruiter. Another practice is the fact that migrant workers are restricted in their movements. It is a frequent practice to withhold their travel documents [P(1), as seen in a case study involving workers from the Philippines. Finally, regrettably, migrant workers are subject to physical violence as also illustrated in the case studies with the most notorious ones the case of the Bulgarian employee of the cleaning company who received an acid attack, the case of the workers in the strawberry fields who were shot and the bakery worker who was tortured. Physical violence is also reported in two other case studies.

All practices proposed were mentioned although some to a lesser extent. Moreover, it is worth noting that a representative [E(1)] said that they do not know of any severe cases of labour exploitation of migrant workers in the companies he/she represents.

Table 3.2.4 Frequencies of the features contributing to labour exploitation

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
Migrant workers do not have a contract written in a language they understand, or do not have a contract at all;	4	5	6	2	3		2	1		**23**
Migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc.;	4	3	6	2	3		2	1		**21**
Employers withhold wages or pay considerably less than what they are obliged to pay;	3	3	3	2	2		2			**15**
Parts of what is paid flows back to employers, e.g. for fees which the employer owes to recruiters or for food or services provided by the employer;		1	2		2		3			**8**
The migrant worker depends on the employer beyond the employment contract, e.g. as concerns accommodation or employment of family members		1	4	1	1		1	1		**9**
Employer does not pay social security contributions;	3	5	2	2	3		1	1		**17**
Migrant workers are not allowed to go on annual leave;	1	1	1	1	1					**5**
Migrant workers are restricted in their movement, either by physical barriers or by practical means, such as withholding travel documents;	1	1	2	1	2		1			**8**
The employer adds to the migrant worker's isolation by impeding communication e.g. communication to representatives of labour unions or to labour inspectors;	1		1	1						**3**
The migrant worker is subjected to physical violence or to threats of such violence;	1		2		2		3			**8**
The worker's health conditions are impaired, e.g. through labour-intensive work or long hours;			3		1			1		**5**
Other (please specify)										
Don't know								1		**1**

These practices echoed the forms of exploitation and the sectors of the economy where migrant workers are exploited. In the following section the risk factors of exploitation are discussed.

4. Risks and risk management

4.1 Identification of common risk factors for labour exploitation

This section concerns the presentation of the risk factors that lead to labour exploitation as identified by the participants. The most important factors are the illegal status of immigrants and their great need to work. Irregular migrants risk deportation and therefore they would avoid asking for the assistance of authorities. They can also be blackmailed by employers to accept hideous working conditions as they are afraid to be deported and because they need to work to support their families. The section presents legal and institutional risk factors, such as the challenges of monitoring authorities or the low risk that offenders will be prosecuted and compensations paid. The section also looks at risk factors at a personal level such as language barriers, extreme poverty at home and the fact that one cannot have employment status. Finally, the section looks at different risk factors related to the workplace. Information is summarised in tables and each professional group is heard. Particular attention is given to participants' accounts about the role of recruitment agencies. The scope of the section is to give an understanding on how participants of the different professional groups see the factors as leading to severe labour exploitation.

When probed with the question on risk factors that could lead migrant workers into situations of labour exploitation, participants proposed different risk factors for labour exploitation. The most important factor, proposed by all categories of participants, was the illegal status of immigrants. This is an important risk factor because migrants with an illegal status are afraid to ask for help from the authorities and they could be blackmailed by employers to accept exploitative working conditions [J(2); P(1)]. Secondly, their residence permit and the residence of their family is bound to their employment. Thus, in order to keep their job they accept any working conditions, undeclared hours and low salary [L(1); P(1)]. Moreover, their legal status, which depends on their job, offers them the possibility for health insurance. However, employers prefer undocumented migrants because they *"can dismiss them whenever they like"* [S(1)] or they "cost less" because they are paid less and the employers prefer them [P(1)]. When they work undeclared they cannot prove they are employed and therefore they cannot request a residence permit and health insurance [S(1)]. The fact that their legal status is linked to their employment makes them prone to exploitation [L(1)].

This factor is identified by one expert as the main risk factor limiting the ability of the authorities to protect them from exploitation and makes the migrants vulnerable to other migrants that can take advantage of them [N(1)]. The fact that often migrants are undeclared workers does not allow them to regularize their status and become visible to authorities that can subsequently protect them. At the same time, given they do not have a regular status, employers or same ethnicity recruiters avoid social security contributions and threaten to denounce the migrant workers to the authorities. Thus, migrants prefer to remain silent. Participants from monitoring bodies said that the legal status of migrants gives them the

possibility to be declared which opens the possibility for inspection of their rights (check for insurance, underpayment etc). In these cases they can investigate labour exploitation. A participant [M(1)], reflecting on the situation links illegal labour to the black market, calls for an involvement of other authorities, like tax authorities, in the inspections. The interviewee recalls an incident where irregular workers of a shoe manufacture were hidden during an inspection from fear to be caught. A company that employs illegally is, for the participant, illegal in other aspects as well, this might be linked to the trafficking of products (black market) and therefore the company should be also investigated for that.

The second risk factor mentioned by all categories of participants was the need for work that migrants have. The greater the need (especially if families are involved) the greater the risk of exploitation. As a respondent [M(1)] puts it:

> *"…it is the situation of each worker; his personal, family status, etc.; the extent of their desperation will affects their willingness to tolerate certain behaviour against them by employers, or even by their colleagues."*
>
> *"…από εκεί και πέρα έχει να κάνει με την κατάσταση του κάθε εργαζόμενου, την προσωπική, την οικογενειακή κλπ, το πόσο ανάγκη δηλαδή έχει ο κάθε εργαζόμενος να ανεχθεί κάποιες συμπεριφορές απέναντί στο πρόσωπό του από τον εργοδότη. Ή ακόμα κι από συναδέλφους ας πούμε."* [M(1)]

When someone is trying to survive, the risk of becoming a victim of labour exploitation is even higher. This risk is accentuated with the economic crisis. The following quote [S(1)] exemplifies what many said:

> "*Because one has no choice. Because there is no alternative. Especially now with the economic crisis, exploitation has increased since 2008-2009 and people are forced to work like that. They have no other choice".*
>
> *«Επειδή ο άνθρωπος δεν έχει άλλη λύση. Δεν έχει άλλη επιλογή. Και ειδικά τώρα με την κρίση η εκμετάλλευση είναι περισσότερη παρά πριν το 2008-09 και εκεί αναγκάζεται να δουλεύει και έτσι. Δεν έχει άλλη επιλογή»* [S(1)].

This vulnerable situation acknowledged by both employers' representatives [E(2)] can be also portrayed as an agreement between the two parties, as a win-win situation.

According to an employer:

> *"A characteristic example is the unregistered payments I told you about before. We agree for example that you will come to trim my olive trees,[…] and you will get 30 Euro. Do you really want a stamp fee (ergosimo)[46]? The answer from the migrant is "of course I don't want stamp fee". Give me the money and everything is ok".*
>
> *«Ένα χαρακτηριστικό παράδειγμα είναι οι άτυπες πληρωμές που σας είπα. Συμφωνούμε για παράδειγμα ότι για να έρθεις να κλαδέψεις τις ελιές, φέρνω ένα παράδειγμα εκτός ΓΣΒΕΕ αλλά υπαρκτό στον αγροτικό χώρο, θα πάρεις 30 ευρώ.*

[46] Stamp fee is a prepaid fee (employers pay at a bank account) from which social security contributions of both employer and employee are withheld immediately. Thus, the wage that the worker receives is reduced. This is used for occasional work in domestic situations.

Δεν πιστεύω να θες εργόσημο; Η απάντηση του μετανάστη από την άλλη είναι φυσικά δε θέλω εργόσημο δώσε μου τα χρήματα είμαστε μια χαρά» [E(1)].

Migrants are vulnerable because they need the job, they do not have the status to ask for the help of the authorities and the situation in the country deregulates working relations in general [L(1)].

Besides these two consensually suggested risk factors, other factors are indicated by the different groups. One respondent [W(1)] mentions that inspection authorities lack personnel, and another that the type of economic sector affects the risk factor. For example, the tourism industry is vast and difficult to inspect [W(1)]. Support group representatives mention the age and gender (women more vulnerable) of the migrants as well as their origins (sub-Saharans migrants are mentioned as more vulnerable). A participant [S(1)] mentions that the origin and the route migrants take to come to Greece constitutes a risk factor as many become victims of exploitation before arriving in the country by networks of compatriots. Support groups also mention the lack of language skills as a problem [S(5)]. This factor, along with gender, is also echoed by monitoring group representatives [M(2)] and representatives of employers [E(1)]. The latter mentions the culture of the migrants, that it is not western [E(1)], and their low level of education. Their education is mentioned by judges who add that migrants are not informed about their rights [J(2)].

The general negative climate towards immigration and Greek bureaucracy is highlighted by one respondent [N(1)]. Lawyers add the lack of social monitoring as a risk factor. For the police, age (older migrants are more vulnerable) and type of occupations that do not appeal to Greeks, are mentioned [P(1)]. An officer also talking about the economic crisis suggests that migrants are lulled into believing that Greece is the "promised land" and therefore vulnerable to exploitation [P(1)]. Finally, the representative of a recruitment agency suggests that exploitative working conditions might result from the fact that the migrant gives false information about his/her specialization when he says:

"Therefore if the migrant tells lies and goes (to take the job) he will get in trouble himself and he will definitely consider himself a victim of exploitation because instead of cooking he was put to wash dishes […] . If you are not expert at something, don't apply for it so the agency doesn't send you to do this job and you don't create problems to your employer or the agency".

«Άρα αν λέει ψέματα ο μετανάστης θα πάει και θα ταλαιπωρηθεί ο ίδιος. Κι εκεί σίγουρα αυτός θεωρεί πως έπεσε στην εκμετάλλευση και ότι αντί για μάγειρα τον βάλανε λαντζιέρη […] Αν δεν είσαι ειδικός για κάτι καλύτερα να μη το δηλώσεις για να μη σε στείλει και το γραφείο σε αυτή τη δουλειά γιατί τότε δημιουργείς προβλήματα και στον εργοδότη και στο γραφείο» [R(1)]. In this case, the working conditions are the result of a misunderstanding of migrant's credentials.

To summarise, the main risk factors proposed by participants are the illegal status of migrants and their need to work that along with their difficulties due to language and other impediments of their status puts them at risk of being exploited. The following quote from a representative [W(1)] clearly expresses the general discourse:

"*'Because they're often irregular migrants, people who are exploited by others recruiting them as occasional staff, and they also have objective difficulties in claiming their rights, ignorance of the language perhaps, or the fact that in their countries they had such insurmountable problems and were violently displaced, so now they're trying to survive here".*

"Γιατί είναι πολλές φορές παράνομοι μετανάστες, είναι άνθρωποι που τους εκμεταλλεύονται άλλοι και τους διαθέτουν ως προσωπικό ευκαιρίας, και πλέον έχουν αντικειμενικές δυσκολίες στο να διεκδικήσουν κάποια πράγματα, από την άγνοια της γλώσσας ίσως, από το γεγονός ότι στις χώρες τους είχαν τέτοια ανυπέρβλητα προβλήματα που τους έκαναν να μετακινηθούν βίαια και να προσπαθήσουν εδώ να επιβιώσουν" [W(1)]

These different risk factors are explored below under the questions relating to the institutional settings, the migrants' characteristics and conditions at the workplace.

The table 4.1.1 below summarises the risks expressed by the different groups of participants regarding the legal and institutional setting.

4.1.1 Risk factors due to the legal and institutional setting

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
Low risk to offenders of being prosecuted and punished;	2	2	4	1	1		3			**13**
Low risk to offenders of having to compensate exploited migrant workers;	2	4	1	2	2		1		1	**13**
Lack of institutions effectively monitoring the situation of workers in sectors of economy where labour exploitation occurs;	4	2	6	2	3	1	3	2	1	**24**
Corruption in the police;	1		5	1	2		1	2	1	**13**
Corruption in other parts of administration;	1		3					2		**6**
Other (please specify) long process of administration of justice, indifference of the wider society, lack of institutional framework protecting those with illegal status-right of protection and appeal, illegal status, lack of staff in the existing institutions		1		1	2		1			**5**
Don't know										

Please note that 2 participants [M(2)] did not want to answer the question

As can be seen in table 4.1.1. above, the most common factor identified by all categories and almost all participants regarding the legal and institutional risk factors is the lack of institutions monitoring the situation of workers in sectors where labour exploitation occurs. This factor is followed in equal weight by three other risks: a) the law risk to offenders of being prosecuted and punished, b) the low risk to offenders of having to compensate exploited migrant workers and c) police corruption. All these three factors were mentioned by almost half of the participants. Corruption in other parts of the administration was

mentioned a lot less. What perhaps was meant is a tolerance on the part of the authorities of exploitative practices:

> *"…In many, especially in companies that work in this sector, in these sectors where they sublet workers or anyway in agencies where they find work for women in the houses or in cleaning companies etc there is a tolerance on the obligation of these companies as far as the social insurance contributions, a tolerance from the part of IKA (Social Security Agency)."*
>
> "…σε πολλά ιδίως εταιρίες που δουλεύουν σε αυτόν τον τομέα, σε αυτούς τους τομείς που νοικιάζουν ή τέλος πάντων σε πρακτορεία που βρίσκουν εργασία σε γυναίκες σε σπίτια ή σε εταιρίες καθαρισμού κτλ υπάρχει μια ανοχή στις υποχρεώσεις αυτών των φορέων ως προς τις ασφαλιστικές εισφορές, μια ανοχή από το ΙΚΑ." [S(1)]

A few participants mentioned other risk factors such as the long process of administration of justice that might discourage people from claiming their rights (see also below). One respondent [W(1)] said:

> *"Because when a case enters the justice system, the court decision is reached after 4 or 5 years, right? And probably the employer may not exist by then […] the firm may have been closed or may be operating under a different legal status, or headquarters etc. We are always on the hunt, we have court decisions that may never been applied. In the end."*
>
> *"γιατί μια υπόθεση όταν εισάγεται ως πρωτοείσακτη υπόθεση στα πινάκια των δικαστηρίων, δικάζεται μετά από 4 και 5 χρόνια, έτσι; Και ενδεχομένως να μην υπάρχει και ο εργοδότης μέχρι τότε. […] Να έχει κλείσει, να έχει αλλάξει η νομική μορφή, να έχει αλλάξει η έδρα, να, να, να… Είμαστε διαρκώς σε ένα κυνήγι, βγαίνουν αποφάσεις που παραμένουν ανεκτέλεστες. Στο τέλος.* [W(1)].

Thus, it is not only the long length of the process that might be discouraging but also the fact that it may end up being ineffective.

Other reasons mentioned are the indifference of the wider society about the exploitation of migrants that creates a climate of tolerance of exploitative working conditions and the illegal status of migrants that does not allow them to seek legal protection (lack of institutional framework for those without legal status). One of the lawyers [L(1)] considers the status of immigrants as the most important risk factor. In their own experience with female employees, employers use the status as a weapon of exploitation. Employees know that if they get fired not only they will lose their job but also they put their legal residence in danger. Thus, they do not claim their rights.

The lack of staff resources is also mentioned as an impediment to monitor and to police working conditions and to punish offenders quickly. This difficulty is mentioned in one of the case studies in which the prosecutor acknowledges that monitoring bodies cannot inspect the full area and in another when again inspectors are not enough to cover effectively craft

workshops where many undocumented migrants work. A respondent [W(1)] notices that there have been government announcements on cooperative inspection teams (Financial Police, IKA, Labour Inspection). However, in the interviewee's professional experience he/she has only witnessed small teams of the EYPEA, which is understaffed and falling apart due to staff leaving. The same is true of the Labour Inspectorate, as there are only 8 special labour inspectors left in the central authority to cover the whole country. Local Labour Inspection Services are also ineffective, because they are understaffed and prioritize necessary bureaucratic work. Thus, on-the-spot inspections are rare. With reference to his/her sector the same participant said:

> *'There are about 10,000 hotels and about 100,000 food service businesses of every kind. Were monitoring authorities to carry out a cycle of inspections and check every one even once, they would probably need, with the ridiculous kind of inspections carried out by them, I'd say they would need about 20 years to cover all of them. So this sense of impunity makes them ever more defying of the rules and more exploiting of people who cannot defend themselves".*
>
> *"Μιλάμε για περίπου 10.000 ξενοδοχεία και περίπου 100.000 επισιτιστικές επιχειρήσεις κάθε είδους. Αν ήθελαν οι ελεγκτικοί μηχανισμοί να κάνουν έναν κύκλο και να τους ελέγξουν έστω και μία φορά, θα χρειάζονταν μάλλον, με τις αστείες καταστάσεις ελέγχου που υπάρχουν εκεί στους ελεγκτικούς μηχανισμούς, θα έλεγα ότι θα χρειάζονταν περίπου 20 χρόνια. Για να τους καλύψουν όλους αυτούς. Άρα και η αίσθηση του ατιμώρητου που έχουν τους κάνει να γίνονται όλο και πιο αποθρασυμένοι και να εκμεταλλεύονται όλο και πιο πολύ ανθρώπους οι οποίοι δεν μπορούν να υπερασπιστούν τον εαυτό τους."* [W(1)]

In the focus group discussion, one respondent [FG(M)] says that SEPE is scheduling controls in tourist areas, but with only one inspector in place these are difficult. To that, one participant [W(1)] adds that there is not only issues of tourism in the islands. For example there are mines in Milos but the Labour Inspector has retired and was never replaced. One participant [L(1)] continues the discussion but said ironically that Labor Inspectors were also given the mandate to police the law against smoking as if they hadn't enough work. Their remarks illustrate the extent of the difficulties that monitoring bodies face. The understaffing of institutions is perhaps an issue that can be solved if only one mechanism for inspection exists and is given enough power as a respondent [M(1)] observes:

> *"Listen, I understand that during this difficult period we cannot ask for more personnel for IKA, TEBE, Tax Authorities or SEPE. (What we need is) one (with emphasis) inspection service, with real power."*
>
> *"Ακούστε, καταλαβαίνω ότι σε αυτή τη* δύσκολη *περίοδο δεν μπορούμε να ζητάμε να στελεχώσουμε το ΙΚΑ, το ΤΕΒΕ, την Εφορία, το ΣΕΠΕ. Μια (με έμφαση) ελεγκτική Υπηρεσία, με πραγματικές εξουσίες."* [M(1)]

The lack of monitoring institutions which was the consensual risk factor is mentioned mainly by support group representatives. Characteristically, a respondent [S(1)] said that they are not satisfied with the Labour Inspectorate (SEPE) and wished that they were more proactive.

This lack of monitoring activities is also acknowledged by participants from monitoring bodies. This is important to note since two of the monitoring bodies participants did not acknowledge any institutional risk factor. This lack of monitoring activities makes employers feel that there is no risk for them, as one respondent M group interviewee claims:

> *"They are not threatened because nobody monitors them. There are no monitoring mechanisms for this. On the other hand, migrants do not know that they could go to SEPE and file a complaint"*

> *«Δεν κινδυνεύουν γιατί δεν τους ελέγχει κανένας δεν υπάρχουν ελεγκτικοί μηχανισμοί για αυτό. Και οι μετανάστες δεν ξέρουν πως θα πάω στην επιθεώρηση εργασίας και μπορώ να το καταγγείλω »* [S(1)].

In relation to the lack of monitoring mechanisms, the general feeling is not that Greece lacks such institutions, but that the general climate of deregulation of working conditions [W(1)], the crisis [M(1)] and the understaffed organisations [M(1); W(1); J(1); L(1)] prevent proper and proactive inspections.

The discussion about the difficulty of conducting proper inspections was also prominent in the focus group discussion. In the excerpt that follows it is clear that monitoring activities are undermined by the lack of staff and the vulnerable state of inspectors themselves who may be attacked or accused of corruption by unscrupulous employers who wish, that way, to avoid controls. Moreover, the lack of willingness to solve these problems and the deregulation of the labour market are accused for producing exploitative working relations. During the focus group a representative [FG(L)] asks another representative [M(1)] whether they are well qualified and staffed to conduct raids in enterprises. The following excerpts are from the discussion that followed.

> [M(1)]*: The staff allows at best for a team of four employees. If there is an enterprise with large facilities and there are some walkways to get away or to hide, to get out in some place etc yes I do not think that the team of four employees is adequate to manage a substantial inspection. That is, of the 50 workers employed, you may find 20.*

> [L(1)]*: In addition, is it true that two of your colleagues have gone suddenly for inspection to an employer and the employer has locked them in falsely accusing them of bribery in order to avoid the charges? Is it true that things like that also happen?*

> [M(1)]: *[...]. In SEPE there is no legal department to support you if something like this happens. In the case a complaint is filed against you. Especially now with the new Code of Public Employees*[47] *you are very vulnerable even if someone files a false complaint against you like in the case of colleagues you mention there were security*

[47] According to this code, public sector employees who are accused of bribery or other financial misconduct or if a complaint is officially filed against them, they are suspended immediately even before the investigation begins.

cameras in the place but the material from the security cameras wasn't taken into consideration even though it was requested from the beginning to take this material.

[L(1)]*: Have any of your colleagues been suspended?*

[M(1)]*: No, because the service board hadn't mediated yet. For this reason.*

[M(1)]*): Yes. Regarding these issues I want to say that one of the main reasons encouraging labour exploitation in Greece is the belief that the inspection mechanisms cannot perform the job for which they have been set up. They are understaffed, we have complaints of labour inspectors from their unions that they have to pay for their transport themselves, EYPEA, the special inspection service consists of 21 people for the whole country. This is the special inspection service that conducts inspections 24 hours a day. As a result, there is an impression that it is very difficult for an employer, a business to be inspected as the labour legislation imposes.*

Apart from all the provisions in the new disciplinary code of public officials, some categories such as SEPE inspectors should be excluded in order to be able to do their job freely because now they are exposed to malicious complaints and the threat of furlough and final removal from the service is hanging over them. [...]. I believe that the issue has to do with the willingness we have, I come back to this, to regularize, to re-establish the legitimacy in labour market. If there is no clear intention and will to re-establish the legitimacy in labour market the phenomenon will flourish and it will take on many more new dimensions.

Regarding the low risk that offenders have of being prosecuted and punished, employers' organisations and recruitment agency representatives, along with the national expert, do not mention this as a risk factor. It is important to note, however, that one of the judges [J(1)] mentions it as a consequence of the lack of monitoring activities. This is also the feeling of one interviewee [N(1)]: if institutions work efficiently, offenders will be prosecuted.

Lack of prosecution and punishment seems to be an important factor, on the contrary, for victim support participants (4/7) and workers' representatives (3/3). A respondent [S(1)] estimated that out of 800 cases, only 1 goes to court, and for every 100 that go to court only 8 perpetrators will be sentenced. Characteristically another respondent [S(1)] said:

"Because the employer knows that he is never punished. Whatever he does…He may do whatever he wants with the worker and he will not get punished. When we started having a legal status we were told that now, if the employer employs migrants with no papers he will have to pay, it was 500,000 drachmas then. No one ever paid. Why should the employer want to pay his insurance contributions and employ his workers legally in his business? He doesn't care. Because employers are not punished and employees never get compensated"

«Επειδή ο εργοδότης ξέρει ότι δεν τιμωρείται ποτέ. Ότι και να κάνει δεν… Μπορεί να κάνει ότι θέλει με τον εργαζόμενο και δε θα τιμωρηθεί. Επειδή όταν εμείς αρχίσαμε να νομιμοποιούμαστε έλεγαν πως αν ο εργοδότης θα έχει μετανάστες χωρίς χαρτιά θα

πληρώνει πρόστιμο, τότε ήταν σε δραχμές 500.000. Δεν πλήρωσε κανένας ποτέ. Πως τότε να αυτός να βάλει τα ένσημα και να θέλει να είσαι νόμιμος στην επιχείρησή του. Δεν τον νοιάζει καθόλου. Επειδή οι εργοδότες δεν τιμωρούνται καθόλου. Και οι μετανάστες ποτέ δεν αποζημιώνονται» [S(1)]

Another participant [S(1)] blames the long time that justice takes to be applied and the high costs involved, the respondent notices that:

> *"The judicial system is not effective. Sometimes it means that there is no prospect of having judicial support. In this sense. When decisions come out too late, it takes a long time to come out with the constant adjournments and of course when there is a cost to participate in these trials"*
>
> *"Το σύστημα απονομής της δικαιοσύνης δεν είναι αποτελεσματικό. Φτάνει πολλές φορές στη μη δυνατότητα να έχεις δικαστική υποστήριξη. Με αυτήν την έννοια. Όταν βγαίνουν πολύ αργά οι αποφάσεις, κάνουν πολύ χρόνο να βγουν με τις συνεχείς αναβολές και βέβαια χρειάζεται και ένα κόστος για να συμμετάσχεις σε αυτές τις δίκες"* [S(1)]

The low risk of offenders being prosecuted and punished as well as having to compensate the victims is due also to the fact that very few victims dare to make complaints. Characteristically, a representative [W(1)] said:

> "*How many people dare to make claims? And usually, they're in danger of finding themselves violently deported, they have their ways of getting rid of them."*
>
> *"Έτσι, πόσοι είναι αυτοί που αποτολμούν να διεκδικήσουν; Και συνήθως κινδυνεύουν να βρεθούν βιαίως έξω από τη χώρα, έχουν τους τρόπους για να τους, για να απαλλαγούν από την παρουσία τους"* [W(1)]

The low risk of offenders having to compensate the victims again was not mentioned by employers' and recruitment agency representatives. However, it seems to be a factor high relevant for police officers since 4/5 mention this as a problem. They explain this lack of compensation as a consequence of the lengthy procedures. A respondent [P(1)] also offered the following explanation, acknowledging the difficulties migrants have with pursuing their cause legally:

> "*The foreigners themselves might end up, due to fear etc, by not carrying on with their claim until the end. And as a result this whole complaint might fade out after all. And when it reaches the final stage, that of compensation, then their claims might no longer be so powerful, as they were in the beginning, when they were arrested."*
>
> *"Οι ίδιοι οι αλλοδαποί στο τέλος μπορεί, από φόβο και λοιπά, να μην υποστηρίξουν μέχρι το τέλος το δίκιο τους. Με αποτέλεσμα να εξασθενήσει εν τέλει όλη αυτή η καταγγελία. Το εγχείρημα. Και να φτάσει στο τελικό στάδιο πληρωμής που λέμε, απολογισμού, και τότε να μην είναι τόσο πλέον ισχυρός ο λόγος, όσο στην αρχή που συνελήφθησαν."* [P(1)]

This quote indicates also that migrants have sometimes to make claims under the status of being arrested. In several case studies the migrant workers victims of exploitation were arrested due to their lack of legal status. Moreover, in one case, a worker at a bakery who had experience labour exploitation preferred to refuse assistance because of his irregular status. Indeed, when the police was involved he was arrested and held in police stations without medical assistance. He was regularised on humanitarian grounds to follow the trial of his perpetrators, but this status was subsequently revoked.

Another explanation for the low rates of request for compensation is given by a lawyer [L(1)] who said that for very low unpaid salaries it might not be worth going through a lengthy and costly legal procedure to ask for compensation. In relation to compensation from the 10 cases studies collected as part of this research, only in one case was compensation awarded. This is a notorious case that happened between 2003 and 2008 and today the employer has only paid 70% of the compensation awarded to the victim. In the case, the victim was able to receive 1/3 of the wages owed to her but not the compensation she was entitled to. After receiving this money she signed a voluntary retirement feeling some psychological satisfaction for getting something from her boss she never expected to receive. In another case study, the real employers (businesses operated with migrants as straw men) cannot be found in order to pay either the fines or the compensation.

Police corruption has been mentioned by all groups except the police and the recruitment agency, and seems to be an important factor for the support groups. However, those mentioning this do not give details or examples of such cases. One J group interviewee says characteristically that there might be police corruption but the respondent does not have any personal experience of it. In the opinion of one lawyer, it is the indifference of the police, as a sign of corruption, that constitutes a risk:

> "*The police doesn't show any interest, it doesn't carry out inspections, it doesn't look for witnesses, it doesn't show up in crime places, in order to investigate the violations or violations of labour rights reported. So, the low risk to offenders of being prosecuted and punished is strongly connected with the corruption in the police and the impunity of the offenders."*
>
> *"Δεν την ενδιαφέρει, δεν ψάχνει, δεν αναζητά μάρτυρες, δεν μεταβαίνει στον τόπο για τον οποίο καταγγέλλονται τα αδικήματα ή και τα εργασιακά παραπτώματα, οπότε ο μικρός κίνδυνος να διωχθούν οι δράστες αφ' ενός συνέχεται με αυτό το θέμα, και με ένα καθεστώς ατιμωρησίας που έχουν όλοι αυτοί οι άνθρωποι."* [L(1)]

A representative [S(1)] attributes this indifference to racism when they say:

> *"The police look at migrants, not just as human beings but as a question of law and order. That we are more like garbage rather than human beings, to be treated. This is quite true, that happens*" [S(1)]

Another representative [S(1)] presents another aspect of the "corruption" factor that echoes the tolerance of the wider society to such phenomena. For this respondent, the choice of

codes 04 and 05 (police and institutional corruption) has more to do with their inability to implement the law than with corruption per se. If the law was implemented the local economies would collapse. The respondent says:

> *"In the end I think it serves the local economy to have undocumented migrants. It serves the society as a whole. We need to accept this i.e. the institutional framework is not implemented. If the police implemented the institutional framework these three things should happen; all the undocumented migrants should be arrested, their wages paid and then they should be deported. They don't do this for several reasons. Because generally there is no one to harvest fruits and vegetables. This is why."*

> *"Νομίζω ότι εξυπηρετεί την οικονομία της κάθε περιοχής να έχει μετανάστες χωρίς χαρτιά τελικά. Εξυπηρετεί το κοινωνικό σύνολο. Πρέπει να το παραδεχθούμε αυτό. Δηλαδή δεν υπάρχει εφαρμογή του θεσμικού πλαισίου. Αν η αστυνομία εφάρμοζε το θεσμικό πλαίσιο τρία πράγματα θα έπρεπε να συμβούν. Να συλλάβει όσους είναι χωρίς χαρτιά, να εξασφαλιστεί ότι θα πάρουν τους μισθούς τους και στη συνέχεια να απελαθούν. Αλλά δεν το κάνει για κάποιους λόγους. Επειδή δεν υπάρχουν γενικά άνθρωποι να μαζέψουν τα φρούτα και τα λαχανικά τους έχουν έτσι."* [S(1)]

This view signifies that in the opinion of some, employers and institutions somehow collude to keep the status quo of immigrant exploitation in order to satisfy the needs of the local economy.

Regarding the personal factors that constitute risks for exploitation, as seen in table 4.1.2 below, the factor expressed by almost all participants is the fact that migrants are not allowed to enter into employment due to their illegal status. Arguments about this fact have been given earlier when participants spontaneously proposed this factor as the most important. Very close to this factor is the lack of language skills. This is an important risk factor. As proposed by a lawyer, the fact that the migrants do not speak the language of the country marginalizes them and makes them feel suspicious. Moreover, they depend on compatriots that may not really help them [L(1)]. This last element is echoed by a representative [M(1)]:

> *"Well, they are exploited by the nationals of their country. They don't speak our language and they are forced to confederate with a national of their country, who speaks the language and is familiar with the procedures, in order to survive in their daily life. This is where exploitation exists, I think."* [M(1)]

The lack of language skills is also an obstacle for those having a high educational level but are not able to express themselves [M(1)]. This is echoed by a respondent [S(1)]:

> "*We don't have low level of education, but the question of language... when you don't know the language, you're like a stupid person. I've experienced that myself. You know, the agony of it, because you don't know the language. As if you are... yes, a stupid person. You feel that agony..."* [S(1)].

Thus, language is not only a tool for integration in the receiving society in better terms, but also a factor that affects migrants' self-image.

All categories, except for one respondent [N(1)], mention the extreme poverty that migrants have experienced at home as an indicator that they "tolerate" and are willing to accept extreme working conditions. As one respondent [S(1)] characteristically says:

> *"When they come here and they get 5 Euro, they take it and they think that this is a lot of money. This happens because, like we now are talking about our rights, if a worker has experienced extreme poverty in his country he doesn't understand many things. People that come from Africa that used to live in slums there, once they arrive here they have light 24 hours a day, they have food, good streets, a house… they think there are no other rights to claim"*
>
> *"Που θα έρθει εδώ αμέσως και θα του δώσει πέντε ευρώ, τα παίρνει και νομίζει πως είναι πολλά λεφτά. Αυτό συμβαίνει, όπως εμείς τώρα συζητάμε για τα δικαιώματά μας, αν κάποιος εργαζόμενος έχει βιώσει φτώχεια στη χώρα του σε πολλά πράγματα δεν καταλαβαίνει. Ο κόσμος που έρχεται από την Αφρική, που μένανε στην… πως το λένε, στα slum (φτωχογειτονιές) που έχουνε στην Αφρική, μόλις ήρθαν εδώ, έχουν 24 ώρες φως, έχουν φαγητό, έχουν καλούς δρόμους, σπίτι… θεωρούν πως δεν υπάρχουν άλλα δικαιώματα να διεκδικήσουν"*. [S(1)]

One respondent [P(1)] claims:

> "... *wages in the country of origin might be 2 or 3 Euro, and in Greece they may respectively receive 3 or 4 Euro. So since it is a little bit more, the migrant himself/herself considers this as an improvement. While for us Greeks it is considered to be labour exploitation".*
>
> *"...μπορεί το μεροκάματο στη χώρα καταγωγής να είναι 2 ή 3 ευρώ, και στην Ελλάδα αντίστοιχα να παίρνει 3 ή 4 ευρώ. Οπότε εφ' όσον είναι λίγο παραπάνω, αυτό θεωρείται από τον ίδιο ανέλιξη. Ενώ για εμάς ως Έλληνες θεωρείται εργασιακή εκμετάλλευση."* [P(1)]

The comparison with the country of origin is used to highlight the fact that migrants do not claim more but could also be seen as an "excuse" since migrants may not perceive it as exploitation. For a lawyer, [L(1)] migrant workers accept poverty as a given and therefore any improvement of their life is for them enough. Extreme poverty, as a risk factor, has a different meaning for one respondent [R(1)] interviewed:

> "*As far as poverty is concerned you know very well and you have heard for sure that those coming from countries with extreme poverty are lazier so to say. They don't work as much as we work in Greece. That is, a migrant may work 10 hours and a Greek may work 6 hours and the may produce the same amount of work".*
>
> *"Και η φτώχεια ξέρετε και εσείς καλά και σίγουρα θα έχετε ακούσει πως όλοι αυτοί που έρχονται από χώρες με υπερβολική φτώχεια είναι πιο τεμπέληδες να το πούμε; Δεν εργάζονται όσο εργαζόμαστε εμείς στην Ελλάδα. Δηλαδή μπορεί ένας μετανάστης να εργαστεί 10 ώρες και ένας Έλληνας να εργασθεί 6 ώρες και να βγάλει την ίδια δουλειά»* [R(1)]

All categories, except lawyers and the national experts' category, mention the low level of education of migrants as a risk factor. A respondent [P(1)] summarises the general argument when he/she says that a low level of education prevents migrants from understanding labour legislation and their rights and restrains them to low paid occupations. However, again for one representative [R(1)], the low level of education is an impediment for the outcome of the work of the migrant that should be compensated with long working hours:

> "*when one has low education level does not understand easily what you ask him to do which means that he will not produce for you. When he doesn't produce for you cannot keep him because he doesn't produce for you. If you keep him it means that he will work more hours in order to produce what corresponds to his salary".*
>
> *"όταν ο άλλος έχει χαμηλό μορφωτικό επίπεδο δεν καταλαβαίνει κι αυτά που του ζητάς πολύ εύκολα που σημαίνει δε σου κάνει και παραγωγή. Κι όταν δε σου κάνει και παραγωγή δεν μπορείς εσύ να τον κρατάς και να τον πληρώνεις γιατί δε σου κάνει παραγωγή. Αν τον κρατήσεις σημαίνει ότι θα πρέπει να τον βάλεις να δουλέψει περισσότερες ώρες για να σου κάνει αυτήν την παραγωγή που απαιτείται για να βγάλει το μίσθωμά του".* [R(1)]

Finally, with the exception of employers' representatives and the recruitment agency representative, all other categories acknowledge that migrant workers may be at risk because of their membership of a minority group. From 2010, (starting with the crisis in Greece) a lawyer [L(1)] sustains that migrants become more vulnerable and become victims of racist attacks. Gender and origin in relation to the receiving society are less mentioned as risk factors by participants. The lawyer [L(1)] suggests that migrants from Asian countries are more vulnerable than migrants from Albania and Egypt because the latter are more often part of unions and are more active in defending their labour rights, whereas the former have a low level of education, come from devastated countries, are younger in age and have cultural differences from the Greek population.

4.1.2 Personal characteristics and initial situation

	M	P	S	J	L	R	W	E	N	Total
Migrant worker has a low level of education;	2	4	3	1		1	1	1		**13**
Migrant worker does not know the language of the country of workplace;	4	3	4	1	2		2	2	1	**19**
Migrant is not allowed to enter into employment;	4	3	2	3	3		3	1	1	**20**
Worker comes from a country the nationals of which are often exploited in the destination country;	1	1	3	1			1			**7**
Worker is prone to discrimination on behalf of their race or through their identification as belonging to a national minority (such as Roma, Dalit or sub-Saharan African)	2	1	4	1	2		1		1	**12**
Worker is prone to discrimination on behalf of their sex			2		1		1	1		**5**
Worker has experienced extreme poverty at home;	3	4	4	2	1	1	1	1		**17**

Other (please specify)										
Don't know										

As far as the situation at the workplace is concerned (see table 4.1.3 below) almost all participants (and from almost all categories) mentioned the precarious conditions of employment for migrants, and this reason is followed by the fact that the migrants are seasonal workers and work in sectors of the economy particularly prone to exploitation as they are not regulated (like the farming sector, [S(1)]. As seasonal workers they might be employed only for a few months, although they stay in the region for the whole year. Thus the nature of the employment constitutes an important risk factor. From the interviews it seems that there is an implicit division of labour in the country where migrants from Asian countries are employed in the agricultural sector whereas migrants from the Balkans are employed in the construction industry. Also migrants from former Soviet Union countries are employed in the tourism industry as they speak Russian and are useful with tourists from Russia. Thus, the sector differs in relation to the origins of the migrant.

Another risk factor highlighted by experts is the isolation of the migrant during his/her working hours which is particularly true for domestic workers and people working in craft industries. Isolation has many negative consequences. Many isolated workers cannot learn Greek despite the fact that they live in Greece for many years [S(1)] which in itself is another risk factor (see above). To counteract the isolation especially of African domestic workers, a support group created the campaign ΔΕΣΜΕ (DESME) which in Greek means "Look at me", and implied that "I am visible", " need to become visible" [S(1)]. The same participant mentioned that the General Workers Union was approached to sign a collective agreement for domestic workers. This according to the Union was not possible because the different employers of domestic workers did not have a common representative. The participant said that the research institute of the same Union (INE_GSEE) had proposed a possible solution to this obstacle but the Union, regretfully for the participant, did not proceed with it further. When migrants work in isolation it is harder to identify and record them during inspections [P(1)].

Another factor suggested by support groups, monitoring bodies, workers' representatives and lawyers is the fact that migrants are not directly employed by the businesses or organisations, but work through agencies that employ them. Thus, workers cannot prove that they worked for this business or organisation and it is more difficult to inspect them. The notorious case of the cleaning services is mentioned by a woman lawyer [L(1)] (see also the case study presenting the case of a Bulgarian woman working for a cleaning company that had a contract with Athens' underground. This woman was severely attacked with acid because of her union activities). Finally a less often chosen factor was the fact that migrant workers are not members of trade unions.

4.1.3 Situation at the workplace

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
The migrant works in a sector of the economy that is particularly prone to exploitation;	3	3	3	1	3		2	2		**17**

The migrant works in relative isolation with few contacts to clients or to people outside the firm;	2	2	2	1		1	2		1	**11**
The migrant worker is not a member of a trade union;		1	2	1			1		1	**6**
The migrant works in a precarious or insecure situation of employment, e.g. formally not employed but self-employed;	5	5	4	3	3		2	2	1	**25**
The migrant worker is not directly employed by the business/organisation for which they work, e.g. agency workers, or employees of cleaning or security companies;	2		3		2		1			**8**
The migrant worker is employed as a posted worker by a foreign company;										
The migrant is a seasonal worker;	3	4	4	3	1	1	1	2		**19**
Other (please specify)										
Don't know										

To conclude, according to participants, people become victims of labour exploitation mainly because of their illegal status and secondly because of their need to work they accept everything in order to survive and to improve their condition. They are more at risk since the monitoring authorities do not suffice to proceed to inspections and employers have a low risk to be prosecuted, punished and pay compensations. Migrants are also at risk because they do not have the legal requirements to work, they do not know well the language and have a low level of education and come from extremely poor environments the comparison with which makes them feel better even under conditions of exploitation. Their precarious and insecure condition, jobs which are seasonal and specific sectors of the economy increase the likelihood of being exploited. Migrants find themselves trapped in a difficult situation and as a participant from a support group puts it people get used to exploitation and find it difficult to get out [S(1)].

Role of recruitment agencies

Participants in all different groups highlight a distinction between illegal and informal recruitment agencies that as a monitoring body representative puts it *"is the root of evil in relation to labour exploitation"* [M(1)] and legal agencies. However, participants of the categories of judges and lawyers do not display first-hand experience and a lot of participants in the research did not know who monitors these agencies.

Employers' representatives

For a representative [E(1)], there is a problem because these agencies operate as subletting companies and the state recruitment agency (OAED) is understaffed and cannot help migrants:

> *"In Greece, (private recruitment agencies) have been a bad practice if you allow me to say. Most of them operate as workers' subletting companies with one-sided contracts between big companies and workers. The state recruitment agency has*

been left without adequate staff and ability to intervene and of course as we mentioned earlier, there is no specialization in the treatment of the unemployed migrants for example. That is, the migrant who is interested in finding a job should speak Greek quite well, should know a consultant willing to explain some basic things and give some basic directions".

«Στην Ελλάδα έχουν αποτελέσει και μια κακή πρακτική επιτρέψτε μου. Δε λειτουργούν μόνο ως γραφεία ευρέσεως εργασίας. Τα περισσότερα από αυτά λειτουργούν ως εταιρίες υπενοικίασης εργαζομένων με λεόντειες συμφωνίες μεταξύ μεγάλων εταιριών και εργαζομένων» [...] Ο ΟΑΕΔ έχει αποψιλωθεί και από προσωπικό και από δυνατότητες παρέμβασης και φυσικά αυτό που νομίζω συναντήσαμε και νωρίτερα, δεν υπάρχει εξειδίκευση στην αντιμετώπιση άνεργων μεταναστών για παράδειγμα. Δηλαδή ο μετανάστης που ενδιαφέρεται να βρει μια εργασία θα πρέπει να γνωρίζει αρκετά καλά ελληνικά, θα πρέπει να βρει έναν εργασιακό σύμβουλο στον ΟΑΕΔ που θα είναι πρόθυμος να του εξηγήσει βασικά πράγματα και να του δώσει βασικές κατευθύνσεις…» [E(1)]

The respondent suggests that a clear distinction should be made between recruitment agencies and agencies that hire and sublet workers and that inspections should be frequent and stricter [E(1)].

For another representative [E(1)], if employment and recruitment agencies are well organised and function according to the law, they are monitored by strict rules and help to prevent situations of vulnerability for migrant workers. However, there are also companies that do not function in that way and are responsible for creating situations of vulnerability of migrant workers. Although the legislation allowing someone to have such an agency is strictly regulated, the institution in charge of monitoring the activities of recruitment and employment agencies (the Ministry of Labour) is, however, ineffective.

Judges

None of our participants had to deal in his/her professional capacity with recruitment agencies. For two participants these agencies act as mediators between migrant workers and employers and in that respect participate in labour exploitation. Characteristically, one respondent [J(1)] says:

"In other words the employer, let's say the owner of the farm land, does not come to contact, as far as I understand, with them (the migrant workers). If a handy man comes into contact, he will be accompanied by this person (another migrant) and these people do as they please. These people in turn exploit their compatriots […] In other words they have a compatriot who takes care to find them work and who takes the money from the employer and in the end may or may not give the money to the workers".

Δηλαδή ο εργοδότης, ας πούμε, ο ιδιοκτήτης της καλλιέργειας δεν έρχεται καθόλου σε επαφή –απ' ό,τι έχω καταλάβει– μαζί τους. Κι αν έρχεται κάποιος επιστάτης, θα είναι

με αυτόν τον επικεφαλής, οι οποίοι κι αυτοί κάνουν ό,τι θέλουν. Κι αυτοί με τη σειρά τους εκμεταλλεύονται τους ομοεθνείς τους. […] Δηλαδή, έχουν κάποιο δικό τους, ομοεθνή τους, που κατά κάποιο τρόπο αναλαμβάνει να τους βρει εργασία και ο οποίος παίρνει τα χρήματα από τον εργοδότη, και αντίστοιχα τους τα δίνει ή δεν τους τα δίνει κι αυτός επίσης." [J(1)]

Here the participant [J(1)] does not refer to recruitment agencies but to middlemen, informal recruiters, so to speak. In one case study, the case of Romanian workers exploited by a fellow Romanian who recruited them is presented. In the same sector of agriculture, again Romanians were exploited by Greek middlemen.

For another judge [J(1)], the distinction between legal and illegal agencies is important as Illegal recruitment agencies have local people that identify the demand, and then agencies bring migrant workers for farm work, usually under conditions of exploitation. On the other hand, the interviewee explained that this makes the role of legal agencies important, as the authorities should collaborate with them in order to combat the phenomenon. Finally one prosecutor considers that recruitment agencies act as mediators and are not in the position to know whether exploitation would occur. None of the judges were in position to ascertain who was responsible for monitoring these agencies.

Lawyers

Lawyers were also not very knowledgeable about recruitment agencies. One participant [L(1)] mentioned that a public employment agency should be funded and should have the characteristics of both an employment and a support agency and should provide both legal advice and advice about workers' rights. Another participant [L(1)] referred to agencies that bring people from abroad and are closely related to exploitation and human trafficking. These agencies connect employment with accommodation and subsistence. Thus, housing and food are dependent on keeping the job. None of the lawyers were sure about the monitoring body for these agencies.

The N group interviewee said that he/she does not know a lot about recruitment agencies and their role. However, the respondent has observed an international trend for agencies to become partners in combating trafficking and exploitation. The efforts are focused on how to certify agencies and build a network so that agencies could be better controlled, as in many cases organised crime is using recruitment agencies. The respondent is unaware of who is responsible for monitoring these agencies.

Monitoring bodies

Participants from monitoring bodies made the distinction between legal and illegal agencies. Characteristically one participant [M(1)] said that, on the one hand, recruitment agencies work as a filter because they examine whether employees have a legal residence status and the formal preconditions in order to be employed. On the other hand, there are some private recruitment agencies that work unofficially and illegally and request money from workers for

their services against the labour law. For one participant these agencies are a necessity for migrants:

> *"For the migrants themselves I suppose it's necessary, as there isn't any other public body to help them. But at the same time, they help to sustain this slave market"*
>
> *"Για τους μετανάστες ενδεχομένως είναι αναγκαίος. Δεδομένου ότι δεν υπάρχει κρατική υπηρεσία, αλλά βοηθάει στο να γίνεται σκλαβοπάζαρο."* [M(1)]

Before starting business, an employment agency first has to submit a startup declaration for business activity to the directorate of employment of the General Directorate of Labour (Ministry of Labour) followed by an inspection by social and technical inspectors by this directorate (law 3919/2011)[48].

During their operation, agencies are required to inform and update the monitoring department of the Ministry of Labour about the number and the nature of cases of migrant workers seeking employment they have handled. The Department of the Directorate of Employment (General Directorate of Labour, Ministry of Labour) is the institution monitoring recruitment and employment agencies' activities, but respondents doubt its effectiveness. One respondent [M(1)] proposes the creation of a task force including financial police, tax inspectors, members of the Ministry of Labour with very simple rules and criteria of inspections that do not depend on personal judgments and are put into question, and whose members are frequently changed because, especially in the province, special relations can be developed with the local community. Monitoring body participants seemed to be the more knowledgeable about recruitment agencies as were workers' representatives.

Workers' organizations' representatives

Workers organizations' representatives are focusing on the informal networks related to conditions of exploitation. Characteristically it is said by one representative [W(1)] that:

> *"Informal recruitment agencies are in the center of a universal network for the promotion/forwarding (προώθηση) of migrants from other countries in economic sectors prone to exploitation… These informal recruitment agencies function in big cities as central points but also regionally as peripheral points, meaning there are also networks in the periphery. This is the reason why you will see that people taking part in these networks, are often of the same nationality as victims."*
>
> *"[…] άτυπα γραφεία ευρέσεως εργασίας αποτελούν το κέντρο ενός παγκόσμιου δικτύου για την προώθηση μεταναστών κυρίως από άλλες χώρες σε τέτοιους εργασιακούς κλάδους, όπου είναι πολύ πιθανόν να πέσουν θύματα εργασιακής εκμετάλλευσης. […] Αυτά τα άτυπα γραφεία λειτουργούν και σε μεγάλες πόλεις ως σημεία κεντρικά, αλλά και περιφερειακά, δηλαδή κάποιος το παίζει και μεσάζοντας στην περιφέρεια. Και γι' αυτό πολλές φορές θα δείτε ότι αυτοί είναι και ομοεθνείς των θυμάτων."* [W(1)]

[48] Law 3919/2011.

Again we see here that the middle person of the same nationality is considered an important agent of exploitation. The participant [W(1)] continues:

> "[…] *there is a network of people in contact, without offices or nameplates, with an informal structure. So, police or monitoring authorities should invest in identifying these agencies in order to punish them according to legal restrictions.*"
>
> *"[…] υπάρχει ένα δίκτυο ανθρώπων που συγκοινωνούν και επικοινωνούν, δεν έχουν γραφεία και πινακίδες, έχουν μια δομή άτυπη μέσα απ' την οποία αναφέρεται κανείς όταν έχει ανάγκη ή λύνει προβλήματα τα οποία παρουσιάζονται στην πορεία. Εκεί λοιπόν πρέπει οπωσδήποτε να επενδύσει και η αστυνομία και οι ελεγκτικές αρχές της αγοράς εργασίας, για να τα εντοπίζουν αυτά και να τα τιμωρούν με τις διατάξεις του νόμου."*

Another respondent from the same professional group [W(1)] adds:

> "*We know that because we have often encountered contracts with such offices, which changed their trade names literally all the time. They had one name one year and another one next year. [...] We saw that the salary was 500-600 Euro, approximately the basic salary for unskilled workers in Greece, but half of this amount was retained by the agency and the other half was paid to those seasonal workers, for unbelievably long days and hours of work'.*
>
> *"Γνωρίζουμε γιατί είχαν υποπέσει στην αντίληψή μας πολλές φορές συμβόλαια με τέτοια γραφεία, τα οποία άλλαζαν και τους τίτλους στην κυριολεξία σαν τα πουκάμισα. Τους έβλεπες τη μία με αυτό το όνομα και την επόμενη χρονιά με άλλο όνομα, [ ] Βλέπαμε ότι η αμοιβή ήταν 500-600 ευρώ, περίπου ο κατώτερος μισθός του ανειδίκευτου εργάτη στη χώρα μας, όμως από αυτά τα μισά τα παρακρατούσαν το γραφείο και τα άλλα μισά έδιναν στους εποχιακά αυτούς εργαζόμενους, για εργασία απίστευτων ωρών και ημερών".* [W(1)]

This according to our third participant [W(1)] is a "modern slave market". Participants in this category know that the Ministry of Labour is responsible for monitoring these agencies.

<u>Recruitment agency</u>

According to one respondent [R(1)], if it wasn't for the recruitment agencies, exploitation would be greater. The person responsible for the exploitation are the illegal recruitment agencies. The legal agencies play a double role. They protect not only the employee but also the employer from being exploited by an employee. The participant says:

> *"As I said earlier the agencies help to create these safeguards. That is exploitation doesn't happen, the worker doesn't suffer. Although there is the case that the worker is not able to do the job. Then our agencies help the employer to find another worker. Because this happens sometimes. It has come to our notice that a worker will say that he can do a job and he goes to the island and it comes out that he can't do the job. The agency replaces him. Which means that neither the worker nor the employer falls victim to exploitation".*

«Είπαμε και προηγουμένως ότι τα γραφεία βοηθούν να μην υπάρχουν αυτές οι δικλείδες. Δηλαδή να μη γίνεται εκμετάλλευση, να μην ταλαιπωρείται ο εργαζόμενος αν και κάποιος εργαζόμενος μπορεί να μη μπορεί να κάνει αυτή τη δουλειά. Τα γραφεία θα βοηθήσουν τον εργοδότη να βρει άλλον εργαζόμενο. Γιατί συμβαίνει κι αυτό καμιά φορά. Έχει πέσει στην αντίληψή μας ένας εργαζόμενος να δήλωσε ότι ναι εγώ μπορώ να κάνω αυτή τη δουλειά και πάει στο νησί και μπορεί να μη μπορεί να κάνει αυτή τη δουλειά. Το γραφείο τον αλλάζει. Που σημαίνει ότι ούτε εκμεταλλεύεται ο εργαζόμενος ούτε συμβαίνει κάτι στον ίδιο» [R(1)]

Inspections are effective in terms of the legal agencies but not for the illegal ones, responsible for labour exploitation. Legal private agencies have made suggestions to the Ministry of Labour as to how the problem with the illegal agencies could be tackled:

"There in a meeting we had […] it was discussed to transfer this kind of inspection of the illegal agencies to the financial police. Because some keep offices either in their house or in apartments with no access, there are cameras and things like that, doors shut etc etc. It is impossible for SEPE to intervene there therefore it is better for the financial police to monitor these agencies".

«Εκεί σε μια συνάντηση […] συζητήθηκε να μεταφερθεί αυτού του είδους ο έλεγχος για τα παράνομα γραφεία στην οικονομική αστυνομία. Επειδή ορισμένοι διατηρούν γραφεία ή στο σπίτι τους ή σε κάποια διαμερίσματα που δεν υπάρχει πρόσβαση, υπάρχουν κάμερες τέτοια πράγματα συν του ότι οι πόρτες είναι κλειστές κτλ κτλ. Εκεί το ΣΕΠΕ αδυνατεί να κάνει την επέμβασή του άρα νομίζω ότι είναι καλύτερα αυτά τα γραφεία να ελέγχονται από την οικονομική αστυνομία». [R(1)]

The proliference of illegal agencies is problematic for the reputation of legal ones and for competition. Thus, the participant states that the organisation is keen to find a solution and to distinguish their own agency.

In conclusion, again informal and illegal networks are held responsible for exploitation. They operate in ways that understaffed monitoring agencies cannot tackle. It is also important to note that legal advisors, prosecutors and the national expert are not very knowledgeable of the operation and monitoring of such agencies. Formal agencies however can act as a screening institutions of migrant workers' credentials and control the working conditions. However, it was also noted that in local communities, recruitment agencies can collude with unscrupulous employers.

4.2 Prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area

This section is concerned with what can be done to counteract the risks. To do so, different targets should be addressed: the migrant workers, the receiving society, the ethos of the workplace, the migration process and the perpetrators. For each target, propositions are developed in the section below. Almost none of the participants were aware of pre-departure information programs. The only exception was one participant [S(1)], who said that the government of the Philippines have set up such programs for their nationals moving to countries of the Middle East. The participant [S(1)] from a victim support group ironically referred as a "pre-departure program" to a recent statement of the Head of the Police to their offices when he/she said that they should make the life of migrants unbearable so as to deter others from coming in Greece. Thus, according to this view, migrants would learn that life in Greece would be difficult and that they are unwelcome and this would work as a "pre-departure deterrent". Participants were also unaware of mechanisms of standard settings and accreditation at a national level and the few who talked about this issue vaguely mentioned international organisations. One interviewee [N(1)] believes that prevention is a "huge issue".

The main preventive measure that all organisations carry is the provision of information. It is important to mention that no attempt was made to provide even suggestions to counteract the risk factors identified earlier. Information was considered as a weapon to empower immigrants and mainly concerned their labour rights. A representative of a migrant community said:

> "*...Knowledge, you see, becomes a very powerful tool. When they have the knowledge they can fight back. They can assert that they can no longer keep silent, because they know what they're doing."[...]"..Given the fact that we don't have so much access to laws. We really need informal discussions among ourselves, about the laws. Sometimes we call also the experts, the lawyers on labour laws. To come in and discuss with us. Downstairs we have a small conference room for group discussions".* [S(1)]

These discussions concern mainly "*how much you have to be paid, whether you can be provided with the IKA [social security] contributions, about your days off, all these things...It's very important*" [S(1)]. Organizations also provide training about migrant workers' rights through seminars and legal advice.

Workers' organisation representatives in general said that the confederation provides information and announcements to its member unions. The unions in turn make an effort to inform their members on the existing labour problems and on their rights. Informing workers is mainly the responsibility of the unions and not of the confederation. Victim support representatives deplore that prevention does not exist. One representative said *"Poor*

prevention... it does not exist." [S(1)]. In this respondent's organisation they try to provide information and perform "undercover campaigns" providing information from person to person or from group to group in order to support migrants against trafficking efficiently. They also provide information in relation to their health. The participant [S(1)] believes that if we were to analyse health issues we would be able to understand better where exploitation exists and how perpetrators operate. Another representative [S(1)] said that they try to employ migrants in the association in order to provide them with good working conditions, they publically raise issues of social and labour rights to inform people about, for example, the need to have a contract, the need to have a salary that provides for basic needs and the obligation of the employer to pay his social security contributions. They also try to raise awareness of child exploitation and street work. They also advise on legal issues and recently opened an office specializing in issues regarding access to health and education. Limiting black labour with appropriate legal framework and organisation of migration through bilateral agreements were also mentioned as preventive measures.

A participant [S(1)] suggests that short term contracts for seasonal work could prevent exploitation. People might come to Greece for a short period and then return to their country. Characteristically this person said:

> *"From November till February it snows in our country. Here oranges, mandarins and olives are collected. There could be a very good job contract. People could come here legally and get paid".*
>
> *«Από το Νοέμβρη μέχρι το Φεβρουάριο σε μας έχει χιόνι. Εδώ μαζεύουνε πορτοκάλια, μανταρίνια, ελιές όλα αυτά. Θα μπορούσε να υπάρχει μια σύμβαση δουλειάς πολύ καλή. Να έρχονται οι άνθρωποι από κει εδώ νόμιμα και να τους πληρώνουν»* [S(1)]

Prevention also involves not only the migrant community but also the receiving society. Thus the AWO provides information to its members as well as the larger community with campaigns to increase the participation of African migrant women in the community. They are about to organise a festival with the slogan "Get out of your circle". For GCR, the target of their interventions are refugees but they also support victims of exceptional cases of exploitation, as in Manolada, trying to ensure that migrant workers get at least paid for their work even if they continue to live in unacceptable conditions.

<u>Private recruitment agency</u>

The respondent [R(1)] explains that the measures taken by their organisation concern the definition of the acceptable conditions for the employee in terms of residence, hours of work and payment and the careful assessment of the qualification of the worker for the demands of the job and information about the conditions they will face:

> *"Yes yes we always tell the employer that the employee should stay in the right place, sleep well and we need to know how many hours they will work and assess their endurance. You can't send an aged person to work 12 or 14 hours a day,*

something that often happens in the islands. You will send someone young that has the stamina".

"Ναι ναι εμείς πάντα λέμε στον εργοδότη ότι πρέπει ο άνθρωπος να μείνει σωστά, να κοιμάται σωστά, να τρέφεται σωστά και να ξέρουμε και πόσες ώρες θα δουλέψει και να δούμε και τις αντοχές του. Δεν μπορείς δηλαδή να στείλεις έναν άνθρωπο μεγάλο που θα δουλέψει 12 και 14 ώρες την ημέρα που μπορεί να συμβαίνει αυτό στα νησιά. Θα στείλεις έναν πιο νέο να υπάρχουν και οι αντοχές ας πούμε". [R(1)]

The respondent also agrees with other respondents who believe that seasonal work can be organised differently*:*

"It would be better especially with seasonal migrants, those the country needs, to come as posted workers though the recruitment agencies with the prospect of knowing that a person is coming for this period, for these hours of work, for this money, pays their taxes when they leave, has insurance etc However, when as you understand they are not this kind of people or they haven't come this way but illegally it is natural to have black work etc".

"Θα ήταν πιο σωστό ειδικά για τους εποχιακούς μετανάστες, αυτούς που χρειάζεται η χώρα να ερχόντουσαν με μετάκληση που να μπορούσαν να την κάνουν αυτά τα γραφεία ευρέσεως εργασίας με την προοπτική να ξέρουμε ότι έρχεται ένας άνθρωπος για τόσους μήνες, για τόσες ώρες δουλειάς, για τόσα χρήματα, πληρώνει το φόρο του όταν θα φύγει, θα είναι ασφαλισμένος κτλ. Αλλά όταν καταλαβαίνετε ότι δεν είναι τέτοιοι άνθρωποι ή δεν έχουν έρθει κατά αυτό το είδος αυτοί οι άνθρωποι και έρχονται λαθραία είναι επόμενο να υπάρχει μαύρη εργασία κτλ". [R(1)]

In a process of organised migration, such recruitment agencies are presented as being able to play an important role.

National Rapporteur for Combatting Human Trafficking

The main objective of the office of the National Rapporteur for Combatting Human Trafficking regarding prevention is to organise businesses and state institutions like the Hellenic Network for Corporate Social Responsibility, Chambers of Commerce and Industry, the General Worker's Association or other consumers' companies under the umbrella of the European Business Coalition. This would mean that they will have to cooperate, network and be accountable. Another objective is to raise awareness among the whole "suppliers' chain", train employers and their employees on issues of prevention and raise a consumption ethos. In that way employers are responsible, employees are knowledgeable of their rights and consumers agree to consume fair-trade and ethically produced products. The office does not provide legal support or information to workers directly.

Accreditation at national and international level is a main task of the office, which could be seen as an innovative measure since national law has been updated based on the new needs (see legal framework above for the incorporation of the Directive to national law

4198/2013 and law 4251/14 that codifies migration). The accreditation of companies as ethical and responsible regarding labour conditions creates a safety net for workers as it defines targets and set specific penalties for companies as well as individuals. In the interviewee's own words:

> *"This is exactly what we are trying to achieve and what we believe is innovative at this point. For example our Network […] and the fact that is based on a specific legal framework that defines penalties if we do not meet certain targets, the fact that our legal system is adjusted to the new situation, the fact that it is not only the individual but the company that is prosecuted, the ability we have to pursue money laundering and the whole process of making profits…"*
>
> *"Εντάξει αυτό είναι κατεξοχήν αυτό που εμείς προσπαθούμε να κάνουμε και αυτό που κομίζουμε ως νέα τομή στα δεδομένα. Το Δίκτυό μας για παράδειγμα, το γεγονός ότι το Δίκτυό μας δεν είναι στον αέρα αλλά έχει να κάνει με ένα συγκεκριμένο νομικό πλαίσιο, δηλαδή με κυρώσεις αν δεν τα καταφέρουμε, το γεγονός ότι και η ποινική μας δικαιονομία έχει προσαρμοστεί σε αυτά τα δεδομένα, ανέφερα πριν τα παραδείγματα του γεγονότος ότι δεν είναι μόνο το άτομο αλλά και η εταιρεία που διώκεται, αν θέλεις μπορείς να φτάσεις και στο money laundering και σε όλη αυτή τη διαδικασία κερδών τους, οπότε…"*

For the respondent [R(1)], what can prevent exploitation is a network of accredited companies based on a legal framework that defines penalties, a framework that would chase not only an individual perpetrator but a whole company. This indicates that this office is trying to change the business ethos and to bind employers to good working practices in order to prevent exploitation.

The business and consumption ethos is also echoed by participants in the focus group. A respondent [W(1)] considers that *"the best prevention are the sanctions imposed by the communities themselves, […] the last thing is repression*", thus acknowledging that parties involved in labour relations have to "police" themselves these relations. The respondent continues to say that these ethos can be cultivated between employers and employees. The respondent mentions as an example the fact that, in other countries, those who apply as domestic workers register themselves and they waive their right to their home asylum, allowing in that way for police and monitoring bodies to control the working conditions of their domestic employees. In addition, for the respondent, a community can decide that those who exploit farm workers should be excluded from EU subsidies. The question of the business ethos is reminded by a representative [FG(S)] who said that in 2005 there was an Athens declaration to force ship-owners and other businessmen to sign that their business would not employ slaves and unregistered workers. The participant wondered whether this is still enforced.

In that respect however, a lawyer who took part in the focus group argues that these types of initiatives are positive insofar there is a strong will in the State to intervene and that the markets will not regulate themselves without it as the current crisis experience shows.

Monitoring bodies

Participants from the Labour Inspectorate (SEPE) said that in terms of prevention they carry pre-emptive inspections which target particular areas and economic sectors:

> *"There are targeted interventions in each period of the year, in each sector of the economy. […] The last was focused on the agricultural sector; on organized agricultural activities, not on single farmers as they are not within our jurisdiction. Also, in tourist areas during the summer period, like hotels, cafes and restaurants, in islands, etc."*
>
> *" Υπάρχουν δηλαδή στοχευόμενες δράσεις ανά περίοδο, ανά κλάδο δραστηριότητας […]Ε, το τελευταίο ήταν στον αγροτικό τομέα, όσον αφορά όμως τον οργανωμένο αγροτικό τομέα, που υπάρχει οργάνωση δηλαδή, όχι στους αγρότες γιατί δεν είναι στα πλαίσια αρμοδιότητας του ΣΕΠΕ."* [M(1)]

SEPE also organises seminars directed both at employees and employers both in the centre and the periphery. They cannot do this through support victims legally, since even their central legal service is understaffed. One thing SEPE does is, in the event that they cannot resolve the dispute, they transfer the case to the public prosecutor along with the declaration under oath of the victim about the facts. This enables victims to file a complaint without appearing themselves. However, as one respondent [M(1)] observes:

> *"Well, these do not actually fall into the category of preventive measures (when SEPE transfers a complaint to the public prosecutor). When we get to this point, it means there is a problem, we're past prevention and there is an infraction."*
>
> *"Καλά, αυτά δεν είναι προληπτικά (όταν το ΣΕΠΕ διαβιβάζει στην εισαγγελία μηνυτήριες αναφορές). Όταν φτάσουμε στο σημείο αυτό, σημαίνει ότι υπάρχει πρόβλημα, δεν είναι να προλάβουμε κάτι, υπάρχει παράβαση."* [M(1)]

Again, as far as IKA (Social Security Inspections) is concerned, only inspections are presented as preventive measures by the participants. They also provide information to all workers independently of their status and nationality and they register and pursue any complaints even if it is made by phone or anonymously. They cannot provide legal help but they do inform workers about their rights. One participant [M(1)], wonders whether high penalties for not paying social security contributions are a preventive measure but immediately after, the respondent says that penalties are more of a deterrent than a preventive measure. For another participant, social security does not take any measures to prevent labour exploitation because this is outside its competence [M(1)].

Employers' representatives

For a representative [E(1)], the main preventive measure is to educate their members on labour legislation and on issues of hygiene and security of the working environment. In terms of accreditation and standards the respondent said that:

> *"Generally ILO has played an important role at the political and institutional level of promoting various international conventions and condemnation of many bad practices worldwide".*

> *«Και γενικά η ΔΟΕ έχει παίξει αρκετά σημαντικό ρόλο σε πολιτικό επίπεδο και σε επίπεδο θεσμών προώθησης διαφόρων διεθνών συμβάσεων εργασίας καταδίκης θα έλεγα αρκετών κακών πρακτικών σε όλα τα μέρη του κόσμου».* [E(1)]

Thus, the respondent is keen to see initiatives at an international level. Another respondent [E(1)] said that the measures taken by SEV against labour exploitation are mainly preventive. Their goal is to convey the larger firm's expertise (know-how) on issues of labour conditions to the smaller ones, who are more prone to phenomena of misconduct and exploitation, through specifically organized programs that allow the smaller, less organized collaborators to gain an insight on the organizational structure, the methodology and the correct practices used by the larger ones. For this purpose SEV collaborates with consulting firms, with the companies themselves and with local and its regional industrial associations. However, there are no programs focusing on immigrant workers issues, despite the fact that there is demand from immigrants.

According to the respondent, those immigrants that want to integrate society are in demand of education and of participation in these corporate programs and their willingness to better integrate society acts as a motive for the migrants to try and obtain legal documents. In the countryside, the situation is usually worse compared to urban centers, although sometimes migrants are better integrated in local communities. In relation to accreditation and standards the opinion presented is positive although results are not immediate:

> *"Nevertheless I think that all these (mechanisms of standard-setting and accreditation at national and international level) produce a good result. We don't see it immediately. Even if we are used to doing something and seeing the results produced the following morning, this is not like that. But they (mechanisms of standard-setting and accreditation at national and international level) are forming a culture and a mentality, organising certain things and end up being a big help."*

> *"Παρόλα αυτά όμως εγώ θεωρώ ότι όλα αυτά έχουν ένα καλό αποτέλεσμα. Δεν το βλέπουμε άμεσα. Κι επειδή έχουμε μάθει όλοι να κάνουμε κάτι τώρα και να το βλέπουμε κι αύριο το πρωί, ε αυτά δεν βγαίνουν κι αύριο το πρωί. Αλλά δημιουργούν και κουλτούρα, δημιουργούν και νοοτροπία, φτιάχνουν και… οργανώνουν ορισμένα πράγματα και βοηθάνε."* [E(1)]

It is this ethos of best practices that respects the workers and provides good working conditions that is highlighted in the above discourse.

In conclusion, the practices proposed can be summarized as:

- Targeting the migrant workers: information and advice about rights
- Targeting the receiving society: festivals and information about migrants and their work
- Targeting the workplace: Producing an ethos of good practices, inspections and deterrents, producing a network of companies that respect these practices and are acknowledged for that
- Targeting the migration process: contracts and regulation of seasonal work.
- Targeting perpetrators: tracking and punishing illegal practices and dismantling the conditions that enable illegal agencies and networks to operate.

Of the above proposals, what is mostly pursued in Greece is the targeting the migration process in terms of migrants' legal status (targeting undocumented migration) through inspections and controls. The rest of the practices are pursued sporadically and could be considered fruitful avenues to pursue in the future.

4.3 Protection against (repeat) victimisation: actions undertaken by the police to protect victims against the risk of repeated victimisation, including how the police conduct investigations

This section reviews the process of recognition of being a victim of labour exploitation and the actions taken by the police to protect the victims. Participants emphasise that the police mainly focus on the legal status of migrants and not on their labour exploitation. It is very difficult to be recognised as a victim of labour exploitation (although anti-trafficking police is more sensitive on this issue) and irregular migrants are discouraged from coming forward to denounce exploitation. Data from case studies are presented to illustrate that the focus on migrants' status leads the police to investigate and prosecute in ways that have consequences for the legal proceedings. The police are thought by participants to be knowledgeable of the situation and to be passive considering that this is how local economy works. The difficulty to be recognised as a victim by police and the lack of support services and clear referral procedures are raised. Finally, the fact that some cases gained publicity is considered as a factor facilitating the recognition of exploitation.

All participants, including police officers, said that victims of exploitation would be investigated by the police firstly in terms of their legal status within the country. Thus, if they do not have legal documents they will be arrested and the procedure for deportation will start. The investigation on whether they are victims of exploitation will follow once the case of their irregular status is transmitted to the prosecutor:

"Unfortunately (the police would mainly see migrant workers) as illegally staying in the country. In the first stage migrants would be arrested for that. Of course, police would also arrest the perpetrators and bring them to justice. (As for the migrants), not as victims, at least not in the first stage. Afterwards, we would examine that. But only after the case would go to the prosecutor".

"Δυστυχώς. Ως άτομα που βρίσκονται παράνομα στη χώρα. Σε πρώτη φάση θα συλλαμβάνονταν γι αυτό. Πέρα από αυτό όμως, θα συλλαμβάνονταν και οι εργοδότες γιατί απασχολούσαν παράνομα μετανάστες και θα τραβούσε μετά στη δικαιοσύνη. Αλλά όχι ως θύματα. Σε πρώτη φάση. Μετά θα το εξετάζαμε, στην πορεία. Αφού πήγαιναν στον εισαγγελέα, μετά." [P(1)]

This description is also corroborated by judges: the police, according to one interviewee [J(1)], during a raid will make arrests of everybody who is involved in an illegal activity and they will create a case file. This means that migrant workers will be mainly seen as illegally staying in the country and will be arrested for deportation, applying the law for third-country citizens (law 3386/05, article 86). In some exceptions, if the offender is accused of human trafficking, migrant workers are characterised as victims of trafficking and are not arrested. As the interviewee however clarified, this is a rare case. Most often migrant workers are arrested and detained for deportation. Moreover, the fact that employers are also arrested is put into question by another police officer [P(1)] who claims that employers are never at the scene of the raid and by a representative of a migrants' organisation who says:

"I tell you this doesn't exist. The police sees the illegality first of all but it doesn't see the exploitation. When the police finds, so to say, if the police arrests the illegal (worker) it should also arrest the employer too. Isn't the employer the one that exploits the worker? And the employer should be punished but it never happens".

«Δεν υπάρχει αυτό σας λέω. Η αστυνομία πρώτα από όλα βλέπει την παρανομία αλλά την εκμετάλλευση δεν τη βλέπει. Ας πούμε, αν βρει η αστυνομία, αν η αστυνομία συλλαμβάνει τον παράνομο θα πρέπει να συλλαμβάνει και τον εργοδότη. Αυτός δεν τον εκμεταλλεύεται. Και πρέπει να τιμωρηθεί και ο εργοδότης αλλά αυτό ποτέ δε γίνεται». [S(1)]

However, a lawyer [L(1)] claims that there is an exception to this rule if the raid is conducted by the anti-trafficking agency of the police:

"*This agency is specialised and has great experience in these matters. Victim support is among its duties, on the condition that these people are victims of human trafficking. In that case it has the jurisdiction to request a residence permit on their behalf, since these people are victims of trafficking. But only in this case".*

"Επειδή αυτό είναι ένα τμήμα της αστυνομίας που είναι ειδικευμένο, που έχει πάρα πολύ μεγάλη εμπειρία και που έχει μέσα στα εργαλεία του την προστασία των θυμάτων, εφ' όσον όμως και μόνο κρίνει ότι αυτοί είναι θύματα εμπορίας προσώπων

τότε θα κινούσε τις διαδικασίες προκειμένου να λάβουν άδεια διαμονής ως θύματα trafficking. Μόνο σε αυτή την περίπτωση όμως". [L(1)]

Being recognised as a victim of trafficking is not however easy, as one participant from the S group observes:

"In practice it is not always easy for the victim of trafficking to be recognised, to be identified as a victim of trafficking. But for what you have asked, I think what they are looking into is whereas they are illegal, migrants with no papers. This is mainly what they are interested in. Regardless of the fact they work under dismal conditions. No one would be interested in this".

"*Στην πράξη δεν είναι πάντα εύκολο να αναγνωριστεί το θύμα του τράφικινγκ, να βεβαιωθεί ότι είναι ένα θύμα τράφικινγκ. Αλλά για αυτό που λέτε, νομίζω το βασικό που ψάχνουν είναι οι παράνομοι, οι μετανάστες και οι μετανάστριες χωρίς χαρτιά. Αυτό είναι που τους ενδιαφέρει κυρίως. Άσχετα αν δουλεύουν κάτω από άθλιες συνθήκες. Κανένας δε θα ασχοληθεί με αυτό*" [S(1)]

This participant [S(1)] continues to say that whatever the provisions to victims of exploitation, these do not include migrants without legal papers. The political leadership sends the message that those with no papers cannot use this line if they suffer violence:

One respondent [N(1)] also describes an occasion when he/she had to intervene:

"I would say that definitely the majority are not being approached as possible victims. To be more specific, we apply some projects with some NGOs in the centre of Athens and we had to intervene as an Office in order for the police to treat these organisations – which is also us – as something that needs protection and to allow us to work"

" *Θα έλεγα ότι σίγουρα η πλειοψηφία δεν αντιμετωπίζεται ως πιθανολογούμενο θύμα. Τώρα για να σας πω συγκεκριμένα έχουμε κάποιες δράσεις ΜΚΟ ας πούμε στο κέντρο της Αθήνας και χρειάστηκε να επέμβουμε εμείς ώστε η αστυνομία να αντιμετωπίσει αυτούς, εμάς δηλαδή, δηλαδή τις οργανώσεις μας, ως κάτι που χρειάζεται να το προστατέψουμε και να το αφήσουμε να λειτουργήσει".*

The office of the National Rapporteur for Combatting Human Trafficking focuses on the training they try to provide to the police and other institutions that participate in raids, in order not to treat victims as illegally staying in the country. Police, International Migration Organisation, The Office of the Greek rapporteur and the Center of Social Solidarity have provided training to thousands of police officers on how to treat victims.

One lawyer offers an explanation as to why police behaves like that:

"It seems that the inadequate training of the police officers in general or their connections with various far-right poles, so to say, make them identify more with the Greek employer rather than the wronged, illegal migrant worker.;. In addition, the

political strategies at this level are also responsible of course. Politicians sell this; that illegal immigrants are arrested. The more (the arrests) the better the statistics (of opinion polls".

«Φαίνεται ότι ελλιπής κατάρτιση στους αστυνομικούς γενικά ή οι διασυνδέσεις με διάφορους ακροδεξιούς πόλους, ας πούμε, ότι τους κάνει να ταυτίζονται περισσότερο με τον έλληνα εργοδότη παρά με τον αδικημένο, παράνομο μετανάστη εργαζόμενο. Εγώ αυτό έχω αντιληφθεί μέχρι στιγμής. Ότι είναι πρώτο τους μέλημα αυτό. Και φυσικά οι πολιτικές στρατηγικές σε αυτό το επίπεδο ας πούμε είναι επίσης υπεύθυνες. Το πουλάει ο πολιτικός το ότι συλλαμβάνονται παράνομοι μετανάστες. Όσο πιο πολλοί καλύτερες στατιστικές» [L(1)]

This political will is also echoed in the discourse of a member of a support group. According to the respondent [S(1)], since 2010, the government merged or closed down services that were providing support to victims of trafficking. After 2011, it became clear that both trafficking and smuggling of people would be approached only by confining the victims based on the fact that are staying in the country illegally. Another S group respondent also linked police actions with the fact that European legislation has not become part of everyday practice of authorities, despite their incorporation into Greek law. This indicates that passing legislation is not enough, and the incorporation into practice is needed.

Finally one participant [S(1)] proposed another view by saying that the police would do nothing. Referring to the notorious case of Manolada, the respondent says that the police will not do anything and will seem to condone exploitation:

"None of these. Neither the one nor the other. At least from what I have in my mind especially in Manolada, police didn't do any of these. It would tell them continue to work and don't create any trouble".

«Τίποτα από τα δύο δε θα έκανε. Ούτε το ένα θα έκανε ούτε το άλλο. Τουλάχιστον από αυτά που έχω υπόψη μου στη Μανωλάδα ειδικά, δε θα έκανε τίποτα από τα δύο. Θα τους έλεγε συνεχίστε και μη δημουργείτε προβλήματα» [S(1)]

In the case of Manolada where 35 migrants were injured, the police constructed a case only for the violent assault and not for the trafficking. The recent verdict (30/07/14) that acquitted the employer and condemned those who caused bodily injures reveals that the way the police builds the case has important consequences in fighting exploitation and trafficking. As stated elsewhere, police knows the phenomenon and tolerates it as a part of how the local economy works. In any case, the clear message is that exploited migrant workers will be seen as illegal aliens and will be arrested pending their deportation. Being recognised as victims is probably a very rare case. It could be said though that in the case of EU citizens like the Romanian victims of trafficking presented in two of the case studies, assistance was provided by various agencies and they were recognised as victims. It seems that the fact that EU citizens have legal residence allows the police to go beyond the status irregularity of the victims and look at the criminal acts of the perpetrators.

In relation to the actions taken by the police to put an end to the situation of labour exploitation and to protect the victim, participants said that the financial police would impose the compulsory insurance of the worker and impose penalties on the employer when the offence is established [P(2)]. In general, the police would try to form a case, using whatever evidence is available, and would immediately inform the competent public prosecutor [P(2)], who is the final judge as to whether the case could be presented in court. According to the new law 4198/13, the public prosecutor has the right to stop a deportation procedure till the trial proceedings and to confirm the status of victim to a person (see legal framework before). Then, the competent ministries, mainly the ministry of labour, and the ministry of the Interior, would decide whether the migrant victim of labour exploitation is entitled to a residence permit. This is the case when the migrant has been recognised as a victim of exploitation. This residence permit is issued by the ministry of the interior. In cases of suspected trafficking for labour exploitation, the security department, and the trafficking service in particular, take over the case. There, support is provided to the victims.

In all other cases of illegal labour where immigrants are found to be undocumented, they are deported to the country of origin (except if they are EU nationals), and charges are brought against the employer [P(2)]. The penalties imposed on employers include criminal and administrative sanctions. According to professionals, the action that the police could take to combat labour exploitation is to carry out more inspections at least in these sectors where exploitation is known to be more common [P(3)]. This attitude is also shared by other participants who also believe in the intensification of controls [J(2)]. A lawyer [L(1)] proposes some actions that the police could take to help victims. These include issuing a residence permit for humanitarian reasons and granting the postponement or suspension of their deportation. For one respondent [N(1)], the anti-trafficking department of the police has a ‘quite right’ approach on the issue. They do not participate anymore in massive police operations against irregular migrants or focus on how many irregular migrants are arrested. Their work procedures are now more modern, they focus on the “top of the chain”, on the organised crime. The anti-trafficking department uses procedures like identifying a target and inspecting its actions and then makes arrests, protects the victims. Also, the prosecutor may freeze the process of deportation in order for victims to receive the support they need. [N(1)]

For support groups, according to several interviewees, the police do not take actions to protect the victims but instead blames them. One participant [S(1)] mention the case of migrants found with Malaria. Instead of investigating the structural inefficiencies that did not allow the local government to take appropriate measures, the blame was put on the victims. In fact, it is estimated that there is a huge gap between the provisions of the law and what happens in practice. However, one participant [S(1)] said that on the issue of child exploitation, their organisation has cooperated perfectly with police departments of underage persons and of anti-trafficking. The respondent also added that police has some very well-trained officers who are able to protect the rights of individuals. However, the respondent added that good cooperation and action in favour of rights is always an ‘open issue’, as persons often change roles and some have their preoccupations and are focused on prosecution rather than on protecting rights.

Many times police practices raise questions and the respondent's [S(1)] organisation receives many complaints about the fact that the police takes migrants to the station even if they display their legal papers; also on occasions police officers are very impolite and do not recognise the right of their organisation to intervene to protect the rights of certain migrants. Thus it seems that there are differences between police departments in relation to how migrants and their rights are treated. The anti-trafficking police department[49] is also positively referred to by another support group participant [S(1)] who said that their organisation cooperates very well with this service and forwards information each time they come across human trafficking for sexual purposes even without informing the victim.

However, when human smuggling is concerned (trafficking without sexual purpose) they do not refer to the anti-trafficking police unit because smuggling is not part of its brief. In general, representatives of migrant organisations do not think that the police would take any action to protect them. As one respondent [S(1)] puts it, they do not see labour exploitation as a crime but are interested in "law and order" in the case of residence permits. For one respondent [S(1)] the case of Manolada is a good illustration of police actions. Indeed, as explained in the case study, the police, faced with the case of 119 migrant workers claiming their wages from which 35 were injured by gun shots, built a case concerning only the physical assault. The respondent said:

> *"The police drafted an indictment and sent it to the prosecutor without including the labour trafficking aspect […] I.e. in the beginning there was an issue of arresting the victims which was avoided because of the publicity the case received…In addition, a real investigation wasn't conducted, because there was about 200 farm workers and the police took personal details only from those hospitalised that had to give their names any way and these are the ones that in the end were recorded. That is to say, there was no investigation about how many workers worked in the firm etc. Therefore, no process was followed… it all happened by chance to put it simply".*
>
> *«η αστυνομία έφτιαξε ένα κατηγορητήριο και το απέστειλε στον εισαγγελέα χωρίς να περιλαμβάνει το εργασιακό τράφικινγ […] Δηλαδή τέθηκε αρχικά θέμα σύλληψης των θυμάτων το οποίο αποφεύχθηκε λόγω της δημοσιότητας της υπόθεσης…Κι επίσης δεν έγινε και έρευνα πραγματική διότι στην ουσία εκεί πέρα βρίσκονταν 200 εργάτες και η αστυνομία πήρε τα στοιχεία μόνο από όσους κάναν εισαγωγή σε νοσοκομεία και έπρεπε αναγκαστικά να δώσουν κάποιο όνομα και αυτά ήταν που καταγράφηκαν εν τέλει. Δηλαδή δεν έγινε κάποιος έλεγχος πόσοι εργάτες δούλευαν σε αυτήν την επιχείρηση κτλ. Άρα δεν ακολουθήθηκε κάποια… στην τύχη έγιναν όλα. Να σας το πω απλά».* [S(1)]

According to the participant, the most important reason why the police failed to protect the victims in the case of Manolada was the lack of culture in dealing with this type of crime often leading to serious mistakes. The participant continues, saying that:

[49] www.astynomia.gr/index.php option=ozo_content&perform=view&id=217&Itemid=215&lang=].

"The authorities do not have a culture for dealing with victims of this crime, they don't know how to perform all the pre-trial procedures that are required in order to be used later in the criminal court. Imagine that in the case of Manolada, the interpreter, the one assigned with the role of interpretation was someone from the side of the perpetrators defence".

«Ακούστε υπάρχει τεράστιο θέμα. Επειδή οι διωκτικές αρχές δεν έχουν την κουλτούρα καταπολέμησης των θυμάτων, του εγκλήματος αυτού, δε γνωρίζουν και πώς να κάνουν όλες τις ανακριτικές ενέργειες που είναι απαραίτητες ούτως ώστε αργότερα στο ποινικό ακροατήριο να χρησιμοποιηθούν. Σκεφτείτε ότι στην περίπτωση της Μανωλάδας διερμηνέας είναι, τέλεσε χρέη διερμηνέα κάποιος ο οποίος είναι στην πλευρά της υπεράσπισης των κατηγορουμένων» [S(1)]

Thus, it seems that the police failed the victims because the procedures and the strategy to follow are not clear and because there is no ethos for the protection of victims.

In relation to the referral of victims by the police to support services and their effectiveness, as stated by police officers the police does not routinely refer to support services. They acknowledge the need for psychological support for those who are victims of trafficking and the police refers to their own psychologists. They cooperate with other services when they face a case of sexual abuse of women or abuse of children and when they deal with an unaccompanied minor [P(3)]. However, all these cases first have to be categorised as victims of exploitation which is not often the case. The burden of proof seems to lie with the victim, as one officer [P(1)] observes that migrants would not admit the exploitation to the police. Judges agree that the police has no obligation to refer victims. In particular, one respondent [J(1)] makes it clear that the police does not have the legal obligation to refer victims to support services or other institutions. The only cases that victims should be referred in according to the law is when they are under the age of 18 or if the face mental health issues.

In practice, there are no support services for victims except the ones the municipalities provide. The police does not make an effort to find support services, but if the municipality services request it, the police can refer victims to them. The only time when the police tries to find a support service is for homeless people, because they cannot be sent back to the street. One J category interviewee believes that the system is 'so, so' effective. There is a lack of institutions and – especially – of staff, but the respondent did not know more and could not be more specific. However, the respondent clarified that "there are not enough institutions for everybody; not only for the migrants." [J(1)]. Another J group respondent said that there are no support services in their area and therefore people should be referred to services in Athens (200km away).

For one of the lawyers [L(1)], there is no referral system for victims of exploitation. Only underage children are referred to shelters and women victims of trafficking. According to another lawyer [L(1)] there are no shelters for male victims and in a recent case the anti-trafficking unit had to find a hotel and pay it to accommodate male victims. In fact, as highlighted by the third lawyer [L(1)], there is no organised procedure of referral for victims of

labour exploitation in order to judge its effectiveness. The only procedures that exist concern victims of trafficking (with all the issues of being recognised as such mentioned earlier). One respondent [N(1)] highlights that the number of victims (referring to trafficking) are low (about 100 a year) and therefore they can be easily hosted. According to this respondent, the anti-trafficking unit of the police works well with NGOs and by "picking up the phone" they are able to find support for the victims.

Another reality is presented by support group representatives. One respondent [S(1)] suggests that in order for a victim to be referred to a support service he/she needs first to decide and submit a complaint and take the case to the court; also, he/she should not have AIDS-HIV or other sexually transmitted diseases. In addition, the victim should be legally resident in Greece (have papers) to be referred. All referring services are only for those with papers. However, this view is not shared by everybody. One respondent [N(1)] for instance argues that referral mechanisms are open to all migrants independently of their status. There is also the problem of who will pay for the medical tests of the victim. No authority wishes to undertake this cost. According to one respondent [S(1)], the victims in Manolada were granted permission to stay in Greece to attend the trial because the case received great publicity. Otherwise victims may not have received the attention of the authorities. Publicity also helped the victim in another case study to get residence status, at least temporarily. However, one respondent [S(1)] suggests that both positive and negative responses from police can be found; the respondent added that large numbers of police officers lack training and do not know how to respond in such cases. As far as their organisation is concerned, the respondent finds that in relation to child trafficking there are many gaps in the referral system and therefore each time they need to notify the National Authority for Human Rights and other independent authorities.

Finally, regarding the procedure and the effectiveness of the investigations in general, police officers find investigations effective although they wish to intensify the inspections, involving more people and to strengthen the cooperation with other services. A respondent [J(1)] said that the police is doing the best they can given the fact that they have to deal with vast areas and they are understaffed. A lawyer [L(1)] mentions the lack of personnel and the lack of legal knowledge in the police. The respondent said:

> *"I should say that there is a mismatch between the number of cases and the personnel that deals with them. Also in the police. That is, an officer in charge in the police deals with millions of things within one day. In addition, they are not well qualified. They don't know the legislation."*
>
> *"θα πρέπει να πω ότι τα περιστατικά ποσοτικά είναι αναντίστοιχα του προσωπικού που ασχολείται με αυτά. Και στην αστυνομία. Δηλαδή ένας αξιωματικός υπηρεσίας στην αστυνομία ασχολείται με χιλιάδες πράγματα μέσα σε μία ημέρα. Συν τοις άλλοις δεν είναι καλά καταρτισμένοι.* Δε γνωρίζουν τη νομοθεσία». [L(1)]

Another lawyer [L(1)] also considers that investigations are not run properly because of the following factors: lack of organisation, lack of proper training in the police force, and lack of willingness on the part of the police. The anti-trafficking agency is only one of the police

mechanisms, and is not sufficient. Another factor, according to one respondent [S(1)], is that the police do not recognise the crime of labour exploitation and trafficking properly. In general, support group representatives are not happy about how investigations and prosecutions are processed. The negative way police treats people who are arrested is mentioned as well as the bureaucracy of the procedures that deters more migrants from coming forward. One participant [S(1)] claims that much work should be done to improve the effectiveness of investigations and an effort should be made to personalise the cases as was done with the notorious Kuneva case. The brutality of the attack with acid against a migrant worker personalised the case. The worker stopped being an anonymous person and the case become publically known, obliging authorities to investigate properly. Even though, in this case as well, the perpetrators of the attack remain unknown. To summarise the findings it seems that the judgment about the effectiveness of the investigations depends on who is speaking and whether the resources the police has are taken into account.

5. Victim support and access to justice

5.1 Victim support, including available support services

This section presents participants' accounts of the support services. The main point of the section is that although the legal framework exists there are differences in practices and most support is given in an uncoordinated manner by each agency. As can be seen in the responses of this section and in the case studies there is no real institutional and coordinated support to victims of severe forms of labour exploitation. Services seem open to all migrants although there are practical barriers that prevent migrants from accessing possible assistance.

Workers representatives refer mostly to the support services provided by the trade unions (see also one of the case studies when the union organised actions to support the migrant worker). These are free of charge and refer to all migrant workers independently of their legal status. Migrant workers can become members of trade unions provided that they are employed for at least two months but no formal document like a work card will be asked. For one participant [FG(W)], the provision of help from unions and other community associations is not the responsibility of these collectivities. It is not the migrant's responsibility to access them and be proactive but the associations and unions responsibility to reach the migrant worker who is exploited. This would result to a better situation for everybody as *"what is needed is an initiative from institutions and collective bodies to help a country that is being destroyed*" [FG(W)]).

The legal framework is considered effective but in practice the needs of undocumented migrants may not be accommodated and participants make a distinction between what is in the legal framework and what happens in practice. As one participant [W(1)] observes:

> *"The problem appears in practice, if immigrants don't have the necessary documents, if their residence and work is not legal, they usually avoid turning to the mechanisms of the state, to the monitoring authorities".*
>
> *Στην πράξη είναι το πρόβλημα, ότι αν ο μετανάστης δεν έχει τα απαιτούμενα έγγραφα, δεν είναι νόμιμη η παρουσία του και η εργασία του, συνήθως αποφεύγει να εμφανιστεί στους κρατικούς μηχανισμούς, στους ελεγκτικούς μηχανισμούς, όπου…".*

Another participant [W(1)] observes that often these services are funded by European programs and therefore they are not sustainable. The fact that the services are funded by European funds makes them unavailable to irregular migrants [S(1)]. The participant says also that irregular migrants in Greece are not only those who entered the country illegally but also hundreds of thousands that were unable to renew their residence permit because they did not meet the criteria. The fact that services are not open to all migrants is also raised by one participant [S(1)] who assess their effectiveness very negatively. Another participant [S(1)], representing a migrant association, also judges the services to be ineffective but observes also that they are ineffective for Greek workers alike. Another participant [S(1)]

only assesses the support services of their organisation and judges them to be effective at least for the migrants that have access to them. This is because they feed their services from the needs of migrants themselves. The respondent mentions the interpretation and translation of official texts as a very effective tool.

One W group participant also wonders whether the services are known to the migrants. Lack of information of each other's activities and communication exists between services and is thought to be aggravated by the economic crisis given that there is no institutional support as it is suggested by one participant [W(1)]:

> "*And I think that the economic crisis further aggravates the problem in hand. Because communication is… Communication between some services is costly and requires the support of the state itself, which doesn't provide it in the degree that a western European state should".*
>
> *"Και νομίζω η οικονομική κρίση επιδεινώνει περισσότερο το συγκεκριμένο πρόβλημα. Γιατί η επικοινωνία είναι κάτι το οποίο… Η επικοινωνία δηλαδή κάποιων Υπηρεσιών είναι κάτι κοστοβόρο και χρειάζεται και στήριξη από την ίδια την πολιτεία η οποία δεν βοηθά όσο θα έπρεπε για μια ευνομούμενη δυτικο – ευρωπαϊκή πολιτεία."* [W(1)]

The communication problem is also raised by a respondent [S(1)] who deplores the fact that migrants do not know what their associations can do and are not organised in these associations. Moreover, this participant brings the issue of the larger society and the ethos that prevails when he/she says that the migrant forum offers victim support services but they cannot do much because they are not able to change the whole society where anomie prevails:

> *"Only a little. Because you don't have the power to change society. Because of all this…If they don't comply with the law, if law is published but no one knows it and no one complies with it".*
>
> *«Πολύ λίγο. Επειδή δεν έχεις δύναμη να αλλάξεις κάτι στην κοινωνία. Επειδή αυτά είναι όλα, αφού δεν τηρούν τους νόμους, βγαίνουν νόμοι και κανείς δεν τους ξέρει και κανείς δεν τους τηρεί»* [S(1)]

There are also "objective" difficulties to communication between migrants and the services such as language barriers and one respondent [S(1)] observes laughingly that the authorities should move towards these people and not the other way round. However, as observed by a participant [S(1)] there is no culture of support because the "system needs undocumented migrants":

> *"The institutional framework does exist but it is not implemented for many reasons. Because it is for their own benefit to have all these undocumented people and because there is no such culture. Prosecutors are not informed of these directives, they ignore the legal framework. They ignore this crime".*

«Υπάρχει το θεσμικό πλαίσιο αλλά δεν εφαρμόζεται στην πράξη. Για πάρα πολλούς λόγους. Και γιατί στην ουσία όλους τους συμφέρει αυτό το χωρίς χαρτιά κι από κει και πέρα γιατί δεν υπάρχει και η κουλτούρα. Οι εισαγγελείς δεν ενημερώνονται για τις οδηγίες αυτές, το νομικό πλαίσιο, το αγνοούν. Το αδίκημα αυτό το αγνοούν» [S(1)]

None of the police officers wanted to comment on the effectiveness of the support services. However, in one case study, Romanian citizens were assisted in terms of medical help, psychological support and accommodation by the anti-trafficking police department. Seemingly, again Romanian citizens were assisted by the anti-trafficking police department with the assistance of the local Church authorities. This might be due to the fact that these migrants were documented as EU citizens. In other cases victims were assisted by civil society organisations, the Racist violence recording network, the Greek Council for Refugees and the Hellenic League of Human Rights. A feminist organisation and ad hoc committees supported the migrant worker in one case study.

Finally, one respondent [N(1)] declared that victim support services are open to all victims, even those without legal papers, and they are provided free of charge. The respondent considers that the legal framework is sufficient but it faces problems in its implementation and its diffusion to bigger numbers of victims. Victim support services do not accommodate the needs of migrant victims, although they should. According to the interviewee [N(1)], all preconditions for support services to accommodate the needs of the victims exist but they are not used in the right way. According to the respondent, migrants are aware of the repatriation for humanitarian reasons procedures and they are also aware that as victims they can avoid deportation. Anyone in Greece can do some research and easily find how he/she can seek some assistance. The problem is that migrants' legal status is blurred and these people cannot make long-term plans. One respondent [N(1)] considers that whenever a migrant needs a job he/she is at risk of becoming a victim of criminal networks.

What is clear from this discussion is that the problem of the inefficiency of support services is not in its legal part but in its implementation, funding and the fact that the legal status of immigrants plays a role in the access they have. Participants generally were unable to assess the totality of the services and confined themselves to speaking about the services provided by their organisation. The description of support services made by participants is vague. They refer to health and psychological support and to moral support by trade unions and civil society associations as well as a legal support to undetermined cases. This description does not allow a detailed listing of support services to victims of labour exploitation. The way support services are portrayed here does not imply that people should be recognised officially as victims to have access to them. However, given that the institutional procedures of referral are not clear, the criteria cannot be ascertained. What seems evident is the difficulty of participants to provide a clear account of support services although the presentation of case studies shows that there are support networks that play a positive role.

5.2 Access to Justice and other mechanisms to empower victims

This section reviews participants' views regarding access to justice for victims. The common conclusion is that the length and cost of legal procedures undermine access to justice. Moreover, for irregular migrants, filing a complaint puts them at risk of being deported. Access to justice with barriers and facilitators are presented first. For one participant [J(1)] *"after someone makes an appeal to it […] the civil justice system is absolutely sufficient".* The respondent pointed that *"there is no discrimination"* against migrants. The respondent argued that the court decisions are generally in favour of workers. Also, that according to the law, anyone who is unable to pay can request that the state pays for his attorney [however, this does not apply for irregular migrants]. Moreover, according to the interviewee, most labour disputes involving migrants are both civil and criminal. For example, if there is a dispute about the payment of the salaries, the employee appeals to both civil and criminal courts. Also, in other cases of exploitation, one of the two parties accuses the witnesses of 'false witnessing' (*psevdorkia*) and they make an appeal against them that has to be dealt by the criminal justice system. For one participant [L(1)], it is easier for the victims to seek compensation if the offender has been convicted in a criminal court. Moreover, some victims seek moral satisfaction and they only appeal to criminal courts. However, some cannot afford the costs of a criminal trial and appeal only to civil courts. For another [L(1)] the civil justice system is described as a torture because:

> *"It is a process that requires time, money and too much psychic energy on the part of the victim. Not everybody is in a position to enter this torture".*
>
> *«Είναι μια διαδικασία η οποία παίρνει χρόνο, παίρνει χρήμα και παίρνει πολλή ψυχική ενέργεια εκ μέρους του θύματος. Δεν είναι όλοι σε θέση να μπουν σε αυτή τη βάσανο»* [L(1)]

Moreover, when the complaint refers to trafficking*: "The victims are ambivalent in terms of what they want to do. That is, they wobble between doing and not doing."* The respondent [L(1)] believes that complaints from migrant workers would be facilitated if legal procedure fees were reduced and the legal process was speeded up. According to the respondent, long trial processes especially weaken protection of the rights of the workers. It also discourages the workers. Another lawyer [L(1)] proposes further reasons for the ineffectiveness of the system for migrants. First, the respondent agrees that the judicial system is extremely time consuming. Second, even if the victim wins the case, compensation is not actually guaranteed, and the victim might be forced to proceed to enforcement, and even this is only effective when the employer has assets. Third, the procedure of enforcement is very costly. Thus the procedure cancels itself because to receive compensation one should go through a costly procedure with uncertain outcomes.

What perhaps would help would be the provision of free legal support in labour cases as undocumented migrants can have free legal support only if they are accused. The long

duration of the trial is also suggested by another participant [L(1)] as a barrier to justice. To facilitate the access to justice, this participant proposes better information for the police and juridical authorities so victims are treated as 'victims' and not as offenders that have violated certain laws. Improving the legal aid system to include irregular migrants-victims of exploitation and disconnecting the work permit from the residence permit will remove many barriers to seeking justice

In the Greek legal system only the complainant can file a complaint through a lawyer. If this was to change, trade unions could be an alternative party where complaints could be lodged. However, one respondent [J(1)] considers that the civil justice system it is not effective at all. A migrant without legal papers cannot appeal to the civil courts and claim compensations and the majority of the migrants in the area of the respondent's office are undocumented. The respondent believes that civil law claims cannot be dealt with by the criminal justice system, nor that the court is capable of assessing the non-pecuniary damage on a victim of labour exploitation. As complaints can be lodged only by the victim itself and not by third parties and as victims are afraid of being deported, they prefer not to come forward:

> *"So, they are afraid that, once the procedure is initiated, they will be deported. In other words, they won't have the time to complete this procedure. As a result, they prefer to stay here, even illegally, instead of claiming their rights."*

> *"φοβούνται ότι, όταν ξεκινήσουν αυτή τη διαδικασία, θα απελαθούν κιόλας. Δηλαδή δεν θα προλάβουν να κάνουν τίποτα. Προτιμούν δηλαδή να μη γίνει τίποτα και να εξακολουθούν να βρίσκονται στην Ελλάδα, έστω και παράνομα, παρά να διεκδικήσουν τα δικαιώματά τους αυτά."* [J(1)]

In addition, one respondent [J(1)] observes that extreme forms of exploitation are crimes that can be prosecuted automatically.

In terms of compensations, for one respondent [N(1)], the system does not motivate people to seek compensations in civil courts and they might be only interested in "revenge". The respondent also points out that even if someone wins in the first instance court they might lose the appeal since key witnesses or the victim might change their testimonies out of fear, threat or other reasons. The interviewee believes that the victim should be able to seek help from a 'mediator', like an NGO or a helpline. This would be better compared to a 'bureaucratic environment' that is difficult to deal with even for the Greeks. NGOs should provide both administrative and legal support to victims. The respondent considers that NGOs should become more active in finding ways to provide support to victims rather than just accusing the state of not doing the job properly.

Also from the point of view of the support groups, the system is judged as unfair for victims and time consuming. One respondent [S(1)] observes that a victim has first to make a complaint in the regional Labour Inspectorate office, then make a court appeal, etc. This takes too long. Even if the victim of exploitation or trafficking decides to go directly to the police or to the public prosecutor, there is no public prosecutor specialised in that area. Most complaints will never proceed, according to the responder. In addition, perpetrators usually

have very good lawyers and they manage to undermine the arguments of the victim. The interviewee mentions that in a court case, the victim has to describe events at least five times, while the perpetrator's case is much easier. For one respondent from the victim support services group, a dedicated lawyer who "respects migrants" is a key factor for the success of a case. However, since the procedure is lengthy and time consuming they advise their members to try to solve the dispute with the help of the mediation from the Labour inspectorate (SEPE).

Access to justice is also undermined by the fact that migrants themselves might be hostages of the networks that brought them to Greece and who they trust. Characteristically, during the campaign "no to racism from the cradle" (fighting for children's birth certificates), African women were approached by these networks that offered to adopt their children so that they get Greek citizenship. This is not a case of blackmail, as the networks did not force migrant women to do anything. It shows however how vulnerable migrants are when they lack legal status.

The lengthy and costly procedures can, however, be surpassed since, as one participant [W(1)] says there is a new procedure: the 'payment order'. This is a form of enforcement action, which might be able to resolve many problems and replace time-consuming legal procedures. If the worker's contract is in force and there is delay in payment of the salary, victims can very easily resort to court and ask for an order for payment. This only applies to migrants with a regular status. The employer is then forced to immediately pay all salaries owed. Otherwise, legal cases might take over five years to reach a final decision. The case might be taken to the court of appeal or even to the Supreme Court, until there is a final decision for back pay. However, in order for this procedure to be effective the employer needs to be able to pay. This is still a legal procedure that could take time to be implemented. It is not known at this time whether this promising measure has simplified procedures for victims. Moreover, this procedure is available only to those who have contracts and thus are migrants with a regular status.

6. Attitudes

This section reviews participants' views about the attitudes that contribute to severe labour exploitation of migrant workers. As in other parts of the interviews, the main issue that prevents access to mechanisms of protection is the fear of being deported (due to one's status) and of losing one's job. In addition, participants believe that what motivates migrants to keep up with hideous working conditions is to be able to stay in an EU country and be able to support and protect their families. Only after these motives comes the willingness to be protected from further victimisation.

As shown in table 6.1.1 below, the reasons why victims of exploitation do not come forward and seek support according to the participants, are mainly related to their status, as they fear that if their situation becomes known they will be obliged to leave the country. They also think that losing their job is worse than working under these conditions and finally victims are not aware of their rights and the support they can get. These results echo other parts of the report where the importance of the residence status of the migrants was highlighted, as well as different case studies. In a difficult economic situation where their work is related to their residence permit, it seems normal not to want to lose even a very difficult and exploitative work. On several occasions, participants highlighted the importance of education and information for migrant workers. This is why many organisations put a lot of effort into informing migrant workers. Fear of retaliation and seeing the procedures as bureaucratic and costly are also seen as important barriers.

6.1.1 The most relevant factors that significantly account for the fact that not many migrant workers who have been exploited severely come forward, seek support or report to the police

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
Lack of effective monitoring of relevant areas of economy			1	1					1	**3**
Lack of targeted support service provision available to victims	1	1	2						1	**5**
Victims are not aware of their rights and of support available to them	1	3	3				2			**9**
Victims fear retaliation from the side of offenders against them or against family members	2		4				2			**8**
Victims suffer from feelings of shame		1								**1**

Victims believe that speaking to authorities is not worthwhile or they would not benefit from subsequent proceedings	2		2	1			1			**6**
Victims believe that proceedings are too bureaucratic and costly	1	1	4	1			1			**8**
Victims fear that if their situation became known to the authorities, they would have to leave the country	3	4	1	3			2		1	**14**
Victims do not trust that the police in particular would treat them in a sympathetic manner	2	2		1			1			**6**
Victims perceive being jobless as worse than working in exploitative conditions	3	3	4	2						**12**
Other-please specify.										
Don't know										

In terms of the most important factors to migrants, according to participants, we observe what was already highlighted in the interviews. Most participants believe that migrants wish to stay and live in an EU country; that their family is safe and they can support their family. Then only want to be protected from exploitation and receive compensation from their employers. If this is the case, this attitude attributed to the migrants makes them even more vulnerable to exploitation because their economic need and the safety of their family could make them succumb to threats and exploitation (see also earlier parts in this report).

6.1.2 The three most important factors to migrant workers who are victims according to participants

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
To be safe and to be protected against further victimisation	2		2	2	1		2		1	**10**
For their family to be safe	1	4	5		1		1		1	**13**
To be able to stay and to make a living in an EU country	3	2	3	2	3		2		1	**16**
To see that offenders are held accountable and that justice is done	1		4	1	1					**7**

To be respected and to see that their rights are taken seriously	1	2	2	1			1			**7**
To be in a position to economically support other family members	4	3	3	1			1			**12**
To receive compensation and back pay from employers	1	1	1	1	3		2			**9**
To be able to return home safely	1		1	1						**3**
Other (please specify)										
Don't know		99								**1**

For our participants, two measures seem to be necessary to address exploitation in Greece, as can be seen in table 6.1.3 below. They ask for more effective monitoring in the areas and the sectors prone to exploitation and more effective cooperation between the different bodies that combat exploitation. These factors have been highlighted throughout the interviews. Interestingly they are followed by the idea to regularise certain migrant groups to fight black labour and improve their conditions.

Another factor chosen is the improvement of the legislation and its implementation. This latter is much more important as participants frequently emphasized that the legislative framework is good (see also focus group) but its implementation is not effective either because of lack of resources or an ethos that prevails in the country [S(3); N(1)]. In the focus group discussion it was remarked first by one participant [FG(S)] and then by another [FG(M)] that if the whole society does not make ethical and moral discounts, that is if society respect immigrants' rights, this ethos would be part of the police and the monitoring bodies as well.

The ethos of the society is discussed also in the focus group when they were asked to comment on whether xenophobia has increased during the crisis. It was acknowledged that incidents seem to increase [M(1)] but this could be due to the fact that civil society is better equipped to detect and monitor them [S(1)]. All focus group participants agreed that xenophobia and racism existed from the very early years of immigration in Greece. What seems to have happened, according to participants, is that the existence of a political party which entered the parliament openly claiming a racist ideology made the issue more salient. It might be an ethos starting from the '90's that trivialised xenophobia and racist violence [S(1)] that becomes more visible in times of crisis. One participant [W(1)] also makes a distinction between racist violence (observed between different communities) and neo-nazi violence (organised attacks from squads) that is not shared by all participants [L(1)]. The

crisis comes in the discussion as a factor that deregulated working conditions for all workers and as a factor that raised issues of racism that existed before.

Noticeably, despite the fact that lengthy legal procedures have been previously identified as a barrier, the improvement of the legislation to allow better access to justice and compensation does not come up in the measures prescribed.

6.1.3 The three measures which would most improve the way labour exploitation is addressed in the country

	M	**P**	**S**	**J**	**L**	**R**	**W**	**E**	**N**	total
Improve legislation against labour exploitation and its implementation	2		4		1	1	1	1		**10**
Improve legislation to allow better access to justice and compensation	1	1	2	1	3					**8**
More effective monitoring of the situation of workers in the areas of economy particular prone to labour exploitation	2	3	3	2			2	2	1	**15**
Measures to ensure that all workers know their rights		3	4				2			**9**
Measures to ensure that all workers have access to labour unions					1					**1**
More effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system	2	3	3	2		1	1	2	1	**15**
Setting up of specialised police units to monitor and investigate labour exploitation		3					1			**4**
Regularising the situation of certain groups of migrant workers with an irregular status	3	1	2		2	1	1	1		**11**
Regularising the situation of migrant workers once they have become victims of severe labour exploitation	1	1								**2**
Measures addressing corruption in the administration			2							**2**

More training of police, labour inspectors and other authorities	2			1	1				1	**5**
Police and courts taking labour exploitation more seriously	2		2		1					**5**
Don't know										

In general, participants do not think that the interests of migrant workers are protected or that the country addresses this issue effectively. Most participants agree that there are improvements in the legislation and the incorporation of EU directives but this legislation is not implemented [S(3); N(1); J(1)] or that the legislation has gaps [M(1)] and the delays in justice and bureaucracy undermine its effects [M(1)]. Others think that the situation moves backward and the legislation is weakened [L(2)] or that "*the State is absent for migrants"* [J(1)]. More positive about how the country addresses the issue are representatives of the P group about what is done but again they find that this is not enough [P(4)]. A representative of the E group states that "*something is done with disappointing results"* [E(1)].

In previous parts of the report, problems with supporting victims and providing access to justice were presented. Again, the illegal status of migrants is a major obstacle in the fight against illegal labour, exploitative working conditions and the networks that smuggle into the country and employ migrant workers (see also discussion about these networks in the focus group where a respondent [S(1)] said that the exploitation of migrants starts way before they enter Greece by these networks. One participant gives an example of young people who are raped as they leave their country and these rapes are documented so the person can be blackmailed afterwards [FG(S)].

7. Conclusion and any other observations, including contentious issues from interviews/focus groups

This research was conducted with participants from monitoring bodies, police officers, representatives of employers and a recruitment agency, lawyers and judges, support group representatives, workers' representatives and a national expert on human trafficking, all of whom highlighted the conditions that produce situations of labour exploitation in Greece amongst the migrant population. Ten case studies were collected which also illustrate an array of these conditions in different sectors of the economy involving migrants with different origins and status.

To summarise the findings, the economic sectors where migrants are prone to exploitation are agriculture, the service sector and in particular the tourism and cleaning sectors, domestic work and craft industries. These sectors are difficult to inspect not only because they are vast and the monitoring bodies understaffed and lack resources but also because there seems to be a "tolerance" in the receiving society insofar as the local economy flourishes. It is thought that somehow employers and institutions collude to "use" immigrants as cheap manpower in order to serve the local economy. Moreover, the extreme poverty faced by immigrants in their country and the need to survive and support their families make migrants at risk of exploitation. The type of jobs they do (unskilled and precarious, seasonal) adds to the risk as well as their isolation and the fact that they lack language skills to communicate effectively with authorities and the local population. Language skills would improve immigrants' self-image and contribute to their integration in the society. More regulation to seasonal work is proposed as a measure to combat labour exploitation.

The most common practices of labour exploitation are the absence of contract, undeclared work and absence of social security contributions and the fact that wages are withheld. However, it is also mentioned and illustrated by the case studies that physical violence against migrants is often exerted.

Although the legal framework is thought to be good, participants think that it is not implemented properly and that there is a gap between the law and what happens in practice. The costly and lengthy procedures, low probability of offenders being punished and obliged to pay compensation, the fact that migrants prefer to keep their job than to file a complaint, their lack of information and knowledge about their rights and the fear of retaliation, undermine access to justice. However, a practice of the Labour Inspectorate (SEPE) to forward cases to the prosecutor when their mediation between the worker and the employer fails independently of whether the worker files a formal complaint might be a promising path. Migrants find themselves trapped in illegal networks and agencies that exploit their need for work. However, formal recruitment agencies might play a positive role if they are properly monitored and regulated.

Moreover, the context of an economic crisis where working conditions are de-regulated in general and in a society where a majority of people appear to be at best indifferent to the conditions of the migrants or at worse xenophobic, the conditions of migrant workers is worsening. Indeed, this attitude does not motivate politicians to deal with the case. Thus, along with an absence of protection ethos and a fair trade consumption ethos participants judge that there is a lack of political will to tackle the issue. The lawyer who participated in the focus group stressed that the issue of fighting labour exploitation of migrants is “deeply political” and not just matter of inefficiency and lack of resources, it is a matter of political will. In the focus group, participants agreed regarding the Greek society that in times of economic growth the cheap labor and exploitative working conditions of migrants were “tolerated” because it was good for the economy whereas in times of crisis these conditions are “tolerated” as a means of survival. Moreover participants agreed that xenophobic attitudes always existed in Greece but with the crisis what increased is the attacks and the de-culpabilisation of these attitudes and behaviors. Experts see this ethos as cultivated by and reflected in the political decisions.

The most important factor that puts migrants in a vulnerable position has been identified as their illegal status in the country. Their labour situation is bound with their residency status and health insurance for them and their family. This constitutes a vicious circle that promotes illegal employment insofar as if they are not regularised they are asked to work undeclared and with unclear conditions of work. Undocumented workers cannot claim their rights publically since they risk being arrested and deported (see one of the case studies), they do not have access to free legal aid and cannot access some support services.

To improve this situation, interviewees call for more effective monitoring and cooperation between different bodies, but also to look at the status of migrants and perhaps regularise some groups of workers. However, participants in the focus group discussion seem pessimistic as they think that currently there is no political will to improve working conditions (for Greeks and migrants alike) and that systems and strategies that are set to work are not given enough time to be evaluated for efficacy and modified accordingly. New measures should be taken and the labour environment is changing.