

# Detecting and addressing labour exploitation

A guide for labour inspectors



Based on the European Labour Authority (ELA) / European Union Agency for Law Enforcement Training (CEPOL) on-site training for labour inspectors held on 14 and 15 November 2023 in Larnaca, Cyprus

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# Purpose of this guide

**Labour inspectors are essential for enforcing workers’ rights and for detecting and addressing labour exploitation. Together, the European Labour Authority (ELA) and the European Union Agency for Fundamental Rights (FRA) have developed a guide for workplace inspectors on how to detect labour exploitation.**

This guide is a practical tool for labour inspectors. It focuses on non-national workers in the EU who work in a country other than their own. Such workers are particularly vulnerable to labour exploitation. The guide is also accompanied by a leaflet that summarises the detailed information provided in this guide.

The guide:

- explains the different forms of labour exploitation;
- summarises the rights that EU law grants to specific categories of non-national workers;
- guides inspectors on how to speak to these workers;
- helps to identify signs of labour exploitation;
- suggests how to support victims of labour exploitation.

This guide covers the following categories of workers:

<b>EU NATIONALS</b> and nationals from Iceland, Liechtenstein, Norway or Switzerland who are exercising their right to work and to provide services across the EU.	<b>THIRD COUNTRY WORKERS</b> , meaning workers who do not have the nationality of an EU Member State, Iceland, Liechtenstein, Norway or Switzerland.
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The guide is based on ELA’s training manual on labour exploitation and labour law violations and FRA’s 2024 training manual on [how workplace inspectors can protect third-country workers’ rights](#).

To protect workers’ rights in practice, labour inspectors can actively:

- inform workers of their rights, keeping in mind that different categories of workers have different rights;
- identify labour exploitation and refer victims to support services;
- help workers to receive back payments and collect evidence to support workers’ claims;
- inform workers on how to lodge a complaint against labour law violations.

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# 1. What is Labour Exploitation

Labour exploitation is a continuum ranging from mild labour law violations, which may lead to administrative or civil sanctions, to more severe violations, which can entail criminal sanctions and, in extreme cases, amount to forced labour. Figure 1 illustrates this.

**Figure 1. The continuum of exploitation**



Source: Council of Europe, '[Trafficking for the purpose of labour exploitation: new HELP online training module](#)', 9 November 2021.

Within this continuum, workers may experience different situations at work.

**Decent work** refers to work in conditions of freedom, equity, security and human dignity.

Practices such as payment below the minimum wage, unlawful deductions from wages, unfair dismissals and other contractual breaches constitute **labour law violations**. In such cases, labour inspectors generally impose administrative sanctions. Workers have specific mechanisms at their disposal for lodging complaints and reporting breaches of labour law.

There are various exploitative practices which are criminalised and which constitute **severe forms of labour exploitation**. These include trafficking in human beings for the purpose of labour exploitation forced labour, and 'particularly exploitative working conditions'.



**Trafficking in human beings (THB), forced labour and particularly exploitative working conditions for third-country workers go beyond labour law violations. These are crimes.**

# Trafficking in human beings

The trafficking of human beings is the intentional **act** of recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by **means** of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the **purpose** of exploitation. Figure 2 illustrates this.

Legal source: [Directive 2011/36/EU](#), as amended by Directive (EU) 2024/1712, Article 2 (EU anti-trafficking directive).

**Trafficking in human beings is a combination of the following three elements:**

**= ACT + MEANS + PURPOSE**

*For example: recruiting a worker (act) using false promises (means) for exploitation (purpose)*

Figure 2. The three elements of trafficking in human beings

Act	Means	Purpose
Recruitment Transportation Transfer Harbouring (i.e. providing accommodation or shelter) Reception	Threat Force Coercion Abduction Fraud Deception  Abuse of power / position of vulnerability → e.g. being in an irregular situation	Exploitation

Source: EU anti-trafficking directive, Article 2.

There is no official definition of labour exploitation under international or EU law. It is one of the potential purposes of trafficking in human beings, being different from other forms of exploitation, such as sexual exploitation.

## Forced labour

Forced labour is defined as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered’ her/himself voluntarily.

Legal source: [Forced Labour Convention](#), 1930 (No. 29), Article 2(1).

## Particularly exploitative working conditions

Particularly exploitative working conditions are defined as working conditions, ‘including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers’ health and safety, and which offends against human dignity’ (Employers Sanctions Directive, Article 2(i)). Article 9(c) of the Employers Sanctions Directive requires Member States to criminalise ‘particularly exploitative working conditions’ of third-country workers in an irregular situation.

Legal source: [Employers Sanctions Directive](#) 2009/52/EC, Article 9(c).

## 2. Rights that EU law gives to different categories of non-national workers

Under EU law, workers' rights depend on their residence rights and status as well as on their work status. This guide covers the categories of workers set out below.

### Mobile workers

**Definition:** Citizens of the EU or of **Iceland, Liechtenstein, Norway or Switzerland** who reside and work in a Member State other than their country of citizenship.

**Legal basis:** Article 45 [TFEU](#); Article 15(2) of the [Charter of Fundamental Rights of the European Union](#) (EU Charter); [Citizens' Rights Directive](#) 2004/38/EC; [Free Movement of Workers Regulation](#) (EU) No 492/2011; [Directive 2014/54/EU](#).

**Rights:** Equal treatment as workers who are nationals of the Member State of employment with regard to (i) working and employment conditions; (ii) social and tax benefits; (iii) training, rehabilitation and retraining; and (iv) provisions of collective and individual labour agreements; right to reside freely within the territory of the EU.

### Posted workers (EU nationals and third-country nationals)

**Definition:** Workers who are sent by their employer for a limited period of time to carry out their work in the territory of a Member State other than the Member State in which they normally work. Third-country workers can be posted on the condition that they are lawfully and habitually employed in the Member State from which they are posted.

**Legal basis:** [Posting of Workers Directive](#) 96/71/EC; [Revised Posting of Workers Directive](#) (EU) 2018/957; [Enforcement Directive](#) 2014/67/EU; [Posting of Drivers Directive \(EU\) 2020/1057](#).

**Rights:** Posted workers are entitled to:

- **core terms and conditions of employment** in accordance with the rules in place in the **host Member State**, insofar as these are more favourable than the protection offered by the employment law of the Member State where they habitually work (or the law applicable to the employment contract) (Article 3).
- Where the duration of the posting exceeds 12 months (or 18 months if a reasoned notification is submitted), all the host Member State's applicable terms and conditions of employment, laid down by law or by collective agreement within the meaning of Article 3(8) of the Posting of Workers Directive, must be guaranteed, with the exception of dismissal and supplementary pension schemes, if more favourable.
- As regards accommodation conditions in the host country, existing national rules for local workers away from home for work must be applied.
- Workers posted by a temporary work agency have the same rights as workers employed directly by the user undertaking.
- Effective mechanisms to lodge complaints against employers should be in place (Enforcement Directive, Article 11).

## Seasonal workers (third-country nationals)

**Definition:** Third-country nationals that maintain their main place of residence in a third country but are legally and temporarily present in the territory of a Member State to carry out seasonal work under one or more fixed-term work contracts.

**Legal basis:** [Seasonal Workers Directive](#) 2014/36/EU

**Rights:** Seasonal workers are entitled to:

- **information in writing** about their stay, obligations and procedural safeguards (Article 11);
- accommodation that ensures an adequate standard of **living** (Article 20);
- effective mechanisms to lodge **complaints** against employers, including with the support of third parties (Article 25);
- options for **changing employer** (Article 15);
- **equal treatment** in employment and working conditions, including: pay, working time and dismissal; health and safety at the workplace; back payment; freedom of association and membership of trade unions; education and vocational training; types of social security benefits and tax benefits; and other areas. Member States may limit equal treatment in some areas, for example, regarding unemployment benefits, tax benefits, education and vocational training.

## Third-country nationals holding a single permit

**Definition:** Third-country nationals who have been admitted to an EU Member State for the purpose of work and who have a permit issued by that Member State allowing them to reside legally in its territory for the purpose of work.

**Legal source:** [Single Permit Directive](#) (Directive 2011/98/EU) and [Single Permit Directive \(recast\)](#) (EU) 2024/1233. The Single Permit Directive was revised in 2024. Member States must transpose the new provisions by May 2026. Until then, the provisions transposing the Single Permit Directive (2011/98/EU) apply.

**Rights:** Third-country workers holding a residence permit corresponding to the EU single permit are entitled to:

- enter and reside within the territory of the EU Member State that issued the single permit;
- exercise the specific employment activity (Article 11);
- be **informed** about their rights (Article 11);
- **equal treatment** with EU nationals as regards employment and working conditions, freedom of association and membership of trade unions, types of social security, education and vocational training, tax benefits, and other areas (Article 12).

**Additional rights as of May 2026:** Third-country workers holding a residence permit corresponding to the EU single permit will be entitled to:

- **change employer** (Article 11);
- be **unemployed** for a period of three months if the worker has had a residence permit for less than two years, which increases to six months if the worker has had a residence permit for more than two years (Article 11);
- effective mechanisms to lodge **complaints** against employers, including with the support of third parties (Article 14) such as trade unions and NGOs.



## Third-country nationals in irregular situation

**Definition:** Third-country nationals who are not residing legally in an EU Member State.

**Legal source:** Employers Sanctions Directive (ESD) 2009/52/EC

**Rights:** Third-country nationals in an irregular situation who work:

- have the right to be informed about their specific entitlements such as the right to claim due wages (Article 6(2));
- may rely on the liability of the principal contractor in addition to, or instead of, the subcontracting employer (Article 8);
- should have at their disposal effective mechanisms to lodge **complaints** against employers, including with the support of third parties such as trade unions and NGOs (Article 13);
  - have the right to claim **payment of due wages**, whereby the duration of employment is presumed to have been at least three months, unless it can be proven otherwise (Article 6);
  - have the possibility to receive a **temporary residence permit** (Article 13(4)).

Third-country workers may also be residing in the EU under the [Long-Term Residents Directive](#) (2003/109/EC), the [Blue Card Directive](#) (2021/1883/EU), the [Intra-corporate Transfers Directive](#) (2014/66/EU) and the [Students and Researchers Directive](#) (2016/801/EU, as amended in 2021). These categories are subject to other rules not covered in this section. However, other sections of the guide do apply to them.

### 3. How to spot signs of labour exploitation

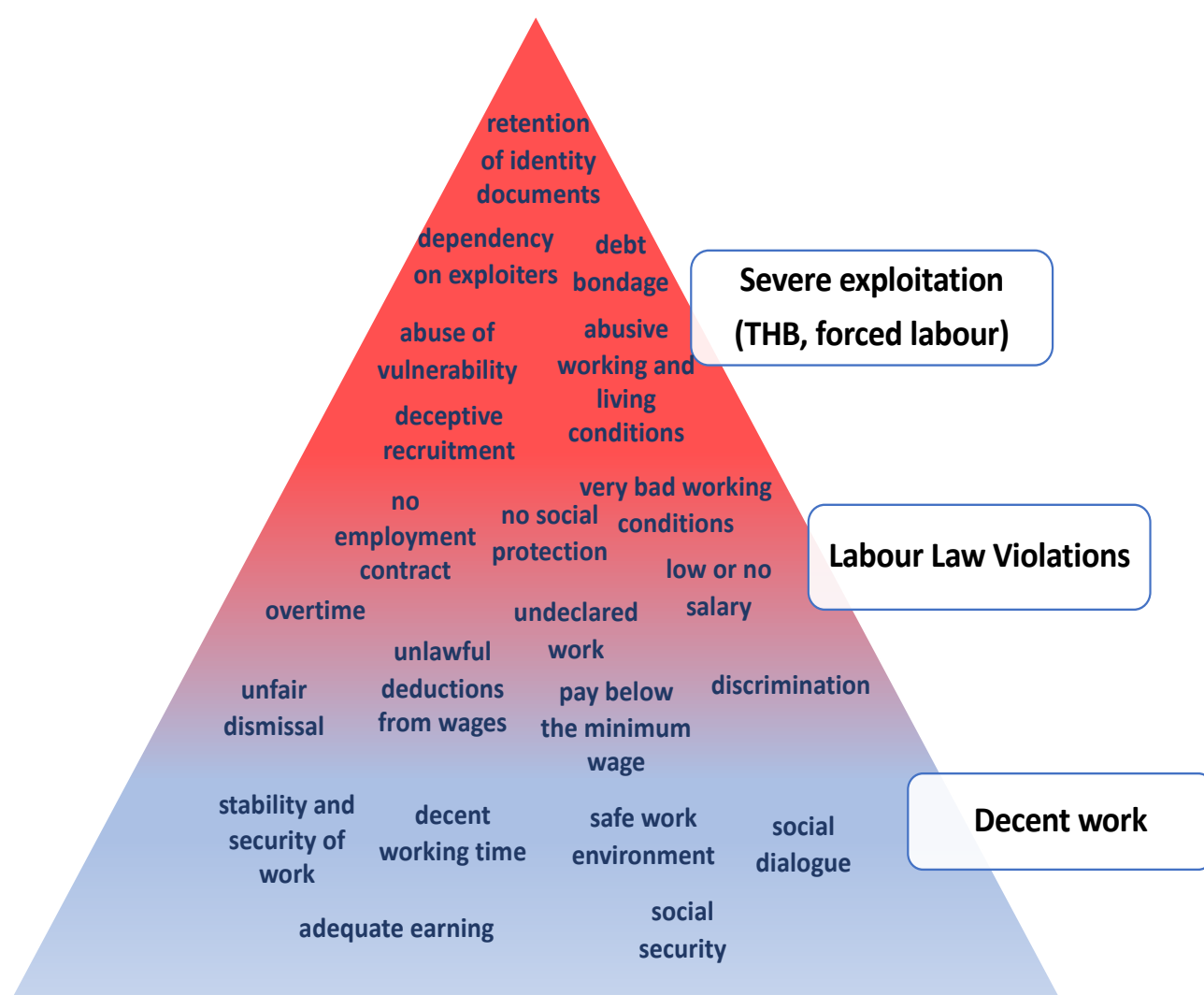


Ensuring that victims are identified in a timely manner is essential to protect and assist them.

To identify potential victims, labour inspectors must have a **good understanding of the indicators of labour exploitation**.

There can be a fine line between different situations; for example, a case may seem at first to be a labour law violation, but further investigation may uncover evidence of forced labour or trafficking in human beings. Figure 3 shows some selected indicators which point to possible labour law violations and exploitation.

**Figure 3. Selected indicators of decent work, labour law violations and labour exploitation**



Source: ELA and FRA (2025)

Formally identifying victims of labour exploitation is usually the task of law enforcement officials, public prosecutors and other authorities. Labour inspectors must know and understand what they can do to help identify victims of exploitation during inspections.

## Indicators of labour law violations

undeclared work  
pay below the national minimum wage  
unpaid overtime  
unlawful deductions from wages  
unfair dismissal  
denial of the right to annual leave or sick leave  
discrimination at the workplace  
health and safety hazards

Labour law violations may be subject to civil or administrative sanctions. However, the presence of more than one of the above indicators and the repetition of violations over time may also entail criminal liability in some Member States.

## Indicators of labour exploitation, trafficking in human beings and forced labour



**There is no single model to identify victims, as this depends on national legislation and practices.**

The International Labour Organisation (ILO) has developed some indicators to identify labour exploitation, forced labour and trafficking in human beings.

**Abusive recruitment** is a key risk factor for labour exploitation. Practices which do not meet fair and ethical recruitment standards are, for example:

- charging workers recruitment fees and costs,
- deploying workers to jobs or employers other than those applied for,
- substituting agreed employment contracts with inferior contracts,
- exploiting workers through loans at exorbitant interest rates.

The ILO provides [indicators](#) for deceptive and coercive recruitment (for example, recruiting a worker by promising a particular job and working conditions then not being met) and recruitment by abusing vulnerability (for example, recruiting a worker by abusing their irregular status or lack of awareness of their rights).

Labour inspectorates can play a critical enforcement role in promoting fair recruitment, by monitoring private recruitment and placement agencies, detecting abusive recruitment practices, processing complaints and applying sanctions.

**The most common indicators of severe forms of labour exploitation, criminalised under national or EU law, are:**

abuse of vulnerability	excessive overtime
deceptive recruitment	wage manipulation, including paying wages to intermediaries
withholding of wages	overcrowded or unsanitary living and/or working conditions
debt bondage	dependency on exploiters (for travel/accommodation/employment and legal status)
isolation, restriction of movement	hazardous work performed without protective equipment
use of violence, threats	exploitative conditions of work
confiscation of documents	not respecting labour laws or contract signed
abusive working and living conditions	

Source: These indicators have been compiled using the [ILO indicators for labour exploitation](#), the [ILO operational indicators of trafficking in human beings](#) and the [ILO indicators of forced labour](#).



**In any interaction with potential victims, it is paramount to respect the 'do no harm' principle. For example necessary assistance should be provided, and detaining and prosecuting victims of trafficking for their involvement in illegal activities committed as a result of trafficking should be avoided.**

As a result of exploitation, victims are often ashamed and isolated. The exploiter may hold significant influence over them. Victims may be traumatised and develop a feeling of solidarity with the perpetrator. To counter this, an approach that focuses on the needs and concerns of victims may be effective.

## 4. How to speak to workers



**Direct communication with workers is key to ensure that EU law safeguards are applied.**

For effective communication with workers, it is important to:

- **build trust:** explain the role of the inspectorate, your role, and the objectives of the inspection in practical terms and using simple language;
- **show that you have full control** of the inspection to reassure employees and prevent employer interference;
- **speak directly** to workers;
- **not speak** to workers **in the presence of the employer;**
- **be transparent:** explain to workers any obligations you may have to report matters, including the residence status of the worker, to the police or immigration authorities;
- **adopt a victim-centred approach:** if you detect signs of victimisation, including severe labour exploitation, ensure the physical and emotional safety of workers; meet the immediate needs of the potential victim;
- **overcome language and cultural barriers**, for example:
  - hire workplace inspectors who can speak the worker's language,
  - translate questionnaires for interviews with workers,
  - use cultural mediators and/or interpreters,
  - in the absence of cultural mediators or interpreters, use phone, videoconference or mobile app interpretation and translation programmes,
  - do not ask employers or colleagues to translate; they could be involved in the labour exploitation;
- **leave your contact details** with workers so that they can contact you at a later stage.

When setting up and conducting in-depth interviews on-site, consider the indicators and suggestions outlined in Section 3, HOW TO SPOT SIGNS OF LABOUR EXPLOITATION.

# Guidelines for interviewing workers

To identify labour exploitation when speaking to workers, labour inspectors may use the following guidelines.

## Introduction

- Introduce yourself and your role.
- Explain the purpose of the interview.
- Explain that all the questions you ask are in order to understand the worker's experiences.
- Encourage the worker to ask questions at the beginning and throughout if they need clarification.
- Establish rapport – ensure that the person is safe and set a supportive tone for the interview: e.g. 'I understand that it might be difficult for you to talk about this', 'I will try to help', 'I would like to know more because...'

## Substantive phase

- Encourage the worker to expand on key areas after you have heard their initial story by focusing on invitations. (Tell me...) and cued invitations (You mentioned X, tell me more...).
- Ask more focused questions only when all possible information has been exhausted through open-ended prompts.
- Accept that the story of what has happened might not be in a chronological order and that there might be gaps, inconsistencies and missing details – allow a free-flowing narrative.
- Accept that it may be difficult for the worker to remember separate instances of the events.
- Keep supporting the victim through active listening.
- Give the worker time to think.
- Allow the worker to express their culture. Be aware that some cultures tend to share stories in a circular, rather than in a linear manner or are more collectivistic as opposed to individualistic.
- Avoid a worker-blaming attitude.
- Avoid questions starting with 'why': 'Why did you agree?', 'Why did you not leave?', 'Why did you not seek help?', etc.
- Try to uncover as much information as possible about everyday life, typical days and daily routines, living circumstances (room of one's own, sanitation, food), relationships, aspects of control and/or freedom.

## Concrete questions

- What is your typical working day like?
- When do you start working? When do you stop?
- Do you have days off? What do you do in your free time?
- Describe your relationship with the employer – what kind of relationship do you have with them?
- How did you hear about this job?
- How did you end up coming to [destination country] for work?
- How did you travel [to destination country]?
- Did someone take your passport away?
- Do you receive your wages?
- Are you in debt? How do you plan to pay it back?

- Where do you live? Are you happy with your accommodation?
- How do you commute to work?
- How often are you in touch with your family/friends?
- Do you have the possibility to use a mobile phone?
- Have you had any bad experiences when working here? Tell me what happened.
- Tell me what happened if you got sick. Were you able to go to the doctor?
- What about your colleagues? Are they in a similar situation?

## **Closure**

- To the extent possible, explain how the process will continue from your side and what they can expect.
- Refer them to support services, with their consent.
- Inform them about their rights – give information: info cards, hotline numbers, NGO/trade union cards, your own contact details.

Source: Training Manual Labour Exploitation and Labour Law Violations, European Labour Authority, 2024

# 5. How to support victims of labour exploitation

## Criminal forms of labour exploitation



**Victims of crime, including victims of exploitation, have a right to victim support services under EU law. Labour inspectors should be aware that access to victim support services cannot be made dependent on making a formal complaint.**

To connect potential victims of labour exploitation with support services, workplace inspectors may take the following steps.

- **Detect** potential victims of severe labour exploitation.
- **Check** victims' and other support services available, including those providing such services, the eligibility of potential victims for the various services, contact information and, where possible, contact persons.
- **Inform** potential victims of available support mechanisms.
- **Refer** victims to support services, with their consent, when receiving complaints or where there are reasonable grounds to believe that the person is a potential victim of severe labour exploitation.
- Pay specific attention to the **victim's immediate needs**, such as access to healthcare, including psychological care.

**Emergency medical care is accessible regardless of immigration status**, although third-country nationals in an irregular situation may not want to go to a hospital for fear of being detected and deported. Cooperating with civil society organisations that facilitate access in these cases may help overcome such fears.

- Learn about temporary **residence permits available to potential victims of labour exploitation**. There may be three different options for temporary residence permits:
  - permits for victims of trafficking in human beings,
  - permits for victims of particularly exploitative working conditions,
  - humanitarian permits or other permits based on national law.

Workplace inspectors may play an essential role in **facilitating access to these permits**, for example, by informing workers of their existence, by collecting evidence needed on labour law violations or by recommending to public prosecutors that a permit be issued in relation to an investigation by the inspectorate.

Article 16 of the Victims' Rights Directive recognises the right of victims to obtain – normally in the course of criminal proceedings – a decision on compensation from the offender.



# Violations of labour law that do not constitute a crime

Should no criminal form of labour exploitation be identified, but labour law is violated, it is important to inform workers of their rights under EU law and how to obtain redress.



**All workers have core labour rights, including the right to be paid due wages and social security entitlements. The right to claim wages due is also guaranteed for third-country workers in an irregular situation.**

Workplace inspectors may take the following steps to support workers.

- **Inform** workers about their core labour rights, including the right to recover due wages and social security contributions. Provide this information in different languages, for example by handing out translated leaflets, providing QR codes where translated information can be found, etc.
- Inform workers about the statutory time limits for lodging a complaint.
- **Secure evidence** to support a worker's claim.
- Inform workers how and where to lodge a complaint, providing information about 'safe reporting mechanisms' especially to third-country workers in an irregular situation, provide contact details of civil society organisations and trade unions that can help the worker to lodge a complaint.
- Inform workers of additional rights depending on their status, such as the right to change employer for seasonal workers and workers with a single permit (as of 2026).

# Selected legal sources

## EU mobile workers

- [Treaty on the Functioning of the European Union](#) (TFEU), Article 45
- [Charter of Fundamental Rights of the European Union](#) (EU Charter), Article 15(2)
- [Citizens' Rights Directive](#), 2004/38/EC
- [Free Movement of Workers Regulation](#) (EU) No 492/2011
- [Directive 2014/54/EU](#) on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers

## Nationals of the European Economic Area and of Switzerland

- [European Economic Area \(EEA\) Agreement](#) (1994 OJ (L 1)) for Iceland, Liechtenstein and Norway
- [Agreement on the Free Movement of Persons \(AFMP\)](#) (2002 OJ (L 14)) for Switzerland

## Posted workers

- [Posting of Workers Directive](#) 96/71/EC
- [Revised Posting of Workers Directive](#) (EU) 2018/957
- [Enforcement Directive](#) 2014/67/EU
- [Posting of Drivers Directive](#) (EU) 2020/1057

## Seasonal workers

- [Seasonal Workers Directive](#) 2014/36/EU

## Third-country national workers with a single permit

- [Single Permit Directive](#) (Directive 2011/98/EU)
- [Single Permit Directive](#) (recast) (EU) 2024/1233

## Third-country nationals in an irregular situation

- [Employers Sanctions Directive](#) 2009/52/EC

## Rights of victim

- [Victims' Rights Directive](#) 2012/29/EU

## Trafficking in human beings

- The [Palermo Protocol](#) (2000) is the principal international legal instrument for preventing, suppressing and punishing trafficking, especially in women and children. It supplements the [United Nations Convention against Transnational Organized Crime](#) and is ratified by all EU Member States.
- The Council of Europe [Convention on Action against Trafficking in Human Beings](#) (2005) is ratified by all EU Member States. Its scope of application is broader than that of the UN Protocol, as it applies to transnational as well as domestic trafficking, whether or not linked to organised crime.
- At EU level, the [Anti-Trafficking Directive](#) (2011/36/EU) sets out the minimum rules on criminal offences and related penalties, sanctions and investigations, as well as rules on the protection of victims.

## **Forced labour**

- [ILO Forced Labour Convention, 1930 \(No. 29\)](#) includes a definition of forced labour.
- An additional [Convention](#), [Protocol](#) and [Recommendation](#) tackle modern forms of forced labour and ensure prevention and the protection of victims.

## **Particularly exploitative working conditions**

- Article 2(i) of the [Employers' Sanctions Directive](#) (2009/52/EC) defines particularly exploitative working conditions, and Article 9(c) of the directive requires Member States to criminalise this offence if it concerns the illegal employment of third-country nationals in an irregular situation.

### **European Labour Authority (ELA)**

The European Labour Authority ensures that EU rules on labour mobility and social security coordination are enforced in a fair and effective way. By facilitating cooperation between EU Member States and supporting cross-border labour inspections, ELA helps Member States to address a variety of cross-border issues, including labour exploitation.

### **European Union Agency for Fundamental Rights (FRA)**

The objective of the European Union Agency for Fundamental Rights is to provide EU institutions and bodies, and EU Member States, with assistance and expertise relating to fundamental rights. FRA has been collecting data on severe forms of labour exploitation since 2015. The reports published by FRA on this topic can be found on FRA's dedicated webpage: [Trafficking and labour exploitation | European Union Agency for Fundamental Rights](#).





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