



Ireland Still Has Not Criminalised Forced Labour

What is forced labour?

Forced labour is a severe form of exploitation involving deception and coercion of workers by unscrupulous employers. It is a growing problem in Ireland and globally.

Extent of the Problem

Migrant Rights Centre Ireland (MRCI) has dealt with over 179 cases of this kind over the last 6 years. We know that we are only at the tip of the iceberg and in a recession forced labour will flourish. The main sectors where forced labour can be found in Ireland today is in the restaurant, domestic work, care, construction, agricultural and entertainment.

The Problem

In Ireland, there is no legal punishment for forced labour, therefore, there is no justice for workers who have been subjected to this severe exploitation. Ireland is currently in breach of its international legal obligations as a signatory to the European Convention on Human Rights.

The Impact on Workers

The case of Muhammad Younis, a restaurant worker, who was subjected to forced labour shows how the lack of legislation in this area needs to be addressed by the government urgently. This case concerned Amjad Hussein, trading as Poppadom Restaurant, challenging a decision of the Labour Court with respect to Mohammad Younis, who was awarded €92,000 for breaches of employment law.

Mohammad Younis entered Ireland on a Work Permit in 2002 to work as a chef at the Poppadom Restaurant. His work permit expired in 2003. The legal responsibility for renewing the Work Permit under the Employment Permit Act, 2003 rested with the employer, Amjad Hussein. The failure to renew the Permit rendered Mohammed undocumented in the State. For many years, Mohammad Younis was paid well below minimum wage. He worked extremely long hours (77 hours per week) with no day off. He was subjected to threats and severe exploitation amounting to forced labour.

In the High Court decision Justice Hogan found that the Employment Permits Act 2003 prevents an undocumented worker from seeking redress under labour law as the employment contract cannot be recognised. He stated *'there must be some concern that this legislation will produce consequences which were not foreseen or envisaged. Specifically it may not have been intended by the Oireachtas that undocumented migrant workers should be effectively deprived of the benefit of all employment legislation by virtue of his illegal status...'*

We have dealt with many cases over the years of severe violations of workers' rights which constitute forced labour. Yet there is nothing we can do to assist people in these circumstances.

The Answer

The government including the Minister for Justice, Alan Shatter, needs to introduce:

- A law to criminalise Forced Labour;
- A scheme to offer victims protection.