



WHERE TO REPORT COMPLAINTS AND HOW TO GET FINANCIAL COMPENSATION AFTER EXPLOITATION

MAKING COMPLAINTS ABOUT EXPLOITATION TO THE VARIOUS ORGANISATIONS IS USEFUL BECAUSE

1.

It shows facts and figures of exploitation

2.

It can prevent the exploitation from happening again

3.

It can contribute to better policy

4.

It can contribute to a solution for the individual person (in terms of protection and compensation) and other individuals in the same situation

Attention! Filing a complaint can also be useful AFTER the worker has left his job. Then there is no more fear of repercussion/dismissal.

Anonymous complaints can be made in some cases, but a personal statement is stronger and increases the chances of investigation. This statement can not be withdrawn. The information can get known to the employer and the worker can be asked to testify.






We recommend workers to be factual, precise and complete with information.

For undocumented workers: In theory a complaint can be made to all relevant organisations below, but sometimes there is the risk of deportation for yourself or for colleagues, flatmates. You can always discuss your situation with FairWork and get support.

(See below ▼ for specific information for temporary employment agencies!)

| Problem to be reported | Organisation/ institution | Contact details | What can be expected? | Good to know |
|---------------------------------------|---|---|---|---|
| Bad labour conditions – all companies | Ministry of Social Affairs Labour inspection (directie AMF) - Administrative Law | If the worker wants to make a complaint himself. Zoek op: 'melden inspectie' In Dutch T 0800 5151 +31 (0)70 333 56 78 (from abroad) | The inspection enforces administrative laws like minimum wage, safety at work and working hours. This is done by sanctioning the employer. The chances of receiving back wages for the worker are rather low. We therefore refer you to the chapter on 'claiming financial compensation'. | Statements made by workers are not anonymous - therefore stronger as proof. But statements can be made known to the employer Needed information when notifying: name of company, address/location. <i>No costs involved for worker.</i> |

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| Signals of trafficking (great dependency of worker, possible coercion) | OICM - investigation unit Ministry of Social Affairs  Criminal Law | PostbusIntelligence@inspectieszw.nl If the worker wants to file a complaint himself: T 0800 5151 Inspectieszw.nl | The inspection enforces criminal law (article 273f of the Criminal Code). Problem has to concern: Severe or unsafe working conditions, intimidation, underpayment or deception- this could be human trafficking. In theory, a victim of human trafficking can join criminal proceedings and claim compensation. This can take up to years. There is a guarantee of payments in case the claim is awarded. | The detectives organise an intake with the worker, after which they decide if they see the slightest indication of trafficking. If that is the case, the B8 regulation will be offered. This is a witness protection scheme. For more information, contact FairWork.  <i>No costs involved for worker.</i> |
| Bad housing | Gemeente/ municipality | Look for contact details of gemeente where building is located, ask for department: bouw- en woningtoezicht | The municipality can take measures within their capacity under administrative law. | Risk of being removed from the house if house is found not suitable for accommodation.  <i>No costs involved for worker.</i> |
| Accident at work | Ministry of Social Affairs ARBO inspection | https://www.inspectieszw.nl/melden/arbeidsongeval T 070 333 61 62 | The ARBO will investigate the situation regarding the accident. |  <i>No costs involved for worker.</i> |
| Criminal facts - anonymity | Team Criminele Inlichtingen (TCI) - ministry of Social Affairs | T 0800 515 | Information from the worker about criminal facts will be anonymised and used for investigation only if it will not lead to the worker. | The client will not receive protection (B8). Possibly a small financial reward (tipgeld).  <i>No costs involved for worker.</i> |






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| Criminal facts - anonymity | Crimestoppers NL (Meld Misdaad Anoniem): | T 0800 7000 | Information from the worker about criminal facts will be anonymised and used for investigation only if it will not lead to the worker. | <i>No costs involved for worker.</i> |
| Discrimination | The Nederlands Institute for Human Rights (College voor de rechten van de mens) | https://mensenrechten.nl/nl T 030 888 38 88 e-mail: info@mensenrechten.nl | Notifying discrimination and getting a decision from the Institute. | Decision is not binding but can be used for a civil procedure. <i>No costs involved for worker.</i> |
| Discrimination | Anti-discrimination facility within municipality | https://discriminatie.nl/#/home | The Anti-discrimination facility estimates the case, helps with writing letters and other forms of contact with the employer and refers the case to the College voor de Rechten van de Mens in more severe cases | <i>No costs involved for worker.</i> |
| Sexual intimidation | FairWork | T 020 760 08 09 Whatsapp 06 517 712 49 info@fairwork.nu | FairWork can support the worker, and if necessary, refer to the adequate organisation(s). | Sexual intimidation can be related to a work situation. It is prohibited under the ARBO-wet, and employers should have measures in place to prevent and to combat sexual intimidation. |


PLEASE NOTE: the police does not handle cases of labour exploitation. They do handle cases of fraude, deceit, forgery and sexual exploitation etc...

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SPECIFIC INFORMATION FOR TEMPORARY EMPLOYMENT AGENCIES:

| Problem to be reported | Organisation/ institution | Contact details | What can be expected? | Good to know |
|---|--|--|---|---|
| Bad labour conditions – temporary employment agency | SNCU (Foundation for Compliance with the Collective Agreement for Temporary Workers Civil Law) | info@sncu.nl Helpdesk: T 0800 7008 See: https://www.sncu.nl/en/faqs/ If a worker wants to make a complaint himself: https://www.sncu.nl/en/ and choose language (Polish, Romania, Spanish) | The SNCU can be called the 'temporary employment agency police'. They check on compliance with the CAO, but not specifically on an individual basis. They do investigation when they have sufficient information/complaints. In some cases, back wages are paid to the notifier and his colleagues. | The worker can contact SNCU for the following: Salary, contract, free days, retirement, education, disease, international aspects. Problems with housing where it has to do with standards that must be met. The worker can stay anonymous if he wants, but then chances of back wages to be paid are small. The name of the temp. employment agency must be mentioned always.  <i>No costs involved for worker.</i> |
| Bad labour conditions – temporary employment agency | Inspectie SZW, aanpak malafide uitzendbureaus Administrative Law | https://www.inspectieszw.nl/melden/malafide-uitzendbureaus For forms in Bulgarian, English, Polish, Romanian, Spanish, Portuguese | The inspection enforces administrative laws like minimum wage, safety at work and working hours. This is done by sanctioning the employer. The chances of receiving back wages for the worker are rather low. | Important to know exact contact details of the employment agency (which location of the employment agency, for instance).  <i>No costs involved for worker.</i> |
| Housing – temporary employment agency | SNF (Stichting Normering Flexwonen) – keurmerk (quality mark for housing) for housing of temp. employment agencies | https://www.normeringflexwonen.nl/cms/files/2018-10/1540984467_snf-klachtenformulier-pools-engels-versie-30-07-2015.pdf complaint form in English and Polish e-mail: info@normeringflexwonen.nl T+31 (0)13 594 41 09 | Inspection by SNF. Possible closure of building – possible problem for the worker. Withdrawal of location from this register (SNF) of housing for temp. employment agencies. | Not anonymous. Preferably provide photos and/or payslips (made anonymous) that provide information about the address and the inhousing (deduction). For example problem has to concern: unsafe or unsanitary situation, over habitation or other matters that do not meet the SNF requirements.  <i>No costs involved for worker.</i> |

TO CLAIM FINANCIAL COMPENSATION:

| Problem to be reported | Organisation/ institution | Contact details | What can be expected? | Good to know |
|---|--|---|---|---|
| To claim unpaid wages | Labour Lawyer – start a civil procedure Civil Law | Ask FairWork for more details and contact addresses. | A possible positive decision by the labour court. But the worker has to collect the money himself. Also possible for undocumented workers. See below! | € There are costs involved. Consult a labour lawyer to hear if you have the right to a <i>Toevoeging</i> (this depends on your official income). You can always contact the Juridisch Loket or FairWork for more information. |
| Underpayment, non-compliance with CAO | Trade union  | FNV or CNV – ask for a contact person in your sector. Ask FairWork. | To start a procedure for underpayment, preferably with more colleagues. | You have to have been a member for over a year before the trade union will represent you. € unions work with a membership fee. |
| Victims of violence can claim compensation here | Schadefonds Geweldsmisdrijven – violence compensation fund | https://www.schadefonds.nl/slachtoffer/ | Victims of labour exploitation can receive an award from the violence compensation fund. The application can be done by filling in the application form. | ✗ No costs involved for worker. |

Undocumented workers also fall under the Dutch labour law. This means their employer can be fined for hiring an undocumented worker, but the worker himself has the right to claim unpaid wages. *This does not change the risk of deportation.* In order to claim unpaid wages, a worker needs proof that he has worked there.

A notification from the authorities that the undocumented person has been found working, can serve as proof to claim unpaid wages in a civil procedure.

Wav art. 23 says: in case an employer employs an undocumented worker, the foreigner is suspected to have been working there for six months.

Other types of proof can be: witnesses (colleagues, neighbours, friends, family). Documents, like emails, photos, names, addresses, a diary, description of hours worked.

FairWork can be contacted for individual advise!