



Recommendations to the European Commission on the Drafting of a Set of Guidelines to the Forced Labour Regulation, pursuant to Article 11 FLR

The MVO Platform is a network of Dutch civil society organisations and trade unions which are active in the area of responsible business conduct. The MVO Platform was founded in 2002 to improve and strengthen cooperation between civil society organisations and to present a common voice in the political arena.

Input:

1. Main types of evidence that should be considered by the Commission and competent authorities during the investigative process

In developing “Guidance for competent authorities on the practical implementation of this Regulation, in particular Articles 8, 17 and 18, including benchmarks for assisting competent authorities in their risk-based assessments in the context of investigations and guidelines on the applicable standard of evidence” (Art. 11 (c)), the Commission should consider:

a. Worker testimonies

Authorities should consider direct, group, and anonymous worker testimonies as key evidence of forced labour.

b. Evidence from organisations and records

Evidence may include information from local civil society organisations, trade unions, NGO reports, investigative journalism, grievance mechanisms, and repeated patterns across a sector or region. NGO and labour union research, including documented testimonies, sector studies, and field research, should be recognized as credible evidence in investigations. Submissions should be allowed even if they do not meet formal judicial standards at the initial stage.

c. Specific indicators

Authorities should examine wage records, payment practices (including delayed payments, advances, or

complex piece-rate systems), recruitment fees, document retention, living conditions in employer-provided housing, and any gender- and intersectional discrimination linked to coercion.

d. Confidential information and protection of victims and informants

Confidential submissions must be permitted to protect workers, whistleblowers, and informants. Guidelines should explicitly address risks of retaliation and outline protection measures. Those protection measures must include special safeguards for groups that might be at higher risk of retaliation, like women, children, migrant workers or marginalized groups.

e. Initiation of investigation

The presence of one or more credible indicators—such as debt bondage, wage withholding, restriction of movement, isolation, deception, or excessive overtime—should trigger investigations. While an indicator itself must not necessarily constitute sufficient proof for forced labour in itself, it can still be a very important starting point for investigations. Structural vulnerabilities can facilitate forced labour and should be awarded special attention when the question of an initiation of investigation arises.

2. Main types of documentation that economic operators could provide in the preliminary phase of the investigation

In developing “guidance for economic operators and product suppliers on how to engage in dialogue with competent authorities pursuant to Chapter III, in particular on the type of information to be submitted” (Art. 11 (g)), authorities should demand information on:

a. The totality of the supply chain

Economic operators, especially the entities at the top of the supply chain, should provide a full mapping of all supply chain tiers, including informal and home-based work, as forced labour risks often extend beyond Tier 1.¹

b. Recruitment and employment practices

Documentation should include recruitment methods, fee structures, wage payment systems (timing, deductions, and piece rates), policies on advances and loans, and housing arrangements.

c. Worker representation and grievance mechanisms

Evidence of worker representation, freedom of association, functioning grievance mechanisms, including the forced labour policy of the company and how it is implemented and monitored, and prior remediation efforts must be provided.

¹ ARISA, ‘Hides & Hardship’, 2023, <https://arisa.nl/wp-content/uploads/TfDL-Hides-hardship.pdf>; ARISA, ‘Seeds of Oppression’, 2021, <https://arisa.nl/wp-content/uploads/SeedsOfOppression.pdf>.

d. Specific documentation of safeguards for vulnerable groups

Economic operators should present specific measures taken to protect vulnerable groups, like children, women, migrant workers and marginalized groups from forced labour. They should provide evidence of how they are monitoring the effective implementation of these measures.

e. Safeguards beyond social audits

Guidelines should explicitly state that social audits alone are insufficient to demonstrate the absence of forced labour. Research has shown that audits, despite being potentially helpful in some situations, are often not able to fully detect structurally embedded risks.²

3. Main types of documentation and evidence that stakeholders could provide in the preliminary phase of the investigation

In developing “guidance on how to submit information pursuant to Article 9” (Art. 11 (h)), authorities should consider stakeholder contribution in the form of:

a. Worker testimonies and first-hand evidence

Stakeholders should submit documented worker testimonies, whistleblower accounts, interviews, trade union surveys, and shadow-monitoring reports.

b. Labour union surveys, NGO studies and Field research

Civil society organisation research, sector studies, union surveys and field investigations should be submitted and recognised as credible evidence, particularly where CSOs have direct access to workers and affected communities.

c. Supporting and contextual documentation

Submissions may include additional documentation and reports, as well as contextual information on sectors, migration patterns, gender norms, and patterns of discrimination and abuse that help demonstrate forced labour risks.

d. Confidential and accessible submissions

Evidence may be provided anonymously or confidentially to protect victims, informants, and whistleblowers, through clear, accessible, multilingual reporting mechanisms, and does not need to meet judicial standards at the submission stage.

² ARISA, ‘Labour abuses in supply chains uncovered’, <https://arisa.nl/wp-content/uploads/Labour-abuses-in-supply-chains-uncovered-1.pdf>.

4. Examples for best practices for conducting forced-labour-related due diligence (including identifying, assessing and preventing the risks of forced labour as well as bringing forced labour to an end) across product groups or economic sectors (Art. 11 (a), (e) and (f))

a. Supply chain mapping and traceability

Companies must map entire supply chains, including Tier 2+ suppliers, informal units, and homeworkers. Traceability should cover products, geographies, and sectors with heightened forced labour risks, enabling timely remediation.

b. Meaningful stakeholder engagement

Workers, (local) civil society organisations, labour unions and experts on concerned groups at risk must be actively engaged throughout the due diligence process of economic operators. Partner countries and small-scale producers should receive information and practical support to mitigate risks.

c. Accessible reporting mechanisms

Clear and accessible reporting channels should be provided, including multilingual options, to facilitate the submission of evidence by affected workers and local communities.

d. Integration of a vulnerability lens

Due diligence should consider intersecting vulnerabilities, including gender and migration. Economic operators must assess how these factors affect worker exposure to forced labour risks.

e. Documentation of improvement

Economic operators need to provide detailed and tangible proof of improvement after addressing (allegations of) forced labour in their supply chain. Initial improvements need to be followed up on on a regular basis to ensure their sustainable longevity.

5. Best practices to be used for remediating forced labour and the harm caused by an economic operator

In developing “guidance for economic operators on best practices for bringing to an end and remediating different types of forced labour” (Art. 11 (b), the Commission should consider:

a. Structural correction and supply chain responsibility

Economic operators must rectify recruitment and employment practices to prevent recurrence. They remain responsible for remediation throughout their entire supply chains, including lower-tier suppliers. Remedial action must not cause further harm, such as abrupt factory closures without compensation. Stakeholders,

including unions and worker representation bodies, are consulted and engaged with on a regular basis to ensure indicators of forced labour can be signaled on time.

b. Preference for mitigation over disengagement

A “cut-and-run” approach should be avoided. Instead of immediately terminating business relationships, companies should prioritise mitigation and corrective action. Product bans or abrupt disengagement may harm local communities; therefore, prevention and improvement measures should take precedence where feasible.

c. Victim-centred and rights-based remediation

Remediation must prioritise the rights and well-being of victims. Coercive practices must cease immediately, and workers must receive repayment of illegal recruitment fees, withheld wages, and other outstanding entitlements. Safe housing, freedom of movement, and the ability to leave employment without retaliation must be guaranteed.

d. Access to justice and victim-sensitive remedies

Victims must have access to effective remedies that are tailored to their needs. This includes, but is not limited to, safe reporting mechanisms, protection against retaliation, trauma-informed support services, and clear avenues for restitution and compensation. Special attention should be paid to children victims of forced labour and the special processes they require in order to address their forced labour relation.

e. Prevention of secondary victimisation and data protection

Remediation processes must avoid re-traumatisation. Data collection must respect privacy and protection principles, including data minimisation, informed consent, anonymisation, secure storage, and limits on data sharing. Data should support protection and remediation, not stigmatise victims or communities.

6. Resources complementary to the Guidelines (e.g. FAQs) that would be helpful in understanding and complying with the Regulation

a. ILO Declaration on Fundamental Principles and Rights at Work³

The Commission should provide guidance on acting in compliance with principles and rights laid out in the ILO Declaration, as well as on applying ILO indicators in investigations and sector-specific risk briefs to help identify forced labour risks effectively.

³ International Labour Organization. (1998, June 18). [*ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*](#). Adopted by the International Labour Conference at its Eighty-sixth Session, Geneva.

b. OECD Guidelines

The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct provide a framework for addressing forced labour in the supply chains of multinational businesses⁴ which should be incorporated and reflected in the FLR guidelines.

c. SME-focused guidance

Special guidance should be developed for small and medium-sized enterprises to support compliance and due diligence in complex supply chains.

d. Practical tools and templates

Templates for supply chain mapping and good practice case studies should be provided to assist companies in implementing risk assessments, remediation measures, and to ensure meaningful stakeholder engagement.

4 OECD (2023) *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, OECD Publishing, Paris, <https://doi.org/10.1787/81f92357-en> , p.30.