



SERVITUDE & FORCED LABOUR

Servitude and forced labour are slavery-like practices. Engaging in conduct that causes someone to enter into or remain in servitude or forced labour is a criminal offence. Conducting a business involving servitude or forced labour is also criminal.

See: Division 270 of the Criminal Code Act 1995 (Cth).

SERVITUDE

Servitude is when a person does not consider themselves to be free to stop working or to leave work, because of threats, coercion or deception; and the person is significantly deprived of their personal freedom in areas of their life outside of work (s 270.4 Criminal Code Act 1995 (Cth)).

Coercion includes force, duress, detention, psychological oppression, abuse of power or taking advantage of a person's vulnerability.

FORCED LABOUR

Forced labour is when a person does not consider themselves to be free to stop working or to leave work, because of threats, coercion or deception (s 270.6 Criminal Code Act 1995 (Cth)).

WHO IS VULNERABLE?

Servitude and forced labour occurs for many reasons and can affect citizens and residents as well as migrant workers.

In Australia, migrant workers and international students are particularly vulnerable to exploitative arrangements and forced labour due to:

- language barriers
- limited understanding on Australian customs and norms
- lack of awareness about workplace rights
- fear of authority.

Such exploitation in Australia has been found in the construction, hospitality, manufacturing and agricultural industries as well as in domestic work.



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INDICATORS

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats including threats of deportation or being reported to authorities
- Retention of identity documents and/or travel documents
- Withholding of wages – unlawful deductions; unable to access their earnings; charged excessive fees for clothing, food, transport or work documents
- Debt bondage – workers cannot leave until they have worked off debts owed to their employer or a third party
- Abusive working and living conditions
- Working excessive overtime.

POOR WORKING CONDITIONS

Servitude and forced labour is not the same as bad working conditions.

A spectrum of work conditions exists, ranging from a well-paid, enjoyable job, through to bad conditions, and eventually exploitation. Slavery, servitude and forced labour are at the extreme end of this spectrum. Sometimes it can be difficult to draw the line between a bad or unfair job and more extreme forms of exploitation, but the key indicator is that where the person does not consider themselves free to leave.

GET HELP

People facing servitude and forced labour can contact Anti-Slavery Australia for legal advice.

In an emergency or if there is immediate danger call Triple 0 (000).

To report a possible crime of human trafficking or slavery including servitude and forced labour, call the Australian Federal Police on 131 237.

For general information on work rights, pay and conditions for all workers, contact the Fair Work Ombudsman on 13 13 94.

For more information or confidential legal advice contact Anti-Slavery Australia on (02) 9514 9660, email antislavery@uts.edu.au or visit our website at www.antislavery.org.au.