

Victim of human trafficking, exploitation or an accident at work

How can I seek compensation?



FEDERAL PUBLIC SERVICE
JUSTICE

.be

Inhoud

Victim of human trafficking:

how to seek compensation	4
What services can help me?	4
Procedure for seeking compensation	5
The steps I need to take	6
The bodies that can help me	8

Victim of exploitation: recovery of salary arrears and other social right	11
---------------------------------------------------------------------------------	----

Victim of an accident at work: how to make a declaration	14
-------------------------------------------------------------	----

Contact	15
---------	----

Are you a victim of human trafficking, exploitation or an accident at work?

You can take steps to claim **compensation for your injury**, recover **salary arrears** or **report** an accident at work. You do not have to do this alone. There are organisations that will help you.

In this brochure you will find out which **specific support organisations** can **help** you as a victim.

Please note: remember that **you always have a choice about** the steps you take as a victim, and that all avenues of compensation have **advantages and disadvantages**. There are **no guarantees** that you will obtain the compensation you desire.



Victims of human trafficking: how to seek compensation

What services can help me?

If you are a **victim of human trafficking**, a specialised centre such as **PAYOKE**, **PAG-ASA** or **SÛRYA** can support you. These centres provide psychosocial, **medical and legal-administrative support**, inform you of your **rights as a victim** and explain how to claim **compensation** for your injury or how to seek **legal assistance**.

In order to benefit from this support, you must **meet** a number of **legal conditions** (e.g. be prepared to lodge a complaint or make a statement, break off contact with the perpetrator, etc.).

See the **PAYOKE**, **PAG-ASA** or **SÛRYA websites** for more information on these conditions.

You are not eligible for support if:

- › you are **not prepared** to meet the conditions set by law;
- › you have **returned** to your **country of origin**;
- › you are **not a victim of human trafficking**.

In these cases, the centres can nevertheless inform you and direct you to:

- › a **legal aid office (BAJ)** to obtain a
- › **pro deo lawyer** (i.e. financed by the state);
- › the **Federal Agency for Occupational Risks (FEDRIS)** to report an **accident at work**;

- › **FAIRWORK Belgium** for questions about your employment rights (if you work in Belgium while illegally residing or with a limited right of residence).

Procedure for seeking compensation

As a **victim of human trafficking**, you can seek compensation for your injury through:

- › **criminal proceedings** against the perpetrator (after filing a complaint with the police or the social inspectorate and if the latter has resulted in the prosecution of the perpetrator);
- › **civil proceedings** (only possible after criminal proceedings);
- › a **special fund** (the **Commission for Financial Assistance to Victims of Intentional Violence**).



The steps I need to take

This diagram gives you an overview of how **criminal proceedings against the perpetrator** may proceed:

01 Filing a complaint or statement

02 Opening of a criminal investigation

03 Final decision of the criminal court:
conviction of the perpetrator and award
of damages

04 Steps to obtain the actual payment
of the compensation

1. Filing a complaint or statement

In order for a (criminal) investigation to be initiated, you must first file a **report or complaint with the police** or the **social inspectorate**.

Please note: Only if you make an **injured party's statement** can you follow the complaint handling process. You can file this injured party's statement at the police or social inspectorate hearing, but you can also file it yourself later or send it signed to the secretariat of the public prosecutor's office, **or ask your lawyer to file it on your behalf.**



Are you filing your complaint or statement with the police or the inspectorate yourself? In this case, the **Victim Support Centre or the Algemeen Welzijnswerk (CAW)** can provide you with administrative and emotional **support**.

2. Claiming compensation for injury

After filing a complaint or statement, the public prosecutor will decide whether there is enough **evidence** to bring your case to **court**.

- › If this is the case, you can ask the judge for compensation for your injury.

If this is the case, you can ask the **judge** for **compensation for your injury**.

Please note: do you want to claim **compensation after the author has been convicted**? This is possible via a **civil procedure**.

The bodies that can help me

For criminal or civil proceedings, you can ask for help from:

› **Front-Line legal aid:**

It provides **free initial legal advice** if you wish to seek compensation, gives practical information, refers you to other services and answers simple legal questions.


› **a lawyer:**

It is advisable to contact a lawyer, as he or she can provide you with **detailed and targeted advice** if you wish to claim compensation. **Second-line legal aid (BAJ)** can, depending on your income, provide the services of a lawyer **free of charge or at a reduced rate**.

- › **The Commission for financial assistance to victims of intentional acts of violence:** This organisation provides **financial assistance** when:
 - › you are the victim of an **intentional act of violence** committed **in Belgium**,
 - › you have suffered **significant physical or psychological harm** as a result of this act,
 - › and all **other means** of obtaining compensation for the injury **have failed**.

Please note: You can also apply to the Commission if you leave Belgium and still have a **postal address in Belgium**.





Victim of exploitation: recovery of salary arrears and other social rights

If you are a victim of **exploitation**, you can try to recover your **salary arrears and other possible social rights** (e.g. holiday pay or end-of-year bonus).

The quickest way to recover your salary arrears is to **reach an agreement with your employer**. You can ask for help in this regard from:

- › the **trade union** to which you belong;
- › a **lawyer**;
- › **FAIRWORK Belgium**.

Unable to reach an agreement with your employer?

You can then try to recover your salary arrears or other social rights:

- › by making a **declaration to the Supervision of Social Legislation (CLS) service**;
- › or by **bringing proceedings before the labour court**. In this case, it is advisable to seek the assistance of a lawyer.

On the basis of the evidence you provide, the CLS service may try to convince your employer to pay your salary arrears.

What if the CLS department is unable convince your employer?

In this case, the CLS department may **refer your case to the labour auditor**. The labour auditor may then decide to **prosecute** your employer. In this case, a reimbursement of your salary arrears by your employer is possible, even if you have already returned to your country of origin.

Please note: to do this, you must **file an injured party's statement**.

If **reimbursement is not made immediately** (e.g. because of missing information), the amount due will be paid to the **Caisse des Dépôts et Consignations**. In this case, please contact the **Caisse des Dépôts et Consignations** to claim the amount (see "Contact").

Take note of the following:

- › If the judge grants your request for compensation, you can try to recover this compensation via any **money seized and confiscated** from the convicted person who owes you financial compensation. Your lawyer can ask the Central Body for Seizure and Confiscation (OCSC) to release the amounts granted.
- › There is **no guarantee of reimbursement** if the convicted party does not have **sufficient financial means**.
- › You **will need to cover the expenses for your lawyer yourself** if you do **not meet the conditions** for a pro deo lawyer.
- › If your employer goes bankrupt, you must **file a claim** with the competent authority (the bankruptcy receiver) in good **time**. You can also file a claim online via regsol: www.regsol.be.
- › The procedures can be **lengthy**.

Please note: if you no longer live in Belgium, contact your lawyer, the specialised centre or another service that supported you during your case in Belgium.



Victim of an accident at work: how to make a declaration

If you are the victim of an accident at work, you can make your declaration via your employer's **accident at work insurance**.

If your employer does not have **accident at work insurance**, please contact:

- › your **trade union**;
- › **FAIRWORK Belgium**;
- › or a **lawyer**.

Via one of these bodies, you can file a **declaration with the Federal Agency for Occupational Risks (FEDRIS)**.

Please note: you must file your declaration within **three years** of the accident at work.

Depending on the seriousness of your accident at work and your employer's liability for the accident, the public prosecutor's office or the labour inspectorate may open an **investigation**. If the accident at work is acknowledged, the **accident at work insurance or FEDRIS must provide coverage for your:**

- › medical expenses,
- › permanent or temporary incapacity for work.

Contact

- › **Specialist centres for victims of human trafficking**
- › **PAYOKE** (Flanders)
T 03 201 16 90
E admin@payoke.be
www.payoke.be
- › **PAG-ASA** (Brussels)
T 02 511 64 64
E info@pag-asa.be
www.pag-asa.be
- › **SÜRYA** (Wallonia)
T: 04 232 40 30
E info@asblsurya.be
www.asblsurya.org/fr/contact
- › **Federal Agency for Occupational Risks (FEDRIS)**
www.fedris.be/fr/contact
- › **FAIRWORK Belgium**
T 0800 12019 (Mondays and Wednesdays from 9am to 1pm and Thursdays from 1pm to 4pm)
E info@fairworkbelgium.be
www.fairworkbelgium.be/fr





› **Legal Aid Office (BAJ)**

(pro deo lawyer)

› **Wallonia**

› www.avocats.be/fr > legal aid commissions

› **Brussels**

› FR www.bajbruxelles.be/index.php/fr

T 02 511 50 45

E bjb@baliebrussel.be

› NL > www.baliebrussel.be

› **Flanders**

› www.vlaanderen.be > Conflicten en misdrijven
> Commissies voor juridische bijstand

› www.prodeoadvocaat.vlaanderen > Contact >
Bureau juridische bijstand

› **Victim Support Service**

www.victimtimes.cfwb.be/ou-trouver-aide

› **Het Centrum Algemeen Welzijnswerk (CAW)**

www.caw.be

› **Caisse des Dépôts et Consignations**

T 02 572 57 57

E info.cdcdck@minfin.fed.be

www.financier.belgium.be/nl > FAQ > Deposito- en
consignatiekas: algemeen > 'Hoe kan ik de Deposito-
en Consignatiekas contacteren?'

› **Supervision of Social Legislation (CLS)**

T 02 235 55 55

E (fr) info.cls@emploi.belgique.be

E (nl) info.tsw@werk.belgie.be

E (de) info.cls@beschaeftigung.belgien.be

T (fr/de) 02 235 55 60

www.werk.belgie.be/fr > About FPS > FPS Structure
> Labour Inspectorate - Directorate General for
the Supervision of Social Legislation > External
Directorates

**Do you have any more questions?
You can find more information in these brochures
and web pages**

- › Brochure 'U bent slachtoffer'
<https://justitie.belgium.be/nl> > Publicaties > Brochures voor de burger > U bent slachtoffer.
- › Webpagina 'Wat moet u doen als slachtoffer'
<https://justitie.belgium.be/nl> > Thema's en dossiers > Wat moet u doen als > slachtoffer.
- › Brochure 'Uw rechten als slachtoffer van een misdrijf'
<https://www.tribunaux-rechtbanken.be/nl> > Nuttige info > Brochures > Uw rechten als slachtoffer van een misdrijf.
- › Webpagina 'Informatie over verloop procedure als slachtoffer'
<https://justitie.belgium.be/nl> > Thema's en dossiers > Wat moet u doen als > slachtoffer > Procedure > Verder verloop.
- › Webpagina 'Informatie voor slachtoffers van opzettelijke gewelddaden'
<https://justitie.belgium.be/nl> > Thema's en dossiers > Wat moet u doen als > Slachtoffer > Financiële hulp > Slachtoffers van opzettelijke gewelddaden.



