

## **SUGGESTED GUIDELINES FOR SCREENING CUBAN WORKERS IN THIRD COUNTRIES FOR FORCED LABOR / TRAFFICKING IN PERSONS**

Given the peculiar nature of Cuba's international missions, brigades, or "collaborations," attempts to disguise the trafficking are common with claims that workers are paid directly (into bank accounts in their name) or provided contracts. The following guidelines complement the usual protocols and best practices to monitor and prevent labor trafficking and are helpful in adequately screening Cuba's export workers. (See more informational resources at [CubaArchive.org](http://CubaArchive.org), Cuba Salud project.)

### **I. From the local government:**

1. Request copies of all agreements --bilateral or private-- in any way associated with Cuban workers, including any annexes, complementary agreements, financial rosters, and memorandums of understanding.
  - Check for clauses indicative of trafficking: requiring secrecy, allowing the Cuban employer (local Ministry of Health and/or Cuban employing entity) to discipline the worker or terminate the contract at will, forbidding employment outside the agreement, or establishing payments to or through any Cuban entity.
  - Request copies of the workers' contracts with the Cuban entity and/or the local employer.
2. Request confirmation that the local government is paying Cuban workers directly in equal terms as local or foreign worker, are able to keep 100% of bonuses, overtime pay, and other benefits and incentives.
3. Request a list of the actual monthly payments to the Cuban workers by position and location as well as the number of workers in each position, and compare to non-Cuban workers.
4. Request answers to all the following questions. Are the Cuban workers:
  - a) aware of their rights in the destination country?
  - b) able to keep their passports and official/certified copies of their educational and professional credentials that were provided to the local authorities?
  - c) free to choose their place of residence and to live independently of other members of the Cuban mission?
  - d) able to bring their families from Cuba to reside with them or for visits?
  - e) allowed to work independently in the same capacity, such as in the public health system?
  - f) free to move about the country and travel to other countries in their free time?
  - g) able to spend their vacation time wherever they so wish?
  - h) subject (by an agreement, written, verbal, or de facto) to the supervision of any Cuban officials or to any restrictions or disciplinary measures at the discretion of any Cuban official? (Ask specifically if they are expected to abide by Cuba's Regulations for Collaborators, as per Cuba's Ministry of Health Resolution 168?)
  - i) if paid "directly," forced or pressured into withdrawing cash to hand over to Cuban minders or transfer funds to accounts controlled by Cuban entities?
  - j) required to make "donations" to Cuban any state-affiliated entities?

- k) pressured into or required to participate in political activities such as marches, demonstrations, or meetings at the Cuban embassy?
  - l) subject to discipline or termination at the request of any Cuban official?
  - m) subject, in any way, to supervision by any Cuban official?
5. Ask if policies are in place for local authorities to properly address requests for permanent residence or asylum by Cuban workers authorized to work. What are these? For asylum requests, is humanitarian support, psychological assistance, and family reunification provided?
  6. Request to interview Cuban workers selected randomly. Ask them to verify the above and:
    - o when did they first see the contracts with the Cuban entity and/or in-country employer?
    - o did they have sufficient time to read the contracts carefully and were they able to obtain legal counsel before they had to sign them?
    - o were they able to negotiate the terms of the agreements (with Cuba and the local employer)?
    - o were any items left blank or filled out after they signed the contracts?
    - o were they provided copies of all agreements they signed?
    - o have all the obligations to them that they were promised been met?
    - o did they know their in-country compensation before leaving for the mission?
    - o did they know before leaving for the destination country where they would live and in what conditions? did they have a say?

## **II. Suggest to legislators, media, medical associations, human rights groups**

1. Request the following information from the local government:
  - i.) How were the Cuban workers' credentials and experience verified?
  - ii.) Were standard procedures waived in authorizing them to work?
  - iii.) Provide a breakdown of *all* payments made or agreed to by the local government for the Cuban workers, including salaries, stipends, housing, utilities, health insurance, local transportation, and travel to and from Cuba.
  - iv.) Provide a breakdown of *all* payments made or agreed to by the local government to the government of Cuba (or any of its entities or corporations) or any third party for administrative or other support regarding the employment of Cuban workers.
2. Compare the total investment per Cuban worker (salaries, benefits, and all expenses), including paid holidays and vacations, to the compensation (salaries and benefits) received by local workers in the same or similar position.
3. Inquire whether local workers are available to fill the positions currently occupied by the Cubans and if these positions were offered to local and other foreign workers effectively and for a prudent amount of time before the Cuban workers were hired?
4. Inquire if, in the health sector:
  - a.) independent mechanisms are in place to monitor and audit statistics reported by the Cuban medical brigade of the services they deliver and supplies they use.
  - b.) patients are protected from malpractice by Cuban workers and liability insurance is in place.
5. In non-Spanish speaking countries, how is the linguistic fluency of the Cuban workers certified?