**Overview of Week 4**

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*Samuel Okyere, University of Bristol.*

The popular divide between ‘exceptional’ and ‘everyday’ has far-reaching ramification when it comes to the exploitation of migrant workers in the global economy. Migrant workers play indispensible economic roles in all kinds of different economic sectors, especially in relation to construction and care, yet their precarious pay and conditions rarely generates much in the way of outrage or investment unless their experiences are determined to rise to the exceptional threshold of ‘slavery’. As we have seen in previous weeks, the abuse of migrant workers is not simply a question of individual actions, unscrupulous gangs, and private recruiters or intermediaries. It is instead a direct and intended outcome of laws and policies which leave migrant workers with few protections and few if any channels for raising grievances. This is not simply a question of migrant workers who are undocumented or in violation of immigration laws being exploited in the informal economy. Millions of workers across the globe migrate legally, but do so based on visas, sponsorships and contracts which leave them with much fewer rights and returns than local workers, which make it very difficult for them to change employers, and which given their employers tremendous amounts of discretionary power over their working and living arrangements. Behind these systems of control is the further and final threat of deportation, which is frequently exercised to remove ‘troublesome’ workers.

These abuses are not specific to a small number of individual employers. They are instead features of entire systems. Everyday experiences include wage theft, forced confinement, lack of holidays or time off work, and verbal, physical and psychological abuse. All but the most extreme cases are treated as legitimate as long as applicable laws have not been seriously violated (and even then there is likely to be a reluctance amongst officials to take action). The law rarely provides much protection for migrant workers, but instead plays a central role in creating vulnerability. This is at least in part because slavery, exceptionalism and ‘illegality’ are set as the threshold against which exploitation gets measured. Severe restrictions on migrants and migrant worker rights can therefore be passed off as ‘legal’, unremarkable or desirable from a modern slavery perspective.

Hello everyone welcome back to week four of our course on Forced and Precarious Labor.

In this week I am joined by colleague Sam from the University of Nottingham who is

going to be taking you through the second of our three case studies which,

in this occasion is going to be looking specifically at forms of exploitation

associated with migration and migrant workers. Hi Joel, hi everybody. This week we are going

to explore how historic efforts to control the movement of people and workers coupled

with anti-immigration sentiments in more recent years have culminated in a range of

policies and measures that render many migrants across the world susceptible

to exploitation.

Hi, welcome to this week's session which is on migrant labor. We hope you

enjoy last week's topic on the global supply chains.

The two are of course related, one of the features of globalization which is very

simply defined as the increase in interrelatedness and integration of the

world. It's an increase in the movement of people internally but also across

borders in particular. This international or cross-border migration is often for

work and other economic reasons. So in this session we're going to examine how

migrant workers are structurally positioned for potential and actual

exploitation through immigration policies and other mobility governance

systems internally and internationally. So first of all, who is a migrant worker?

For response to this return to article 2 one of the United Nations Convention on

the Protection of the Rights of all Migrant Workers and members of their

families, which was adopted in 1990. This convention defines a migrant worker as a

person who is to be engaged, disengaged or has been engaged in a remunerated

activity in a state of which he or she is not a national. Of course you note

that the convention focuses on international migration, but as some of

you may be aware a lot of migration also occurs internally and the condition of

internal migrants of forest labor conditions are concerned are not too

dissimilar to those of international labor migrants, but for this afternoon's

session we are going to focus on international labor migration. This

phenomenon concerns approximately 150 million people, in other words over 150

million people today are classified as migrant workers. Of this number eighty

three point seven million are men and 66 million are women.

Two regions of the world, North America and Europe benefit the most from

migrant workers, indeed almost half of the

approximately 150 million migrant workers in the world are based in these

two places according to an ILO report in 2015. However, the highest proportion of

migrant workers as a test center for workers are located in the Arab states

notably those within the Gulf Cooperation Council. For many migrant

workers access to decent jobs and good conditions of employment in the

destination country provides socio-economic security or a means of

safeguarding their livelihoods and their families. It is also an opportunity to

experience the world to integrate into new communities, learn new skills and

access diverse opportunities. Migrant labor also plays numerous important

socio-economic and other functions in the countries of origin and destination.

Migrant workers are crucial to many economic sectors in receiving countries

or in receiving areas, agriculture, technology, domestic work, construction

catering, and hospitality, healthcare, education and many sectors in many parts

of the world are very reliant on migrant laborers. Indeed in countries with aging

populations or labor and skills shortages migrant workers who tend to be

relatively young and motivated provide workforce to meet these shortages.

There are metal answers to their home or origin countries boost national

economies, just as the positive skills values and knowledge they pick up abroad

could also be brought to bear on the development and betterment of their own

countries or local communities. So migrant workers we can all agree provide

very strong benefits to the global economy and to their home as well as

destination countries. Paradoxically migrant laborers

whether they are internal or international are not particularly well

valued or protected in the beneficiary communities. Historically various

societies have had fears about outsiders and a variety of measures have

been employed to control their mobility and their labor. If we look at

England as an example the poor loss of 1601, the law of settlement in 1662 and

much later the 1824 vagrancy act, were all deployed to project Outsiders the

homeless the poor and other categories of people as threats to society who

needed to be controlled or even worse punished.

These same measures are still applied in diverse parts of the world, to both

internal and international migrant workers and this historical anxiety is

also presented today in government policy and public concerns about

immigration and rise in anti-immigrant sentiments in different parts of the

world. So policy, public and popular discourses in different parts of the

world today are lazed with fears about immigrants who are supposedly stealing

jobs from locals, who are supposedly undeservedly benefiting from state

welfare payments and other opportunities for which they are deemed undeserving. As

a result then just as the Poor Laws and vagrancy laws were used to control

transient workers, just as we have laws in different parts of the world to stop

people from moving internally, so to have governments and state parties today

established diverse policies and governance systems to control the

mobility and labor of migrants internationally, these regimes together

work to generate a large supply of cheap and vulnerable labor

people whose freedoms and right as workers are usually more restricted than

other national workers, of those who are from the local area a common example of

these measures is the sponsorship or tight visa systems, which are used in

different parts of the world. These visas and immigration governance governance

measures effectively exclude migrant workers from some basic labor law

protections, so if you consider the ability to move from one employer to

another, which is seen as the basic tenets or the basic feature of free wage

labor, if you look at the literature it's argued not what differentiates forced

labor or on free labor from free from, from the free it's the ability of

workers to change employers if they aren't happy with who they work for, and

yet we find that these visa systems effectively ensure that this fundamental

freedom is denied in practice too many migrant workers in the USA, for example

the h-1b temporary visa prevents migrant workers or those on this visa category

in this category from moving from one employer to another, because they would

have to start applications for green cards and secure stays all over again if

they moved, so technically they aren't denied the right to change employer by

the frustrating experience of starting applications from scratch means that

mainly rarely leave the employer, even if they are being exploited or paid or

treated worse than their colleagues. The situation of migrant domestic workers

deserve special mention in this discussion, because it's one area of

migrant labor where exploitation and abuse is most prevalent as an outcome of

the sponsorship visa systems, in the UK, in Lebanon, in

Qatar and elsewhere ample research evidence shows that domestic workers who

are typically woman, so there is a question of gender, ethnicity and class

at stake in these debates too, but domestic workers typically women

routinely experience non-payment of wages forced confinement lack of

holidays or time of some experience verbal physical and psychological abuse,

but because they often live in the same household as their employers, they are

afraid to speak out for fear of retaliation, but by far the biggest

obstacle to migrant domestic workers and different categories of migrant laborers

is that they are unable to make use of protections within the immigration or

labor regulations, because of the fear of being deported or being subjected to

immigration controls. This is because the tied visa system as the name suggests

ties them to the employer and this means when the migrant laborer complains of

exploitation or abuse, there's always a risk of retaliation, but there's also the

risk that their stay in the country becomes illegal because they are

presence in the country where they work, they are ability to cater for themselves

and send remittances to their families is very much premised on staying with

that same employer, or where possible find another employer which is not

always easy to do and so many and your exploitative and abusive working

conditions from which they cannot easily withdraw. Immigration governance systems

similarly position undocumented migrants for conditions of labor exploitation and

forced labor, without the right documentation, these workers often

operate in the informal or hidden economies, where they may be

- abuses of various sorts, indeed they are even less likely to report abuses

for fear of being treated as criminals or people who have broken immigration

laws, instead of people who have been exploited, in essence state parties

create and enforce or indeed do not enforce the laws structures and

conditions under which workers of all sorts leave and labor, fears of outsiders

internally and internationally and an interest in creating a cheap and

disposal pool of labor means that many countries today prioritize immigration

controls over migrant workers rights. Next week

Joel Quirk is going to explore some of the responses or solutions to this issue,

these issues. I hope you've enjoyed the talk and I wish you all the best for the

rest of the course.

**Core Readings and Additional Resources**

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**Core Readings:**

* Harald Bauder, [Illegalised migrants and temporary foreign workers: the new international segmentation of labour](https://www.opendemocracy.net/beyondslavery/harald-bauder/illegalised-migrants-and-temporary-foreign-workers-new-international-seg%22%20%5Ct%20%22_blank), Beyond Trafficking and Slavery, openDemocracy, 19 May 2015.
* [International Labour Organisation Global Action Programme on Migrant Domestic Workers and their Families Decent work for migrant domestic workers: Moving the agenda forward, (Geneva: ILO](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_535596.pdf) 2016, pp. 11-19).

**Further Readings:**

* Aurélie Ponthieu, [The call for ‘safe passage’,](https://www.opendemocracy.net/beyondslavery/safepassages/aur-lie-ponthieu/call-for-safe-passage) Beyond Trafficking and Slavery, openDemocracy, 29 March 2017.
* Aphinya Jatuparisakul, [My mother, the marriage migrant](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/my-mother-marriage-migrant/), Beyond Trafficking and Slavery, openDemocracy, 7 May 2019
* Bridget Anderson, [Migrants before the Permanent People’s Tribunal in Barcelona](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/migrants-before-permanent-people-s-tribunal-in-barcelona/), Beyond Trafficking and Slavery, openDemocracy, 27 July 2018.
* Martina Tazzioli, [When rescue is capture: kidnapping and dividing migrants in the Mediterranean](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/when-rescue-is-capture-kidnapping-and-dividing-migrants-in-mediterran/), Beyond Trafficking and Slavery, openDemocracy, 13 February 2019.
* Gabriella Sanchez, Luigi Achilli, and Antje Missbach, [Human smugglers roundtable II](https://www.opendemocracy.net/beyondslavery/gabriella-sanchez-luigi-achilli-antje-missbach/hsr2/human-smugglers-roundtable-ii), Beyond Trafficking and Slavery, openDemocracy, 10 April 2017.
* Judith Sunderland and Bill Frelick, [EU’s approach to migrants: humanitarian rhetoric, inhumane treatment](https://www.opendemocracy.net/beyondslavery/judith-sunderland-bill-frelick/eu%E2%80%99s-approach-to-migrants-humanitarian-rhetoric-inhuman), Trafficking and Slavery, openDemocracy, 15 April 2015.
* Julia O'Connell Davidson and Neil Howard (eds.), [Migration and Mobility](https://drive.google.com/file/d/0B2lN4rGTopsabGFtZ2JkSmVmWFE/view), (London: openDemocracy, 2016).
* Julia O'Connell Davidson, [Libyan outrage: slavery or borders?](https://www.opendemocracy.net/beyondslavery/julia-oconnell-davidson/libyan-outrage-slavery-or-borders)Trafficking and Slavery, openDemocracy, 12 December 2017.
* Rhacel Salazar Parreñas and Claudia Bruno, [Gender and care in times of global economy,](https://www.opendemocracy.net/rhacel-salazar-parre-as-claudia-bruno/gender-and-care-in-times-of-global-economy) Beyond Trafficking and Slavery, openDemocracy, 7 April 2017.
* Sine Plambech, [My body is my piece of land,](https://www.opendemocracy.net/beyondslavery/sine-plambech/my-body-is-my-piece-of-land) Beyond Trafficking and Slavery, openDemocracy, 29 September 2017.
* Vicki Squire, [“I never thought to come in Europe”: unpacking the myths of Europe’s ‘migration crisis’](https://www.opendemocracy.net/beyondslavery/vicki-squire/i-never-thought-to-come-in-europe-unpacking-myths-of-europe-s-migration-c), Trafficking and Slavery, openDemocracy, 31 May 2017.

## Evaluating Potential Solutions for Forced and Precarious Labor: Part Three

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### ****Week 4 Activity: Evaluating Potential Solutions for Forced and Precarious Labor****

##### **(Round 2)**

Many different solutions, strategies, and approaches have been proposed as part of efforts to combat forced and precarious labor. Not all of these solutions are compatible. Some point in one direction, while others point in another. Some are straight forward. Others are more challenging.

We, therefore, need to undertake a comparative analysis of what the most promising solutions to combating forced labor might look like, and how they might, in turn, contribute to a larger overall strategy for effectively challenging global patterns of exploitation and vulnerability.

Once again, this is not a graded exercise which has one right answer. We instead want you to make up your own mind regarding which of many potential solutions are likely to have a positive effect, and which potential solutions are instead likely to have limited or even negative effects.

In future weeks the list of potential solutions will be expanded to include additional options associated with different themes, such as supply chains, migration, and sex work. We will also be adding a further layer to the exercise which focuses upon relative levels of political difficulty.

By the end of the course, you should have come to an overall conclusion regarding what you think the most effective solutions are likely to be, and should, therefore, have a platform for action and analysis.

To complete this exercise, you once again assign a color to each of the solutions identified below based on your assessment of what you believe their overall effects are likely to be.

#### Reflecting upon potential solutions:

* Likely to hurt, rather than help: Red
* Likely to make no real difference either way: Light blue
* Likely have a minor positive effect on forced and precarious labor: Yellow
* Likely to have moderately positive effects on forced and precarious labor: Light Green
* Likely to have a major positive effect on forced and precarious labor: Darker Green.
* Not really sure about overall effects: White.

#### Round Two (Week 4)

1. Raising awareness campaigns and ‘Spotting the signs’
2. Consuming ‘ethical’ fair trade goods and services.
3. National hotlines.
4. Further research to close the ‘evidence gap’.
5. Collective organising and unionisation of workers.
6. Joint employer and intermediary liability

 (Additional information about each factor is available in the activity and can also be found in the [next unit](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/courseware/526cbfda547549bba9f0825e76bf9084/06fba9e2eed343ba89b1fa1f38d79863/2?activate_block_id=block-v1%3AWitsX%2BBTSx%2B3T2019%2Btype%40vertical%2Bblock%402c084021281f4e56b8de10f05868cfc6) or downloaded from the[Handout for Week 4](https://prod-edxapp.edx-cdn.org/assets/courseware/v1/b8749d32d2971d6588a7321a40f348d2/asset-v1%3AWitsX%2BBTSx%2B3T2019%2Btype%40asset%2Bblock/btsx_week_4_handout.pdf)Activity.

This list is by no means exhaustive, so we would also encourage you to make a case for why other factors should also be included – or prioritised – using the online discussion forum.

#### ****Activity  Instructions****

1. Click on the activity so it opens in a full screen.
2. Assign a color to each factor by clicking that color on the strip next to that factor block.
3. Click on the factors block to show additional information. To exit additional information, click of the text “exit” found at the top right-hand side of the additional information square.
4. You can navigate between pages, using the “>” and “<” icon found on the far left or right of the page.
5. When you are finished, take a screenshot of your colored-in rating of how different factors contribute to keeping labor vulnerable. (Please see ["how to take a screenshot"](https://prod-edxapp.edx-cdn.org/assets/courseware/v1/9f3574735692f13b8c10c33acf30f812/asset-v1%3AWitsX%2BBTSx%2B3T2019%2Btype%40asset%2Bblock/How_to_take_a_screen_shot.pdf)PDF)
6. Push ESC. To exit full-screen mode.
7. Share your thoughts in the Weekly Activity Discussion Forum by:
* Posting a copy of your screenshot to the Weekly Activity Discussion Forum, or
* Sharing your motivation for why you rated one of the factors as making a major contribution, or
* Suggesting other factors which contribute to keeping labor vulnerable.

**Activity Week 4: Evaluating Potential Solutions for Forced and Precarious Labor**

## Information about Common Solutions and Strategies

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#### ****Round Two (Week Four)****

1. Raising awareness campaigns and ‘Spotting the signs’
2. Consuming ‘ethical’ fair trade goods and services.
3. National hotlines.
4. Further research to close the ‘evidence gap’.
5. Collective organising and unionisation of workers.
6. Joint employer and intermediary liability

#### ****Raising awareness campaigns and ‘Spotting the signs’:****

Public awareness campaigns are designed to make audiences aware of specific problems or practices, and to offer targeted audiences with potential solutions or remedies.  The central idea behind awareness campaigns is to inspire both individuals and institutions to take action, to spread information which will enable them to contribute to the overall cause. While taking action against injustice is undoubtedly a laudable impulse, the underlying theory is not always realised in practice. Too many campaigns against modern slavery and human trafficking echo the logic of ‘trickle down’ economics, wherein public awareness is assumed to translate into effective remedial action, but the actual mechanics of this process of translation are rarely spelt out in any detail, or subject to external evaluation. There is no question that awareness can capture headlines, but it remains [an open question how much specific campaigns accomplish](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/introduction-do-hidden-costs-outweigh-practical-benefits-of-huma/). In many cases there is a suspicion that [raising awareness has become an end in itself](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/rich-in-funds-but-short-on-facts-high-cost-of-human-trafficking-a/), rather than part of a larger portfolio of strategies and interventions. There are also further questions regarding the degree to which many raising awareness campaigns are based upon highly simplified and sensationalist images, statistics and stories, and thereby end up promoting an [unhelpful and inaccurate picture](http://www.latimes.com/opinion/op-ed/la-oe-powers-ikea-mom-sex-trafficking-20170331-story.html) of many of the underlying issues at stake. Many recent awareness campaigns specifically invite members of the general public to  [‘spot the signs of slavery’](http://www.bbc.co.uk/newsbeat/article/37008846/spotting-the-signs-of-modern-slavery%22%20%5Ct%20%22_blank), or to [look out for signs of abuse](https://polarisproject.org/human-trafficking/recognize-signs). However, it remains an open question whether much if any useful information is generated via these general campaigns, especially in light of problems associated with [racial profiling and ‘false positives’](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/cutting-corners-to-make-compelling-story-trafficking-awareness-camp/). Like ethical consumption, these campaigns also demand relatively little of the general public.

#### ****National Hotlines:****

Campaigns focusing upon ‘spotting the signs’ are frequently linked to hotlines where members of the public can report suspicious behaviour or request various forms of intervention. There are [at least 25 examples of these hotlines](https://ec.europa.eu/anti-trafficking/citizens-corner-national-hotlines/national-hotlines_en) in the European Union alone, and similar examples can be found throughout the globe. The overall effects of these hotlines can be hard to evaluate, since there is not always detailed research available. They can also take different forms. Some are private projects while others are government initiatives. In 2016, it was reported that the privately operated yet publically funded National Human Trafficking Hotline in the United States received [a total of 30,918 substantive phone calls, emails, or online tip reports](https://humantraffickinghotline.org/resources/2016-national-hotline-annual-report). Opinion remains divided as to whether this overall figure should be regarded as large or small.

#### ****Warning migrants about the dangers of travel:****

Some awareness campaigns specifically target migrants – or potential migrants – and highlight the potential risks associated with attempting to move from one place to another in search of work or other opportunities. These warnings frequently highlight the dangers of [deceptive recruitment](http://ilo.org/infostories/en-GB/Stories/Forced-Labour/Deceptive-Recruitment-and-Coercion#header), wherein promises of work serve as smokescreen for a criminal plan to force recruits into abusive and exploitative conditions. The main limitation of these campaigns is that most prospective migrants are already acutely aware that migration comes with any number of risks, yet they nonetheless calculate that the risks are worth taking. One of the main goals of this [‘not worth the risk’](https://www.theguardian.com/australia-news/2016/mar/28/hard-to-watch-afghans-react-to-6m-australian-film-aimed-at-asylum-seekers) messaging is often to deter people from moving at all. This isn’t especially useful if ‘home’ remains insecure, impoverished and these are few viable local alternatives. People across the globe have been moving in search of better opportunities for centuries, and it is clear that seeking to migrate out of poverty remains one of most important pathways for social and economic advancement in the world today. Migrants are usually well aware of the risks. Encouraging them not to move at all is rarely helpful.

#### ****Consuming ‘ethical’ fair trade goods and services****:

The last two decades have been marked by the rapid growth of [numerous products and services](http://www.endslaverynow.org/act/buy-slave-free/slave-free-companies) which have been branded as ‘fair’ or ‘ethical’. This investment in fair trade frequently includes an explicit commitment to producing goods and services according to business models which do not feature forced or child labor, which pay workers fair(er) wages, and which include investments in community development. Some key examples from [a much larger trend](http://simplylivandco.com/blog/brands-that-fight-human-trafficking) include fair trade or ‘slave free’ coffee, tea, chocolate and clothes. There has also been an increase in goods which have been branded as ‘made by survivors’, with some key growth areas being jewellery, clothes, and handbags. In both of these variants the purchase of ethically produced goods is presented as a method of [behaving as an ethical individual,](https://www.opendemocracy.net/beyondslavery/christian-barry-kate-macdonald/modern-slavery-and-responsibilities-of-individual-consu) rewarding companies which do the right thing, encouraging other companies to embrace similar models, to promote awareness of specific problems, and to offer more desirable forms of labor. There is clearly a market for ethically produced goods. However, fair trade branded goods generally represent a fairly small percentage of the overall market for different types of goods. Most categories of goods also have no fair trade option available. Questions have also been raised about [whether production processes always live up to ethical standards](https://www.opendemocracy.net/beyondslavery/elena-shih/antitrafficking-rehabilitation-complex-commodity-activism-and-slavefree-goo). While ethical consumption has been widely celebrated, it remains an open question whether creating an ‘ethical alternative’ represents a challenge to conventional business models.

#### ****Further research to close the ‘evidence gap’:****

Conversations about different ways of effectively challenging forced and precarious labor are frequently complicated by a lack of reliable information. [To quote:](https://www.opendemocracy.net/beyondslavery/genevieve-lebaron-joel-quirk/follow-evidence-launching-our-series-on-research-and-repr) ‘There is currently ‘a serious shortage of independent, rigorous, and ethically conducted research on trafficking, forced labour, and the practices associated with ‘modern slavery’... [T]here is a tendency among opinion shapers to prefer dubious statistics and inaccurate information over openly acknowledging and addressing existing knowledge gaps… [W]hen data is generated that contradicts [dominant popular representations](https://www.opendemocracy.net/beyondslavery/joel-quirk-julia-o%27connell-davidson/introduction-moving-beyond-popular-representations#0) – particularly those mobilised by advocacy organisations or governments – it tends to be discarded from the evidence base.’ Overcoming these limitations requires further advances in the methods used to collect knowledge, careful research into the specific characteristics of different cases and sectors, and an open-minded evaluation of the different effects of specific policies and approaches. There is currently a major problem with confirmation bias, where people who have an interest in a specific approach use ‘research’ to confirm that what they are already doing is the correct path.

#### ****Collective organising and unionisation of workers:****

Union membership significantly declined in many parts of the globe over the last half century, and the presence of unions is frequently weakest in industries and locations where workers might expect to benefit most from collective organising and a collective voice. This decline can be traced to a combination of increasing government and corporate hostility to unions [working in concert with](https://www.opendemocracy.net/beyondslavery/cathy-feingold-penelope-kyritsis/national-trade-unions-in-globalised-world) changes in global labor markets brought about by subcontracting, outsourcing and the competitive pressures of the ‘race to the bottom’. Organising workers [can be very challenging](https://www.opendemocracy.net/beyondslavery/neil-howard-mohan-mani/collective-bargaining-in-globalised-south) in this type of hostile environment, and employers at on the lower rungs of global supply chains may be obliged to accept terms from companies further up the chain which leave them with such small margins that they have a very limited capacity to improve pay and conditions for their workforce. Some unions remain captured by corporate interests and struggle to effectively represent workers. Despite these constraints, we have a number of recent examples of [workers collectively organising](https://www.opendemocracy.net/beyondslavery/anannya-bhattacharjee/regional-organising-and-struggle-to-set-asia-floor-wage) – not always under a formal union banner – under very challenging circumstances, including [strike actions](https://www.opendemocracy.net/beyondslavery/jayaseelan-raj/women-strike-back-protest-of-pembillai-orumai-tea-workers). The overall effects of these examples should not be overstated, since there is often major obstacles to workers rights and collective organising, but there is nonetheless remains an argument to be made that [promoting and supporting unions](https://www.opendemocracy.net/beyondslavery/rajon-shahabuddin/three-years-after-rana-plaza-why-bangladeshi-workers-need-trade-unio) might make a major contribution.

#### ****Joint employer and intermediary liability:****

[To quote,](https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-causes-of-forced-labour-where-do-we-go-from-here-0/)‘The rise of labour market intermediaries – including labour providers and contractors, labour agencies, and ‘gangmasters’ – means that today, a large number of workers are working under the supervision and management of companies who are not technically their employer …[S]uch workers often face challenges when seeking to organise, bargain or access labour protection, and in some contexts they are disproportionately vulnerable to exploitation. In the United States, a wave of recent court decisions across national and state jurisdictions have confirmed that companies and labour market intermediaries can be ‘joint employers’, in other words, that companies using temporary staffing agencies, labour providers, and other sub-contracting arrangements are not insulated from responsibility for those workers’ conditions. Trade unions and workers’ organisations are pushing for broad application of the joint liability principle in relation to global supply chains.’ Recent amendments to labor laws in South Africa also provide a further example of efforts to extend legal responsibility, with subcontracted workers legally becoming permanent employees of the client company after a three month period. While this legislation requires that outsourced employees be treated ‘no less favorably’, this provision [is yet to be effectively implemented](https://mg.co.za/article/2017-11-01-00-heineken-labour-issue-ferments).

## Evaluating potential solutions for forced and precarious labor (Part 2)

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Please complete the Week 4 activity. Then share your thoughts in the discussion forum below, by:

* Posting a copy of your screenshot to the forum, or
* Sharing your motivation for why you rated one of the factors as making a major contribution, or
* Suggesting other factors which contribute to keeping labor vulnerable.

### Forum Discussion

**Topic:** Week 4 / Evaluating potential solutions for forced and precarious labor (Part 2)

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[The subject line pretty much says it all. Cheers, Joel](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da0708c84452a079e00380d)

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[4 Activity: Evaluating Potential Solutions](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dcb32ad95b0620911000f6f)

[- Further research to close the ‘evidence gap’. - Collective organising and unionisation of workers. - Joint employer and intermediary liability](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dcb32ad95b0620911000f6f)

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[One more challenge](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dc9596ec76277090c000b2a)

[It's really inspiring to evaluate a list of actions, think about how they do or don't contribute to solving an issue, then do some further reading and see your own conclusions change and evolve. I really appreciate this course activities - they really contribute to deeper understanding of the subject.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dc9596ec76277090c000b2a)

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[Start with the workers](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dc043dd95b062095c000785)

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[Karin](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db85c29c762770918000370)

[Unfortunately I can not upload my screenshots. But I gave Raising awareness, Consuming ethical and National Hotlines yellow, collective organizing light green and Further research and Joint employer dark green. If there is not enough data and scientific knowledge, government officials and company representatives can deny the problem, what role migration regimes play and which advantages arise from them in the sense of having a pool of vulnerable workers. It is important to hold the companies accountable.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db85c29c762770918000370)

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[ethical shopping](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da3f3fec06d2609800036e7)

[I really think that companies need to realize that being sustainable and having fair trade practices is now very attractive in the market and will give them a competitive advantage. My generation would rather buy something a bit more expensive and know feel good about what they are buying.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da3f3fec06d2609800036e7)

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[Illegal vs precarious migrant labout](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db003d4c06d26092e0044a7)

[I just wanted to raise the point that not all migrant labour is precarious because they do not have legal status, much of it is precarious because the visa/contractual options legally available to them are precarious. The illegitimate use of contractual models with few protections (e.g., 'self employment') are attractive to employers and are growing for this reason in use for industries which value 'flexibility' above retention. However the growth can at least in part be attributed to a lack of suitable legitimate employment contracts that can employ people in industries with genuine need for flexibility - many countries have very strict limits on number of temporary contracts an individual can hold with an employer, making migrant seasonal work impossible. A good example of a 'good example' might be Spain, which is almost unique in having a 'seasonal permanent' contract whereby seasonal fluctuation (i.e., not having work for 5 months of the year) does not undermine the ability to have a permanent contract with an employer.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db003d4c06d26092e0044a7)

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[hotlines](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da0d4b88149fd09460037a5)

[The posters one sees at airports and elsewhere and national hotlines seem to be low-hanging fruit for governments to show that they are committed to combatting forced labour yet its effectiveness is highly questionable. I've always wondered how people respond to these posters. has any research been done into local people's perceptions of these posters?](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da0d4b88149fd09460037a5)

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[Shared accountability with intermediaries and employers](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db00128c06d26093f003806)

[I have lost my screenshot, but the 'shared accountability between intermediaries/employers' was my only 'dark green' option. Many employers rely on dark intermediaries to supply labour and they often do so knowingly with tacit knowledge and reliance (sometimes due to structural reasons) on their services. I rated 'National Hotlines' as White, and 'Spot the Signs' as yellow. Both have a small effect but without followup enforcement mechanisms the impact is low. Also the national hotlines are very clunky and provide information too slowly for anyone to utilise.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5db00128c06d26093f003806)

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[Louiza](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5daf16a28149fd09420040d2)

[For this week's discussion I made the following ratings: 1. Consuming 'ethical' fair trade goods and services - These initiative may have little or no impact to how business treat employees on a day to day basis. First, the audits conducted are pre-planned with companies able to quickly coach employees, paint worker housing, maintain worker facilities like ablution facilities etc. I recall when conducting a labour assessment for a MNC based in Kenya, I was informed by the workers that before the auditors would come, the employees would know because they would see maintainence works being carried out. Second, these audits are mere check-lists. The auditors do not conduct deep dives into terms and conditions of work e.g. they will review management systems such as HR policies and procedures but will not necessarily conduct individual interviews or FDG with workers. Because the auditors are not structured to delve into particular issue, they miss issues such as forced or precarious labour. During the assessment I have mentioned above, I noted that the CBA between the Company and the Union indicated that overtime was mandatory, yet the auditors had not picked this up. 2. Collective Organising and Bargaining has the potential to make a big difference but as noted in the text, there are challenges that are facing trade unions currently including government suppression in countries such as Egypt. I noted that one of the key challenges that is affecting unions is the issue of changing employment practices where businesses are moving to outsource labour through labour agents. I have conducted about four labour assessments where I noted that this is emerging as a trend in Kenya in both manufacturing and in the retail sector. Most of these companies offer these labour agents are offered one year contract and due to these short term contracts, unions are discouraged from entering into negotiations with such agents. 3. Two areas where there would be major positive impacts would be - \*Further research to close evidence gaps\* and \*Joint employer and intermediary liability\*. The reasons I have given these two areas these rating is because we may be under-estimating the data on forced labour. The labour assessments I have conducted in the last couple of years shows that forced labour may not necessarily be procured through threats of violence or intimidation but through the threat that the employee may lose their job. The discussions we have had about 'choice' or 'alternative' labour are very important here especially in countries such as Kenya where unemployment rates are very. Employees would be scared not to work overtime because there exists this fear that they could easily lose their jobs. On the issue of joint liability, this has the potential to be a powerful tool and there is need for more research to understand how such laws can be effectively used to holding companies and their labour agents accountable for issues such as forced labour, discrimination or even OSH accidents. My concern with such laws is that in many developing countries, the labour ministries will not implement the laws and there will be little or no enforcement. 4. On awareness creation campaigns, as a former NGO employee, I looked at some of these campaigns with skepticism; primarily because they always have a donation component attached. 5. In the case of national hotlines, I am not familiar with this concept so I am unable to cite reasons as to the rating. I however indicated that they may have a minor positive impact. There is also the potential for abuse of these government sponsored hotlines which can be used to report 'illegal migrants'](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5daf16a28149fd09420040d2)

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[London meetup?](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5d9f4b0f8149fd0971003893)

[Hi - I note that there is about 4 members based in London. Would you be up for a meetup sometime during the course to talk it through? Might be fun](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5d9f4b0f8149fd0971003893)

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[Collective organising and unionisation of workers](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dab72208149fd0942003ebb)

[I consider that one of the factor make a major contribution for potential solution is the internal strengthen of the unionisation of workers. We understand that business owner raise barriers for the Union. Nonetheless, the Union have to get allies inside their structure and built trust between them.](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5dab72208149fd0942003ebb)

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[Worker Cooperatives vs. Unions?](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5da3cfc184452a07d20038f0)

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[Migrant Workers and the Global Demand for Precarious Labor](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5d9ef2a5c06d26093f002fc8)

[Thank you Professor Samuel Okyere for the lecture. The course is getting exciting and its now becoming clearer that we are in a crisis in terms of labour migration and exploitation of migrant workers. There are a number of take home points from your lecture with the key one being the enslavement that comes with work permits (visas) in various countries. I like your signing-off core point that it seems we are prioritising immigration controls over migrant workers rights. This is true and we have hundreds of ugly scenes or examples which I am sure will be coming out shortly from participants. One example is a Malawi case in which a Malawian diplomat assigned to the USA in 2004 facilitated a work permit for her housemaid to go with her. They had been together since 2002. The embassy granted the housemaid a work visa (A-3) tied to her employer. Thus, the worker could not quit nor secure another job unless she undergoes another process of paper work while in the USA. Unfortunately, the boss started to subject the maid to gross abuses. Overworking, less pay, confined indoors and threatening to depot her. The maid got tired, escaped and reported the matter to authorities in USA. I like the part that she defied the odds to report. She went on to win the lawsuit against her boss. She was awarded $1million in damages. But do you know what happened later? US reacted by suspending visas for domestic workers for Malawian diplomats in US. See these two links below. https://www.reuters.com/article/us-trafficking-usa-malawi/malawian-housemaid-wins-u-s-human-trafficking-case-after-three-years-in-prison-idUSKBN13N1SW https://www.bbc.com/news/world-africa-48724294 My question now is, looking at this decision by US government, what do you think it prioritised more--migrants labour rights or migration controls? Let us keep this thread and bring in more examples from our countries. Albert](https://courses.edx.org/courses/course-v1%3AWitsX%2BBTSx%2B3T2019/discussion/forum/4ce8dd47b6fc0a408a8f6b0fb774987d29fa4ac7/threads/5d9ef2a5c06d26093f002fc8)

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