



# The Future of Work

Cameron Thibos and Joel Quirk (eds)

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free thinking for the world



# The Future of Work

Edited by Cameron Thibos and Joel Quirk

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## **About Beyond Trafficking and Slavery and openDemocracy**

Beyond Trafficking and Slavery is an independent marketplace of ideas that uses evidence-based advocacy to tackle the political, economic, and social root causes of global exploitation, vulnerability and forced labour. It provides original analysis and specialised knowledge on these issues with the rigour of academic scholarship, the clarity of journalism, and the immediacy of political activism. BTS is housed within openDemocracy, a UK-based publisher dedicated to converting trailblazing thinking into meaningful change.

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## Foreword

This book focuses upon the changing nature of work. It explores why and how global patterns of work and employment have changed, where they might be heading in the future, and what types of strategies and approaches might make that future better. As we demonstrate in the pages which follow, ongoing changes to the global economy have left hundreds of millions of workers in vulnerable and precarious conditions. Hard won protections have been eroded via deregulation and outsourcing. Oversight and inspection of workplaces have declined. Rates of union membership have collapsed in many places. Additional barriers to collective organising and collective bargaining have been established.

Corporations who used to produce most of their goods in-house have **outsourced most steps in the production process** to hundreds or even thousands of different suppliers operating in dozens of different countries. As much as **80% of goods and services** are traded via global supply chains. Workers are also increasingly mobile, with an estimated **164 million international migrant workers** throughout the globe. Most of these workers do not have the same rights and protections as their local counterparts, leaving them vulnerable to numerous forms of abuse. Both national and international regulations have not kept up with this new world of work. If we want to ensure a better future for work, we will need to fight for it.

Many conversations about the future of work are concerned with technology, particularly with the ways in which technology will change the number and types of jobs that are available. Yet while we have no doubt that technology will continue to play a major role, we find it important not to overstate the independent effects of technological change. It is a mistake to view technology as a force of nature that effectively operates outside the reach of government, the economy, or civil society. The impact of technological innovation on patterns of work

and employment has always been both constrained and enabled by political and economic interests. Accordingly, changing that political and economic landscape in ways that advantage workers is where we must concentrate.

Likewise, too many conversations about work and technology are primarily concerned with how leaders of industry and highly educated elites might take advantage of new economic opportunities. We should not only be talking about who gets to design and programme the next generation of robots. We also need to talk about who mines the precious metals which the robots require, and the ways in which these metals move through global production networks. Work has always been a political issue as much as an economic issue. Technology does not change this equation.

Politics has sometimes been defined in terms of “**who gets what, when, and how**”. This definition is particularly useful for thinking about the future of work, because it directs attention towards the central question of how resources get distributed, to whom, and on what terms. Global patterns of work and employment are heavily influenced by laws and regulations – or the lack thereof – that have been designed to leave many workers and migrants vulnerable to exploitation. The most effective way of reducing patterns of exploitation and abuse is thus to change how these systems are designed. This is not an easy task. Corporations and consumers in the Global North derive tremendous benefits from our unjust global economy. As do political and economic elites in the Global South, who are some of the **main beneficiaries** of the corporate ‘race to the bottom’ to find the lowest wages and worst conditions. Instead of helping to protect workers, laws and regulations often end up creating vulnerability.

We therefore need to focus upon questions of political and organisational strategy. This book not only seeks to better understand how and why work has



changed, it also seeks to identify as many strategies as possible for workers and their allies to come together in order to build a better future. In the pages which follow, we spend a great deal of time on strategic questions. What are the best ways of supporting collective organising and bargaining in an increasingly hostile political and economic environment? What are the best models for elevating the voices and interests of precarious workers, and how might they be introduced elsewhere? How can alliances be built between different types of workers, and between workers based in different countries? What types of regulations need to be introduced – or withdrawn – to help ensure that vulnerable workers have a more effective voice? What are the best ways for funders and philanthropic foundations to support precarious workers? What are the best ways of both challenging and changing already established approaches which have proved to be ineffective or counterproductive, such as corporate social responsibility (CSR)? How can systems of labour exploitation be connected to the larger systems maintaining global patterns of inequality, impunity, sexism, racism and xenophobia? By raising these and related questions, we seek to contribute to ongoing conversations regarding what the most promising approaches or models might look like, and how they might be effectively implemented.

As our contributors demonstrate in much greater detail, there is no shortage of already established models, such as the [Fair Food Program](#) or the [Asia Floor Wage](#). Workers have been organising against exploitation and abuse for a very long time, so any conversation about different strategies should prioritise their expertise and experience. While this point may seem obvious, it still needs to be repeated. Major decisions about the future of work are frequently made without meaningfully consulting affected workers. Regulations that determine pay and conditions are chiefly defined by the needs of corporations, rather than the needs of workers. In case after case, the balance of power between workers and employers has shifted in favour of employers. Efforts to restore balance need to be led by workers.

### The organisation of the book

This book was produced by the [Beyond Trafficking and Slavery](#) project (BTS) on openDemocracy with funding from the [Future of Work](#) team at the Ford Foundation. It brings together a combination of semi-structured interviews and original articles which were previously published online on [openDemocracy](#) over a three month period in late 2018. Most of the contributors to the book come from worker organisations, such as the [International Trade Union Confederation](#), [China Labour Bulletin](#), and the [Self-Employed Women's Association](#), or from organisations which focus on precarious work, such as the [Worker-Driven Social Responsibility Network](#), [Focus on Labour Exploitation](#), the [International Committee on the Rights of Sex Workers in Europe](#), and the [Global Alliance Against Traffic in Women](#). To help make sense of how these contributions have been organised, we need to briefly describe the backstory behind our project, and to explain how the different parts have been put together.

In July 2018, the Ford Foundation published a major report – [Quality Work Worldwide](#) – which identified strategies for improving protections against labour exploitation and vulnerability, and for enabling workers to more effectively participate in shaping their terms of employment. This report emerged out of a two-year exploration (2015-2017) chiefly focused upon global supply chains and migrant labour, to which BTS also contributed. In addition to identifying pathways for improvement, the report also identified a series of global challenges which needed to be overcome, including lack of accountability from companies, global governance gaps, limited action from national governments, and insufficient power and voice for workers.

This book expands upon the themes of the [Quality Work Worldwide](#) report. Recognising that there were a number of important issues which had not yet been fully explored, the Future of Work team commissioned BTS to develop a new project. This came to be known as the Future of Work Round Table. This project had a number of goals: 1) to





provide new insights regarding how and why global patterns of work and employment have changed, and where they might be going next; 2) to provide a platform for many different perspectives from around the globe; 3) to reflect upon the role of philanthropic foundations in developing programmes to support quality work and economic security, particularly for those in precarious employment; and 4) to identify and evaluate different strategies for helping to ensure a better future for workers.

These goals were reflected in the final design of the Future of Work Round Table, which featured both targeted invitations and an open call for additional contributions. With some input from the Ford Foundation, the BTS editorial team put together a diverse invitation list that included experts from a range of backgrounds and geographic locations. Around two-thirds of our contributors were recruited via invitations, with the final third coming via the open call. The entire process was organised into two distinct stages, which were as follows:

### Stage One

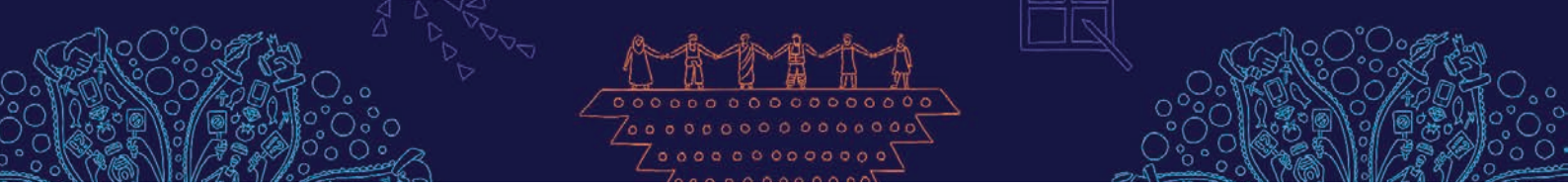
1. Twelve leading experts from different corners of the globe were recruited to share their expertise and experience as part of a [virtual round table](#), which was published on openDemocracy in October 2018. Each participant was tasked with answering five questions regarding different aspects of the future of work. These questions were formulated collaboratively by both teams, and were carefully designed to be open ended, rather than pointing towards specific conclusions. The answers given were recorded via individual interviews, which were transcribed and edited for clarity. Some participants in the round table were part of the Ford Foundation's original exploration. Others were new voices who were invited to help us expand the conversation further.
2. Two additional articles were published alongside the virtual round table. The first article was a piece from the BTS editorial team which [in-](#)

[troduced the main themes of the overall project.](#)

The second was a [joint statement from three major funders](#), the Ford Foundation, the Open Society Foundations, and the Sage Fund. This statement identified five key areas for targeted interventions: changing company practices and behaviour, influencing investment, establishing international standards and norms, strengthening and enforcing labour laws, and effectively organising workers.

### Stage Two

3. The main goal of this second stage was to encourage further conversations and contributions regarding the different questions and issues raised in stage one. To support this goal, the BTS editorial team published an [open call for additional contributions](#) in mid-October. Three distinct areas were identified for potential responses: the issues raised in the virtual round table, the joint funders statement, and the original Quality Work Worldwide report. Responses to this call were published on openDemocracy during November and December 2018.
4. The BTS editorial team also extended a number of individual invitations to contribute during this second stage. These invitations were primarily designed to ensure that specific issues and questions were addressed in sufficient depth, such as funding and philanthropy. Not everyone who was invited was able to contribute, which meant that some regions and themes were covered in more depth than others. The articles which resulted from these invitations were also published towards the end of 2018.
5. The final step involved follow-up interviews with the participants in the virtual round table. Around half of our original contributors were able to participate. The interviews were open ended and allowed participants to respond to specific issues which had been raised by other contributors. The answers given were once again recorded, transcribed, and published.



This book collects all of this content into one place. The different pieces are organised thematically rather than chronologically. In other words, rather than arranging the articles and interviews from first to last in terms of their date of publication, the different contributions have been grouped together around specific themes or questions. Take, for example, the section ‘On funders and philanthropy’. This section begins with the joint funding statement referenced above. Additional contributions, three written responses, and two follow-up interviews then follow. While these contributions were published at different times, they are best read together. This logic has also been applied throughout the book. As the table of contents captures in more detail, most of the book is organised around the five original questions which began the Future of Work Round Table. The sections begin with the answers given by the original participants, and then are followed by further responses speaking to the same theme.

In addition, readers will also find a number of short boxes labelled ‘Round Table Reflections’ through-

out the text. These feature material from the second round of follow-up interviews with the original participants. This format has been introduced in order to highlight points of engagement between contributors. Both the original contribution and the subsequent follow-up are paired together in the same section.

Like all projects, this book should be regarded as a link in a chain. Our goal is not to provide a definitive blueprint, but instead to contribute to larger conversations regarding how and why the world of work has changed, and how it might change for the better in the future. In the pages which follow, we learn from individuals and organisations who have been helping to shape these types of conversations for decades. We are extremely grateful that they were prepared to share their expertise and experience by contributing to this book. Thank you all.

– Joel Quirk and Cameron Thibos  
1 March 2019



# Introduction

Towards a better future for work?





In December 2010, the government of Qatar was awarded the right to host the [2022 FIFA World Cup](#). Bringing such a high profile sporting event to the Middle East was undoubtedly a major coup for the small country. However, their position as host has also attracted a great deal of international scrutiny. Persistent concerns about [corruption behind the scenes](#) have been increasingly overshadowed by [numerous reports](#) regarding the [exploitation and abuse of the migrant workers](#) who are [building facilities for the event](#). Campaigns by organisations such as [Amnesty International](#) and [Human Rights Watch](#) have identified all kinds of problems, including expensive and deceptive recruitment, atrocious living conditions, segregation, low salaries further worn away by delays, deductions, and long hours, and exceptional levels of workplace death and threats of violence.

The government of Qatar has repeatedly declared that it is [taking action to prevent abuses](#), and [recently announced](#) that the vast majority of migrant workers [no longer have to secure an exit permit](#) from their employer to leave the country. While this reform has been [cautiously welcomed](#), it also speaks to a larger series of issues regarding the role of governments in both creating and sustaining migrant labour systems. Migrant labour in Qatar is designed to be exploitative. Workers migrate from [many different countries](#), including Nepal, India, and the Philippines, and their labour is regulated by contracts which give employers huge amounts of discretionary power. These contracts can last up to five years. Workers cannot change jobs without securing permission from their employer, there is [very limited scope to effectively resolve grievances](#), and their work takes place under the shadow of deportation. The government has the power to change how the system is designed, but its interests are closely aligned with employers rather than with workers.

[Amnesty has reported](#) that there are around 1.7 million migrant workers in Qatar – at least 90% of the overall population – but their precarious

status as non-citizens effectively leaves them on the outside looking in. As foreigners, they reside in Qatar on a temporary basis. They rarely speak Arabic (and sometimes also English), and they can be easily and effectively sanctioned for all kinds of reasons. It is easy to dismiss the interests and experiences of workers in Qatar because the system is designed to prevent collective organisation. Political strategies familiar to workers attempting to improve their pay and conditions – such as strikes, pickets, litigation, unionisation, and collective bargaining – are almost entirely absent.

This absence is important. While the FIFA World Cup has concentrated attention on Qatar, [similar migrant labour systems](#) exist in many other parts of the world. While some [employers may treat workers better than others](#), that is frequently an individual choice. The system itself assigns them a huge amount of discretion in how to behave. In 2017, it was estimated that there were [11 million migrant workers in Saudi Arabia](#), with perhaps [23 million migrant workers](#) based in the Middle East more generally. Many of these migrant workers can be found in private homes, creating [an additional set of challenges](#).

While these estimates are only rough guides, they nonetheless illustrate a fundamental point: radical changes in global labour markets have created a huge population of workers who labour under systems designed to severely limit their capacity to mobilise for better pay and conditions.

The growth of migrant labour is only one of a number of changes in global patterns of work and employment. Another key example concerns the [growth of global supply chains](#). The last three decades have seen international corporations engaged in a ‘race to the bottom,’ with most aspects of production processes and supply chains being relocated to countries in the Global South with lower wages, less regulation, and fewer workplace protections. Global supply chains have been designed

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by corporate executives to maximise their profits while minimising their political and legal liability.

Leading corporations exercise their market power to drive down costs per unit, since their numerous suppliers in the Global South have limited capacity to effectively bargain for better returns or less demanding production cycles. Companies further down the chain are therefore compelled to minimise wages and working conditions. Contracts get subcontracted and then subcontracted again, creating many layers between the corporation and the workers. It can sometimes be very difficult to [work out who is producing what for whom](#).

Regulations governing labour relations have struggled to keep up with these new business models. Supply chains span numerous countries and companies, creating further barriers for workers who might want to organise to improve pay and conditions. Most work within supply chains is offered on a 'take it or leave it' basis, and the terms on offer invariably favour corporations.

Several observations can be drawn from these examples. While not everyone has been affected by recent changes in the same way, there are some general themes which are worth highlighting:

1. Many governments throughout the globe have reduced their commitments to protecting workers. They have frequently embraced neo-liberal models of de-regulation and non-binding self-regulation, which have shifted the balance of power between workers and employers.
2. Corporations have leveraged the globalisation of finance, production, and migration to create business models that maximise corporate power while minimising corporate accountability.
3. The production of good and services has been globalised to an unprecedented degree, creating opportunities for corporations to move – or threaten to move – between countries and/or suppliers to further reduce production costs.

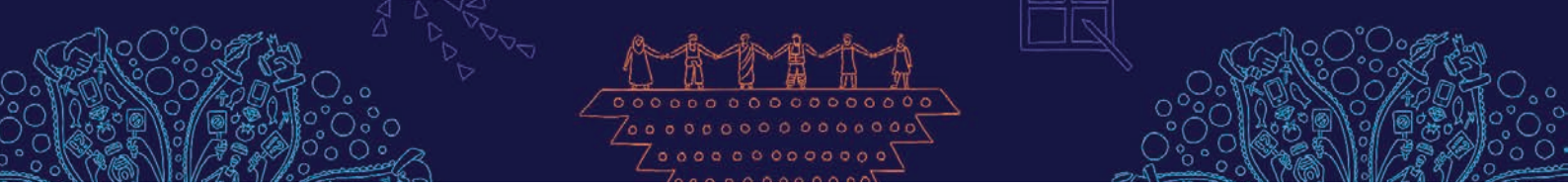
4. Employers have used various strategies to reduce labour costs and externalise risks, including subcontracting, outsourcing, piecework, penalty pay, zero-hours contracts, forced overtime, and wage theft. These often overlap with patterns of race and gender discrimination.
5. Existing regulations, both domestic and international, have struggled to keep up with ongoing changes, contributing to governance gaps where regulations either apply weakly or not at all. Even in cases where regulations do apply they are not always consistently or effectively enforced.
6. Workers and their allies have been forced to confront challenging questions regarding these recent changes, resulting in ongoing conversations about how to organise, and what to push for.

What should we make of this new world of work? What kinds of strategies have the best chance of elevating the voices of exploited and precarious workers? To help answer these questions we have turned to some of the world's leading experts.

### **Working towards quality work**

Labour is frequently divided into two distinct categories: free and unfree. The former is said to involve workers negotiating a deal with an employer regarding their service. If the employer uses direct coercion to compel them to either start work or continue working then their labour is said to become forced, and is therefore regarded as immoral and unfree. This comparison portrays free labour as a desirable condition, and it is often suggested that workers should be thankful to be 'free'.

However, there are many occasions where desperate workers have few if any alternatives, and therefore 'freely' consent to highly exploitative conditions. There are currently hundreds of millions of free labourers across the globe who routinely endure terrible and irregular wages, unsafe and unhealthy workspaces and homes, sexual harassment and assault, and bullying and abuse. They may well be formally free to leave, in the sense that they re-



tain the capacity to seek out other forms of work, but their capacity to exercise any kind of individual ‘choice’ nonetheless remains severely constrained by their precarious status and a shortage of viable alternatives. The work involved is not work which would be freely chosen if there were other alternatives on offer.

Maintaining a sharp distinction between free and unfree is not always helpful. If we narrowly focus on unfree labour, then everything which ends up falling on other side of the dividing line gets removed from the equation. We need to focus upon *all* vulnerable workers, rather than *only* workers subject to unfree labour. This means incorporating forms of precarious labour which may be nominally ‘free’, yet still have many highly objectionable features. This is part of the rationale behind the framework of quality work, which is defined in the Quality Work Worldwide report (p. 2) in terms of “opportunities that provide safe working conditions, a fair income, social protection, and freedom of association and expression”.

This definition of quality work in turn draws upon the concept of [decent work](#), which is broadly defined by the International Labour Organisation (ILO) in terms of “work that is productive, delivers a fair income with security and social protection, safeguards basic rights, offers equality of opportunity and treatment, prospects for personal development and the chance for recognition and to have your voice heard”. Behind both definitions is an emphasis upon what work *should be*, and what types of [practical steps and employment conditions](#) would help improve the overall quality of work. This is very different to the minimum threshold associated with free labour, which is frequently understood to mean that ‘the market should decide’, so long as workers are not subject to direct coercion. There are similar differences between accepting a minimum wage and advocating for [a living wage](#).

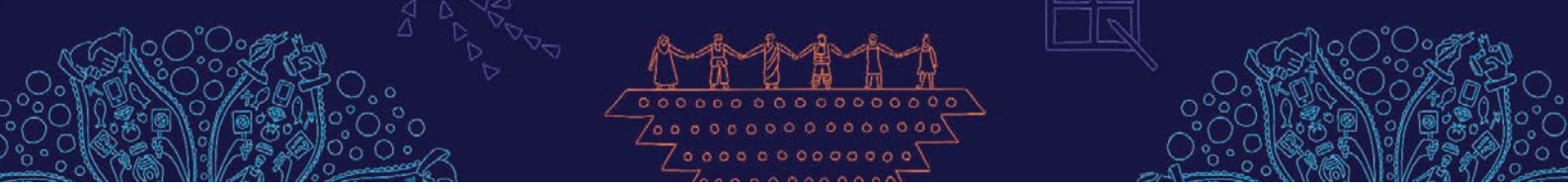
Quality work is clearly not a goal which can be advanced using a single strategy or approach. This is one of the main reasons why this round table has

been organised, since it is crucial to have a wide range of perspectives and experiences represented when thinking about ways forward. All of its participants have a number of valuable insights and proposals to share on this topic.

### **How do we reach quality work for all?**

Our first contributor, [Alejandra Ancheita](#), is the founder of the [Economic, Social and Cultural Rights Project](#) (ProDESC) in Mexico City. She observes that “Precarity has become the general rule for workers in Mexico and Latin America more generally. Most workers are not able to collectively organise as an independent union. They are not able to create contracts through collective bargaining. Their instability affects their other rights, and many no longer have access to the right to housing, health, or education for themselves or their families.” When it comes to thinking about potential solutions, she observes that “Companies use social responsibility mechanisms because they are cheap and make corporations appear as the good guys.” She therefore discusses a series of alternatives, including an ongoing programme designed to “defend the rights of Mexicans temporarily migrating to the United States” on both sides of the border. She also makes the important point that “Worker organisation doesn’t necessarily have to go through traditional unions. What is important is that they are organised.”

Our second contributor, [Anannya Bhattacharjee](#), draws upon her experience in the Indian subcontinent, where she works as the international coordinator of the [Asia Floor Wage Alliance](#). Bhattacharjee observes that “in India job creation is really the creation of miserable jobs.” At the same time, “It really wouldn’t take much to make these jobs more decent.” She suggests that a good way to start is by recognising that “Business is not one monolithic thing. There is big capital and there is small capital. If we approach all businesses as capital, and have the same approach to all of them, then we won’t make the most strategic alliances.” Yet at the end of the day, working conditions will only improve “when workers’ organisations are at the table to discuss,



## ROUND TABLE REFLECTIONS

### The problem with concepts like 'quality work'

Luis C.deBaca

I'm concerned about the concept of 'quality work'. It can create a new means of evasion for companies. I've seen this at work in qualified industrial zones in places like Jordan. They had set up 'better work' facilities there, but they were still rife with abuse. When we pointed that out, both the national government and its defenders in the United States government cited the Better Work Programme as a reason why it can't be exploitation – how could it be if it was better work? When we challenged them further, based on what we were hearing from the

workers and people who had returned home, they warned us not to endanger the entire programme by going after Jordan publicly. This is one of the reasons I'm sceptical of the 'rising tide lifts all boats' theory of generalised labour improvements as a solution to forced or compelled labour, which is present in the responses as a whole, as well as in the introduction. I don't immediately think the 'better work' construct is the answer because as ambassador I saw too much slavery taking place in official Better Work factories.

implement, and monitor the solutions". However, this rarely happens due to "antipathy towards trade unions or any kind of representative organisations".

We also have an important contribution from **Shawna Bader-Blau**, the executive director of [Solidarity Center](#), a US-based international worker rights organisation. She observes that things have now got to the point where "It's hard to do very simple things like form unions or come together as workers to achieve collective bargaining." This situation has been further complicated by the growth of free trade agreements, which "enormously privilege the rights of investors over the rights of humans and the rights of workers". Improving the lives of workers requires action on multiple fronts, including building bridges between labour movements and other social and political movements, exposing the fundamental lawlessness behind wage theft, and effective global regulation based upon human rights frameworks. Much of the focus of her contribution is the model provided by the recent [Accord on Fire and Building Safety in Bangladesh](#), "a negotiated agreement between workers and employers ... akin to collective bargaining".

Building upon his experience within the [US State Department](#), **Luis C.deBaca** identifies a number of

promising strategies for reducing vulnerability and exploitation. He observes that "developed countries have allowed their labour inspectorates to be weakened over time". This has had important effects: "If you're not dealing with wage theft, if you're not dealing with hours worked, if you're not dealing with the ability to act through unions, then don't be surprised when the most horrendous violations of enslavement and abuse end up happening." This has resulted in a situation where criminal justice mechanisms have stepped in to provide partial cover, but this also comes with complications. "If we're forced into saying that something is slavery or trafficking in order to go after somebody, it exempts companies from having to create better workplaces by making only the most egregious important."

Improving the lives of workers requires action on multiple fronts. This includes investing in worker-driven social responsibility, which "doesn't depend on the largesse of the company". And while prosecution is only one tool amongst many, for C.deBaca one of the things "that makes it possible to have worker-led social responsibility is the prospect of a boss going to jail". When thinking about future steps, C.deBaca also suggests that "The fight against unscrupulous employers sometimes gets stopped by the intermural fights and navel gazing





of the modern slavery movement, or the anti-trafficking movement, or the labour movement, or whatever we're wanting to call it these days.”

This is followed by some reflections from **Han Dongfang**, the executive director of [China Labour Bulletin](#) in Hong Kong. Dongfang observes that global supply chains set “workers further and further away from each other even as the goods they produce become ever more closely related”. This in turn creates major difficulties when it comes to “organising, both locally and internationally”, and contributes to a “loss of local and global bargaining power”. He therefore maintains that corporate social responsibility “will never become an effective tool for protecting workers’ rights unless it involves the workers producing these goods as a bargaining partner”. The China Labour Bulletin’s decades of experience in helping to develop collective bargaining and organising in both China and, more recently, India provides a valuable model here: “Even in China, one of the worst countries for workers’ rights violations, we have seen numerous examples of workers with a common grievance coming together and taking strategic and well-thought-out collective action to force their employer to the bargaining table.”

The round table also greatly benefits from the experience of **Lupe Gonzalo**, from the [Coalition of Im-mokalee Workers](#). When thinking about potential solutions, Gonzalo observes that “Corporate social responsibility programmes exist to satisfy consumer demand for ethical products. Their primary purpose is to protect the brand by preventing consumers from taking their business somewhere else. They are not meant to and do not succeed in protecting the human rights of workers, or in reducing poverty for workers.” She instead makes the case for an alternative based upon the coalition’s [Fair Food Program](#), the essential features of which “can and have been replicated in many contexts”. She also endorses a model provided by a [recent campaign](#) targeting the fast food company Wendy’s: “We spent years working on a public campaign to educate consumers about the conditions in their supply

chain in Mexico. We pushed really hard to convey the reality despite what Wendy’s was saying. We combined that with action steps. We were not only telling consumers what was happening, but we gave them ways to help.”

The value of worker-driven social responsibility (WSR) is mentioned by a number of contributors to the round table. It should come as no surprise that it features in the contribution by **Theresa Haas and Penelope Kyritsis** from the [Worker-Driven Social Responsibility Network](#). Reflecting on the power now exercised by leading corporations within supply chains, Kyritsis observes that, “It has become very difficult for suppliers to maintain successful commercial relationships and comply with labour standards, including minimum wage laws, at the same time”. Haas similarly observes that “responsibility lies almost exclusively with the brands at the top of supply chains”. She therefore advances WSR as an effective method of “shifting power, resources, and control from the entities at the top to the workers at the bottom in ways that legally obligate companies to prioritise the needs and rights of workers”. When it comes to thinking about the future of work, Kyritsis makes the further point that “It’s not technology rendering workers vulnerable to extreme labour exploitation, but the fact that wealth and power are not concentrated in the hands of workers ... Computers aren’t the problem.”

We also greatly benefit from having a contribution from **Emily Kenway**, from [Focus on Labour Exploitation](#). Building upon her extensive experience both inside and outside government, Kenway observes that global supply chains “fragment responsibility and create a vacuum of accountability in relation to labour rights”, resulting in a situation where workers sometimes “do not know what company they are working for”. Echoing other contributors, Kenway is reluctant to endorse ethical investment models and ethical consumerism, and instead recommends specifically targeting the exposure of governments to abuses within their own supply chains. She also specifically endorses the [Fair Food Program](#) as “one of the best examples of





worker-led labour rights change out there today”. When summarising the current state of play, she observes that “We are bargaining for scraps at the moment against a legislative and global economic framework which empowers capital. That has to change but it won’t unless we make the right sorts of targeted, disruptive, systemic interventions.”

Our second contribution from the Indian subcontinent comes from **Reema Nanavaty**, the director of the [Self-Employed Women’s Association \(SEWA\)](#). She observes that “the majority of the workforce in India and in the Global South are informally employed”, which has meant that “their work remains invisible”. Emphasising a point which comes up time and time again within the round table, Nanavaty argues that “The primary and most effective route is to organise informal sector workers. This gives them a collective strength. Their voice is heard. Their work gets visibility.” She also points to SEWA’s efforts to provide alternative employment, including the establishment of a company run by garment and textile workers that employs 15,000 people. As part of their ongoing lobby efforts, SEWA is mobilising in support of “a floor living minimum wage for informal sector workers ... skills development, social development, and social protection programmes”. In the case of informal workers, “Innovation is a crucial part of their coping strategy. They have to keep innovating day in and day out for their own survival”.

The round table also features **Elizabeth Tang**, the executive director of the [International Domestic Workers Federation](#). Emphasising the ways in which different problems intersect, Tang observes that “Lots of domestic workers are also migrants, and as migrants they also face another layer of discrimination ... It is very hard to ask for legal protections when the people around you do not think you deserve them.” Given the scale of these challenges, it is essential to specifically prioritise investment

“in organisation building and movement building”. She observes that “Lots of people only want to invest in the last step: fix this problem, change that policy. But they don’t realise that the first half, the work that enables us to have the capacity to take that last step, hasn’t been done yet. Investing only in the last step can consume large amounts of resources, but it will be less likely to succeed.” When faced with corporate power, it is also crucial not to submit to fear. “One of employers’ most common tactics is to threaten to leave when we demand better conditions. But often it’s just a bluff. Some smaller operations can close and open easily, but when we talk about the bigger ones it’s not so easy. I can’t remember how many times Coca-Cola has threatened to leave Hong Kong, but they are still here.”

Our final contribution comes from **Alison Tate**, who builds upon her experience at the [International Trade Union Confederation](#). As part of her contribution, Tate identifies the emergence of a “model of business that undermines the capacity for job security and income security” as one of the main obstacles to promoting workers’ rights. She argues that “No job should be without a floor of universal social protection, which includes certain benefits for when a worker is not able to access sufficient income. No worker should be without a minimum living wage, or the capacity to bargain for a fair contract price floor. Yet that’s what we’re seeing more and more in the digitalised and platform economy.” Improving the lives of precarious workers therefore requires action on multiple fronts, including building workers’ power, organising the informal economy in innovative ways, leveraging the power of pension funds, strengthening labour courts, rewriting the rules of the global economy, and campaigning for a convention on the elimination of violence against women and men in the world of work.

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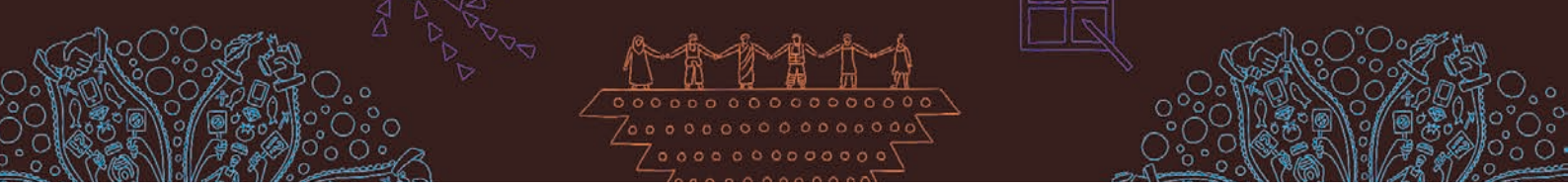
“Supporting the kind of transformation that will give everyone access to quality work will require funders ... to confront corporate power, and our own relationship to it.”

– Sienna Baskin

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# Joint statement on the role of philanthropy in creating a better future for work

John Irons, Laine Romero-Alston and Daria Caliguire

On behalf of the Ford Foundation, the Open Society Foundations, and the Sage Fund, welcome. As brief context and background for this discussion, the Ford Foundation initiated a global exploration on quality work in 2015, alongside programme staff who were, or are now, colleagues with the Sage Fund and OSF. We released [a report](#) that provides a synthesis of the insights gathered from the work of partners and grantees, collaborations with external partners, research, and the collective knowledge of the programme staff involved in the exploration. All along, we hoped that the insights summarised in this report would spur new ideas, necessary innovations, and dynamic conversations across the field. We also recognise that in order to address the systemic barriers and powerful actors underscored in the report, it is essential that we build solidarity across borders and issues, and to unite an array of actors and institutions to act collectively towards our aims for a more fair, just and inclusive society worldwide. As such, the Ford Foundation supported openDemocracy to bring together multiple stakeholders from across fields to discuss questions of strategic importance.

In recent decades, several profound shifts in the global economy have gathered momentum, transforming the structures of employment and resulting in rising inequality. These include increased globalisation of capital; a proliferation of complex supply chains; heightened informality and precariousness of work; weakened regulatory capacity of the state and worker bargaining power; and increased attacks on civil society, freedom of association, and the right to collectively bargain.

These shifts and the resultant outcomes have led to forced migration as a result of diminished economic security, and have given rise to many powerful corporations operating with impunity in the extraction of labour and resources from workers and communities around the world. At the same time, technological advancements have dramatically reshaped the workplace, digital space, and public security, outpacing existing labour laws, social protections, and governance of technical infrastructure. All of these trends are exacerbated by long standing legacies of power and discrimination based on gender, race, ability, and migration status.

While we have each witnessed these seismic changes and repercussions, we were also grappling with the role of philanthropy in responding in a coordinated global manner consistent with the scale and size of these challenges playing out across the world. With that in mind we endeavoured to begin a conversation where we zeroed in on how we could align most effectively given the rapidly changing inputs to a global economy and the aspiration to have them be inclusive.

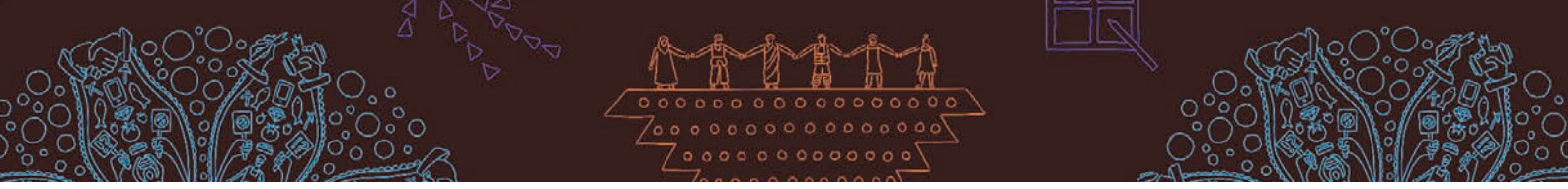
We each entered the conversation from different starting points based on our fields of study and experience while utilising very different approaches:

For the *Sage Fund*, it means utilising and expanding on the human rights framework to ensure accountability of powerful economic actors in the global economy and remedy for workers and affected communities.

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*John Irons* is the Director of the Ford Foundation's Future of Work team, supporting US and global efforts. *Laine Romero-Alston* is a Team Manager for the Open Society International Migration Initiative, leading the Fair Work Program in the Americas. *Daria Caliguire* is the Founding Director of the SAGE Fund, based in the US and supporting global efforts.





For *Open Society Foundations International Migration Program*, it means developing strategic interventions that draw from labour market, worker rights, and migrant rights arenas to improve conditions for migrant and low wage workers alike, and shift the broader business models and economic systems implicated.

For the *Ford Foundation*, it means shaping solutions that realise decent work and inclusive economies through investing in workers to have voice and influence, and by shaping policies and practices that centre workers and their wellbeing.

At the same time, we recognise that we are all working to transform the same deeply connected systems, with fundamental linkages and overlap in terms of interests, incentives, powers and structures. The issues we are trying to address and the rights we are trying to protect for communities and workers – whether informal, migrant or dependent contractors – are bound together underscoring the potential for collective interventions and disruptive impact.

As we explore how a global strategy to address these trends might take shape, we share as an input a recently released report that synthesises our insights gathered from grantees, external partnerships, research, and our own knowledge on the trends and barriers to quality work today as well as the opportunities to address quality work challenges. In this joint effort, we explored the potential of several opportunity areas for promoting a decent work agenda and human, migrant and labour rights on a global scale. Though these are not representative of all the frameworks we explored, and some were not fully tested given the timeline and approach, these are five opportunity areas that we identified as promising interventions for systemic change:

1. *Changing company practices and behaviour*: to change company behaviours, a combination of push and pull entry points can be useful.

2. *Influencing investment*: influencing investment can drive quality work, by utilising investment levers to encourage “high road” business practices and behaviours that mitigate risk and lead to more sustainable operations.
3. *Establishing international or transnational standards and norms*: global labour standards and norms are critical to advance and protect labour rights and protections.
4. *Strengthening and enforcing labour laws*: governments have primary responsibility for ensuring human rights are realised, including through enforcing standards and regulations, addressing policy failure, holding companies accountable, and protecting and supporting workers both within and across their borders.
5. *Organise workers to build voice and power*: cross border organising amplifies worker power, as does organising on multiple levels – across geographies, supply chains and migration corridors. Nonetheless, long-term systemic change hinges on empowering workers at the local level to represent their own interests in negotiations.

It is our hope that this dialogue will allow us to lift up promising interventions that have impact as well as offer lessons learned about interventions that aren’t working, and based on this understand how we reckon with and shift strategies amidst evolving circumstances. We are grateful for those who have weighed in so eloquently and purposefully to further this conversation and to put forward ideas and suggestions as we continue to wrestle with the extent of these challenges.

In solidarity,

**John Irons**, Ford Foundation  
**Laine Romero-Alston**, Open Society Foundations  
**Daria Caliguire**, Sage Fund



## RESPONSE

# Reflections on the role of philanthropy in the world of work

Mike Dottridge

Reading through the joint funders' statement above, and particularly the five opportunity areas identified by the Ford Foundation, my assessment is that the conventional human rights framework – the third strategy on this list – requires reinforcing. Despite all of the talk of new and different approaches, there remains considerable value to actually holding governments accountable for existing standards which they have agreed to uphold, yet frequently fail to do so. The final strategy – organising workers – also deserves special emphasis and needs further funding to amplify and transmit workers' voices.

### **We still need more accountability!**

Reinforcing the human rights framework means holding governments to account for:

- Their failure to implement the positive measures required to protect human rights. This requires more than criminalising human trafficking, forced labour, and other workplace abuses;
- The measures they *have implemented* that effectively prevent certain categories of workers from exercising their rights, such as migrant workers and domestic workers.

Like all strategies, this approach needs some fine-tuning. It should avoid supporting initiatives at the United Nations that go around in circles or do not result in binding agreements. Instead, it should explicitly identify what all governments must do in order to stop gross exploitation and discrimination.

Some judgments by regional human rights courts are already doing this.

Furthermore, as labour inspectors around the world are routinely under-resourced, this is a sector that requires monitoring, as well as technical innovation. Monitoring both the resources provided to labour inspectors (and other enforcement agencies operating in the world of work) and the way they perform is crucial, but they can only begin to function properly with adequate funding. We shouldn't assume that only rich businesses or philanthropists can take on the job of enforcing laws against extreme exploitation and labour abuse.

Interventions are already underway on all five strategic areas. There is a danger that the first four of the five result too easily in 'top down' approaches and 'one size fits all' solutions, when the world's cultural diversity requires more heterogeneous solutions. This diversity tends to be glossed over, especially when global capital as a whole is held responsible for most ills. Priority should be given to 'horizontal' rather than 'vertical' approaches, whereas today it's too often the other way around.

We have learned from experience that 'one size fits all' solutions tend to be deformed once they are implemented at local level. A small business supplying a global brand might, for example, satisfy the brand's requirement of 'no child labour' by discriminating against young workers (banning anyone under 18 from its workplace). Similarly, we hear of migrants who spend fortunes to move from

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*Mike Dottridge spent 25 years working in human rights organisations, Amnesty International, and Anti-Slavery International, and has worked independently since 2002. He is currently a member of the board of the Issara Institute.*



one part of the world to another, only to be sent home again in the name of ‘saving’ them from the clutches of traffickers or other criminals.

Such stories demonstrate how some programmes or policies do tremendous damage to the individuals involved. Yet it remains surprisingly difficult to secure funding to document these negative effects. There needs to be an open acknowledgment when interventions do not work, yet funders and civil society organisations tend to close ranks in ways which make it hard to change course when mistakes have been made.

their employers or supervisors being aware of the consultations) and summarising their messages in different ways for different audiences. This should prevent packaging their words only for people who have influence (i.e. vertical communication), and help make relevant messages available to other workers (the horizontal audience). Improving access to accurate information empowers workers. We saw this in the way farmers in parts of Africa were empowered when they first obtained mobile telephones. Once they were able to check prices in different markets, they were able to reduce their dependence on the buyers who came to their farms.

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“Despite all of the talk of new and different approaches, there remains considerable value to actually holding governments accountable for existing standards.”

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**Workers need a greater voice!**

The fifth strategy listed by the Ford Foundation – amplifying the voice and influence of young and old workers, migrant workers, and returnee migrants – is vital. Conventionally this was done by promoting freedom of association and collective bargaining, and trusting that trade unions would transmit the workers’ voices. However, experience has shown that this is not enough: many workers go unrepresented and the trade union structures at the international level are sometimes part of the top-down problem.

Paying attention to “workers’ voice” implies an openness to alternatives outside of conventional trade unions. Such methods include, for example, consulting workers confidentially (i.e. without

Transmitting workers’ voice raises numerous ethical issues, especially if support for alternatives has the side effect of undermining the influence of unions. Is it possible for either workers’ leaders or non-workers to interpret workers’ voices correctly and honestly? It is relatively easy to be accurate about the abusive experiences reported by workers. It is more dangerous when intermediaries impose their own bias on the proposed remedies. Further finance is needed to develop innovative methods to transmit and amplify workers’ voices, focusing on methods that do not leave workers or migrants dependent on yet another broker who manipulates the message. The popular refrain of ‘giving voice to the voiceless’ misses the point entirely. People who are exploited are not voiceless, so we need to be cautious when we claim to speak on their behalf.



## RESPONSE

# Expanding the map: how funders can ensure quality work for all

Sienna Baskin

As a funder working at the intersection of human trafficking and workers rights, I greatly value the landscape analysis and call for collaboration found in the new report ‘[Quality Work Worldwide](#)’, recently released by the Ford Foundation and SAGE Fund. As another funder recently reflected, it is especially helpful as a directional map which identifies specific sites for improving the quality of work globally. Equally importantly, it also includes an analysis of specific barriers which can be anticipated, such as investors’ short horizon on profits or the lack of global governance, when it comes to changing the direction of our global economy.

While both funders and NGOs can benefit greatly from this map, there are still some uncharted areas. In this piece, I identify two additional themes that merit further consideration.

### **Recognise sex work in the analysis**

When we talk about informal work, we too often leave out the sex industry. Like many within society, funders can turn away from sex workers. Because of criminalisation and stigma, even labour rights funders often forget about this large sector, or gravitate towards more palatable causes.

Sex workers have been in conditions of precarity long before recent shifts in the economy made headlines. Operating in a hostile environment and without any of the benefits attached to legal employment, sex workers have nevertheless found ways to better their conditions.

They’ve done this through collectivisation, unionisation, law reform, self-regulation, peer protection, sharing resources, and early and constant innovation in their use of the internet. Many sex workers embrace the hustle and creativity that is possible in informal work, but also face exploitation and violence that comes from being so marginalised.

As the report states, “Informality itself is not a challenge; rather, the lack of rights and protections for these workers – and the stigma surrounding informality – is impeding quality work for billions of workers around the world.” Many of the strategies offered in the report for informal workers, from facilitating peer exchange to tailoring responses to specific sectors, would be valuable for sex workers.

Promising work by sex workers to protect their rights should be brought to scale. Including these workers would push the boundaries of our analysis, help us think about who else we are leaving out because of our moral judgments, our undervaluing of feminised labour, or our inability to see all the ways that labour and capital circulate. We should not leave sex workers off the map when it comes to any exploration of the risks and opportunities in the future of work.

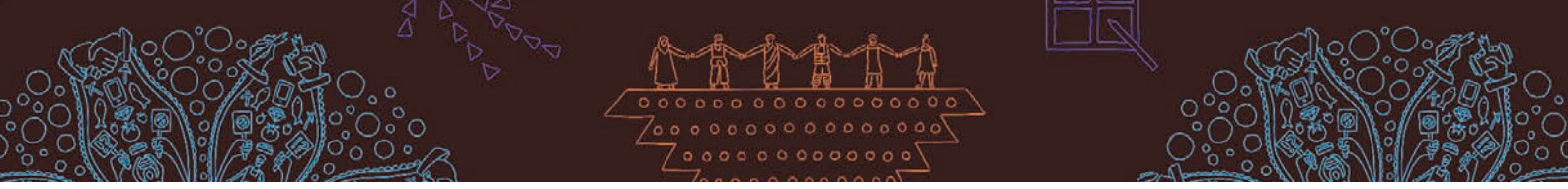
### **Challenging ourselves to challenge corporate power**

The power of corporations permeates every aspect of our lives, our economy, and our democracy. The legal buffers separating corporations at the top from workers in their supply chains mean they can

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*Sienna Baskin is Director of the Anti-Trafficking Fund at NEO Philanthropy, a project of the Oak Foundation. She helps support a human rights response to human trafficking in the United States.*





turn a blind eye to forced labour and other violations, even while benefitting from this race to the bottom. This report explicitly names the power of corporations, along with the need to build worker power to challenge it through leading models such as worker-driven social responsibility (WSR).

But corporate power reaches far beyond the workers whom they employ. Foundations themselves only have money to give away because of corporate profits, and their endowments (usually 95% of their assets) are invested in the world's capital markets. Corporate foundations are even more tied to the interests of corporations. As Anand Giridharadas argues in his recent book *Winner Takes All*, philanthropic foundations may talk about “systemic change”, but most philanthropists benefit too much from the system as it stands to really want to change it.

A funder strategy to promote workers' power must acknowledge this tension. This report from the Ford Foundation and SAGE Fund will have even more impact if it compels funders to explore how philanthropy's relationship with corporations could be used for good. More foundations could be screening for workers' rights offenders in their investment portfolios, or using their position as shareholders to hold corporations to account. Foundations must also be challenged to move outside our comfort zone: to fund more campaigns that directly challenge corporations and public policy change that puts limits on corporate power. Supporting the kind of transformation that will give everyone access to quality work will require funders to eliminate blinds spots such as sex work, and to confront corporate power, and our own relationship to it.

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## RESPONSE

# Funding the future of work means addressing gaps in the present of work

Amol Mehra

Our economic globalisation has raised hundreds of millions out of abject poverty. It has also left far too many with far too little. The global labour market teems with workers seeking employment to lift their lives beyond subsistence, yet the contexts in which they search for work make them highly vulnerable to exploitation and abuse. The predatory and pernicious side of economic globalisation thrives on an endless supply of fragmented, marginalised and invisible labour. No sector is immune to this reality because it is a hallmark of our market system. It's a design feature of the global economy, but it need not be.

The statement by the Ford Foundation, Open Society Foundation, and Sage Fund underscores the challenges presented by our current economic paradigm and draws attention to the various levers that drive and reinforce inequalities. Helpfully, the statement also articulates “opportunity areas” that are primed to address the design feature mentioned above.

The Freedom Fund supports work across these opportunity areas. Working towards our mission to end modern slavery, we have a front-row seat to the emergence of powerful solutions for ensuring fairness, equity, and justice for all workers.

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*Amol Mehra is Managing Director, North America, at the Freedom Fund. He previously served as executive director of the International Corporate Accountability Roundtable (ICAR).*



In Thailand, we work in the seafood sector where labour abuses, including forced and bonded labour, are rife. Migrant workers in the seafood sector scour the seas on fishing vessels for weeks at a time, catching the seafood served in restaurants and sold by retailers across the world. These workers have no bargaining power, no formal recognition, and very little social protection.

In Ethiopia, we focus on a population of women and girls who, seeking economic opportunity, migrate to the Middle East for domestic work. In transit and on arrival, these women are at high risk of being abused and falling into situations of slavery. Most emigration takes place within an unsafe, irregular system that leaves emigrants vulnerable to physical abuse and sexual violence.

In southern India, we work with frontline communities to address labour exploitation in parts of the garment industry. Across the region, tens of thousands of girls and young women have been recruited into fraudulent employment schemes in some of the industry's cotton spinning mills. These workers are buried so deep in apparel supply chains that global retailers trying to address abuses across their operations claim they have little influence against these instances of exploitation.

Across all these contexts, we see how the opportunity areas in the joint funders statement are present. Supporting work along these lines can drive real and meaningful reform.

First, we see the drivers that lead to abuse. These include the decentralised nature of economic production; the lack of meaningful economic oppor-

tunities in communities around the world; weak education about rights; low commitment and resources from governments to enforce protections; and targeted and destructive efforts to undermine worker organising and power.

Next, we see how frontline communities themselves are best placed to address these challenges. It is therefore crucial to invest in the front lines, including workers and civil society, and to develop solutions with them to tackle the drivers of abuse. This could be by investing in efforts to build worker power, and by supporting workers to organise, claim their rights, and challenge the systems that lead to abuse as we are doing in Thailand. This could also mean investing in community-based economic models, or supporting prevention programmes and alternative livelihoods to build resilience among vulnerable groups as we're doing in Ethiopia. Finally this could include supporting civil society to advocate and engage with factory owners, global retailers, and local officials to drive reforms as we're doing in southern India.

As we embark on this fourth industrial revolution, we must take note of the challenges of work – and their effects on vulnerable workers specifically – in the present. Exploitation thrives across sectors and regions, and our efforts as funders aren't adding up to enough. We need more action, faster and at scale, to ensure that the future of work is less bleak than the present. The key to success is understanding the contexts and consequences of current economic models, and directing resources to front-line efforts that confront the drivers of exploitation. Only then can we possibly ensure that the future of work is a hopeful one.



## ROUND TABLE REFLECTIONS

# How can funders support the spread of worker-driven social responsibility?

Lupe Gonzalo and Marley Monahan

**Lupe:** The reality is that all of the pieces of the worker-driven social responsibility (WSR) model are critically important, and they all have to be well resourced in order to function. Whether it's travelling, or getting materials to workers, or printing thousands of handouts, or sending out an education team, or so on. They're all necessary, but we see a real imbalance in where we get funding. Sometimes we fall really short in less popular areas, like workplace monitoring. That creates a bigger problem than one might think, because we all have to stop our regular work in order to frantically fundraise for that one area. So being holistic in a funding approach is crucial. For WSR, corporate campaigns and consumer action is really important. Monitoring is important. And the workers are important. All three things are critically important. You can't do WSR without all three.

**Marley:** There's a metaphor that I use a lot with our funding community, which is about gardens. It does not work to plant seeds and walk away. A garden is a year-round endeavour, and you need to support it at every stage of growth. The Fair Food Program (FFP) has become a very mature version of the WSR model and it is bearing fruit. We now need to harvest that fruit and replant it. That means cultivating, nurturing, replicating, and growing successful programmes like the Milk With Dignity Program in Vermont. If

funding drains away, flagship programmes like the FFP will wither instead of reaching their potential as pioneering forces, and no longer be able to serve as guides for newer programmes.

I'd also like to say something about funding metrics, and what it means to fund success. Funders really want to feel like they're a part of systemic change. Unfortunately, that can be misinterpreted when an organisation is measured by the loftiness of its goals rather than by its actual accomplishments on the ground. Organisations like ours are frequently pressured into positions of over-promising: 'Within five years we will take WSR to every industry in the US' – that sort of thing. It should be about what we are doing to create change that is both systemic and measurable, and what sort of clear and concrete plan we have for the future.

Furthermore, if we're talking about systemic change in work, then we should also be talking about worker-driven metrics of impact. This goes far beyond an organisation's mission, or how much infrastructure they have. Has there been measurable change in the lives of workers? Of how many? And how deep does that change go? Those are the metrics that I think funders need to focus on.

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*Lupe Gonzalo and Marley Moynahan both work at the Coalition of Immokalee Workers.*



## ROUND TABLE REFLECTIONS

# How can funders support the growth of transnational solidarity?

Shawna Bader-Blau

Transnational solidarity should be supported as a good and as a value in and of itself. Businesses and authoritarian states are doing their own versions of transnational joint work, and they've got bottomless resources to play with. They'll be doing that no matter what we do, often with negative impacts for the rest of us. We need to show that embedded relationships among people around the world are actually more important than the global connections of global capital, or the global collaborations of the autocratic political elite.

Donors correctly frame their role as that of 'partner'. They should be partners because they're filled with smart people who have their own important visions. But that partnership needs to reflect a tolerance for ambiguity and an ability to be a deep listener – patient and invested in the long term. This is really important because remaining distant from movements and passing out money is a very limiting way to help. There are many more ways funders could use their power to support these movements. At the same time, it's also really important that they're not controlling or second guessing social movements with that positional power.

Measuring success needs to be thought about differently when we're talking about developing transnational solidarity. Metrics need to be serious, but they also need to be long-term. The building blocks of solidarity – patience, commitment, deep listening, developing a joint analysis – require time as much as they require money. It takes technology for people to communicate across borders, and frequently air travel as well. It takes interpretation and

translation. You can't expect the English speakers of the world alone to develop a powerful transnational social movement. People have got to be able to speak in the medium in which they live and work, and sometimes that means funding many rounds of interpretation so everybody can speak with the most confidence and strength.

If funders want to support transnational solidarity movement building, they need to think about supporting core operating budgets rather than always trying to underwrite specific activities. That's important because if you're building a movement of workers around the world you're not going to be able to predict all the specific interventions in advance that will be needed over the course of however many months or years a grant is operating.

Further, if a donor wants to support an organisation's goal of developing its relationships across borders and building transnationally, then it needs to invest in its relationship with that organisation as well. Core support is really the best way to do that. Not only does it pay for staff and internal development work, but it signals belief in the organisation and its mission. It says, 'We've talked about it, we get each other. I believe in your vision and I see your plan - we're partners. I'm your funding partner, here's the core support'. And then you stay in touch. The donor becomes part of the movement and supporting it, but not inadvertently trying to manage it. You're not telling it what to do, and you're not holding it to a promise of a specific intervention that was made a year ago when circumstances were completed different.

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*Shawna Bader-Blau is Executive Director of Solidarity Center.*





# The future of work

## Meet the round table



Alejandra Ancheita

Alejandra Ancheita is Founder of the Economic, Social and Cultural Rights Project (ProDESC) in Mexico City.



Shawna Bader-Blau

Shawna Bader-Blau is Executive Director of Solidarity Center.



Anannya Bhattacharjee

Anannya Bhattacharjee is International Coordinator of Asia Floor Wage Alliance.



Luis C.deBaca

Ambassador Luis C.deBaca, of Yale University's Gilder Lehrman Center, directed the U.S. Office to Monitor/Combat Trafficking in Persons under President Barack Obama.



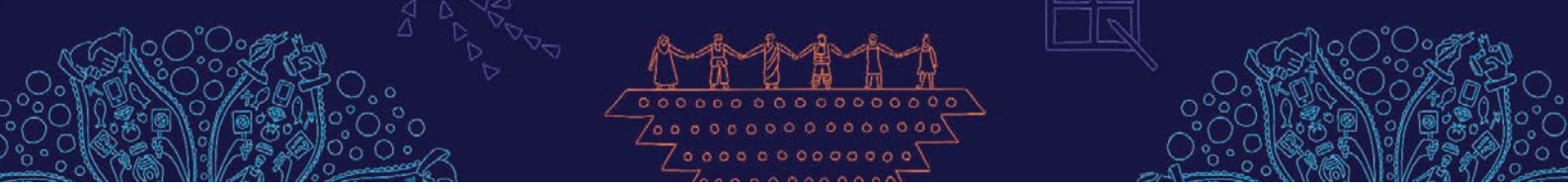
Han Dongfang

Han Dongfang is Executive Director of China Labour Bulletin in Hong Kong.



Lupe Gonzalo

Lupe Gonzalo works with the Coalition of Immokalee Workers. Her colleague Marley Moynahan translated her responses into English.



## Theresa Haas

Theresa Haas is Director of Outreach and Education at the Worker-Driven Social Responsibility (WSR) Network.



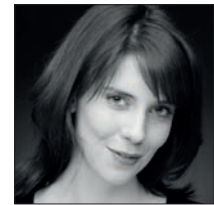
## Penelope Kyritsis

Penelope Kyritsis is Outreach and Education Coordinator at the Worker-Driven Social Responsibility Network.



## Emily Kenway

Emily Kenway is Senior Adviser on Human Trafficking and Labour Exploitation at Focus on Labour Exploitation. Until recently she was private sector adviser to the UK's Office of the Independent Anti-Slavery Commissioner.



## Reema Nanavaty

Reema Nanavaty is Director of the Self-Employed Women's Association (SEWA).



## Elizabeth Tang

Elizabeth Tang is General Secretary of the International Domestic Workers Federation.



## Alison Tate

Alison Tate is Director of Economic and Social Policy at the International Trade Union Confederation (ITUC).



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“The uncontrollable, unmitigated, unfettered pursuit of profits is not something that God ordained.”

– Shawna Bader-Blau

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# Question 1

Global patterns of work and employment are structured very differently today than in the past, due to factors such as the rise of global supply chains, new financial models, the growth of migrant and informal labour, and technological innovations. What are the most important changes in the nature of work globally, and what have been their primary impact for workers?



## Alejandra Ancheita

The signing of the North American Free Trade Agreement (NAFTA) in 1994 brought about enormous changes for workers in Mexico. NAFTA was supposed to improve working conditions and labour rights. Instead it established a series of measures that effectively reduced the possibilities for workers to strike or bargain collectively.

The rights of rural and indigenous communities to the land and natural resources around them were also affected by NAFTA-related economic policies. People who used to work as farmers found themselves migrating to the nearest cities or north to the United States. So while the introduction of neoliberal policies after NAFTA positively affected corporations, it negatively affected labour. For Mexican workers both precarity and informality have grown over the past 25 years. Mexico is considered an emergent economy, but around 60% of the population is living in poverty. Inequality is an enormous problem in Mexico, and the living conditions of the general population in comparison to the economic elite are very bad.

Precarity has become the general rule for workers in Mexico and Latin America more generally. Most workers are not able to collectively organise as an independent union. They are not able to create contracts through collective bargaining. Their instability affects their other rights, and many no longer have access to the right to housing, health, or education for themselves or their families.

Violence in the factories has also increased. By violence, I mean that the employer is not paying extra hours and not providing workers with the legally required work environment. Managers are verbally abusive. Female workers suffer sexual harassment, and so on. In such environments, where it is so difficult for workers to demand respect of their basic labour rights, they also have little success in demanding the right to collectively bargain.

## Shawna Bader-Blau

While much about the nature of work has stayed the same for decades, I would highlight a few changes over the past 50 to 70 years that have had a real impact on working conditions globally. These factors are setting the groundwork for the future of work.

I'd start with the creation of the Bretton Woods institutions after the second world war: the World Bank, the International Monetary Fund, and the other sister organisations. Their approach to rebuilding the world's economy developed in the context of the fight between capitalism and communism and between different forms of democracy and authoritarianism.

These institutions emphasised the need to establish global free trade, interconnectedness, and private-sector growth in both norm and practice. From this point onward, you started to see a real push on things like the flexibilisation of labour markets and the loosening of labour laws. The Bretton Woods institutions used loans and rules enforced on poorer countries to weaken labour laws, to limit public budgets and public spending, to institute fees on health and education, and generally to instil a notion of private sector growth in countries.

This trajectory has continued with force throughout the past seven decades. We have gotten to a point where in more and more countries it's hard to do very simple things like form unions or come together as workers to achieve collective bargaining. In many countries the right to strike has been dismantled, and the concept of the right to employment has been eliminated almost everywhere. That has really affected the nature of work. We've seen not only increasing crackdowns on unions and union rights, but also growth in short-term, temporary, and flexible forms of employment.

The growth of global free trade agreements in recent years has exacerbated this trend. These are really massive investor treaties that enormously privilege the rights of investors over the rights of





humans and the rights of workers. Individual rights continue to be constrained at the national level, while investment flows are governed at a global level. It has been very disproportionate growth – investors over humans.

Finally, the massive growth of technology, which has had so many amazing benefits for all of us, has also allowed private sector companies to extend their reach in pursuit of the cheapest inputs, labour, and distribution services. Today's global supply chains contain large quantities of temporary and contract labour. There is virtually no legal accountability for lead firms when it comes to human rights, as they subcontract out the vast majority of the work – and their responsibility. This means workers are not only being driven further and further apart from each other, but they are also becoming more distant from the forces of capital impacting their day-to-day lives. These factors together have had a massive negative impact on the world of work.

## Anannya Bhattacharjee

I would say two things. First, the structure of production itself has changed considerably. A large part of production now takes place through global production networks, which has really changed how responsibility is distributed. Multinationals outsource their work to other regions where labour is cheaper. In doing so they evade the responsibility of actual production, yet still benefit from the cheaper cost of production. The growth of those global production networks has definitely been a key change that has affected workers' lives.

Second, we have seen the growing dominance of short-term, extremely insecure employment relationships, where employers actively recruit the most vulnerable parts of the population. We've seen large numbers of people moving from rural to urban areas in search of work, because they see the growth of industries there as a source of jobs. However, once they enter those jobs they understand very quickly how torturous the employment is. That is a huge lesson for them. The insecurity of their employment and

the extremely exploitative conditions of their employment conspire to make it very difficult for them to voice their grievances or seek justice.

On top of that, they find that this employment opportunity – which they thought would alleviate their poverty and which is why they migrated – actually pays very little. They are barely able to manage their expenses and go into increasing amounts of debt. They are surprised by how little it really helps them to economically better themselves. This is how workers experience it.

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“You never want to have criminal law enforcement driving social policy or standards out in the workplace.”

– Luis C.deBaca

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Many workers these days are also women workers. They experience an amazing amount of sexual harassment and compulsion to engage in sexual activities to keep these jobs. So there is another layer of violence that comes through because again, as I said, the point is always to recruit the most vulnerable workers in this type of production.

But as bad as it is, it's usually not as bad as going back. These are situations of relative misery. In urban jobs they're just barely able to meet their expenses to keep their body and mind together. They are able to feed themselves and their families. Many suffer from severe malnutrition, but feeding themselves badly is still better than hunger or starvation.



## ROUND TABLE REFLECTIONS

### Have the lives of informal workers improved over the past several decades?

Reema Nanavaty

Anannya Bhattacharjee is right that for many rural workers, migrating to urban areas seems like upward mobility. But the formal sector can't absorb them when they come to the urban areas, so they end up working in jobs where there's no social protection or legal contracts. Their lives are very precarious. Self-Employed Women's Association conducted a study shortly after the global economic slowdown in 2008. The Indian government claimed that the country hadn't been affected, but we found that workers in informal trades like waste collection, agriculture, or garments were no longer being paid and were returning home. They had come to the cities perhaps eight or 10 years earlier, and now they had to move back to the villages. It was ex-

tremely difficult for them. For women doing home-based manufacturing in rural areas, life has not become better for them either. Their work is also now much more precarious. Take hand-rolled Indian cigars. Ten years or so ago, if a woman was rolling cigars she would have been doing it for a single company. It was permanent work. That doesn't happen anymore. For many women, full employment in a particular kind of trade or occupation is no longer an option. They have to continuously shift. Today they roll cigars, tomorrow they're in packaging, the next day they're making incense sticks. It's precarious work for meagre wages, and with longer hours than before.

So it's really a question of relative misery. They have something, but it is nothing close to decent jobs. In India job creation is really the creation of miserable jobs. What I think is very disturbing about all this is that it really wouldn't take much to make these jobs more decent.

## Luis C.deBaca

One of the most concerning trends is that developed countries have allowed their labour inspectorates to be weakened over time. They used to have governance and institutions that were sufficient to engage on behalf of workers. Now they are more like those of developing countries in terms of their inability to investigate.

Labour departments around the world in the sixties and seventies were actually quite active. Companies worked to undercut them by attacking their budgets and statutory authority. In other words, they attacked inspectors' ability to force change in the workplace. This dismantling of labour ministries and labour inspectors, along with the dismantling of the ability to

unionise through globalisation, are to me both very important changes. That shift has meant that some of the slack has been picked up by the prosecution function of the state. Police and prosecutors must now deal with forced labour and horrible worker mistreatment, often in cases where it never would have gotten so far if there had been proper administrative enforcement by labour inspectors.

In the 1990s, we at the US Justice Department's Involuntary Servitude and Slavery Programme found ourselves pushing Congress to give us a criminal labour violation with the prospect of jail time. What was happening was that labour inspectors were coming to prosecutors and saying these guys keep flaunting the civil penalties. They're eating the fines as a cost of doing business – we need to make this criminal. We had ended up in a situation where prosecution and law enforcement had to come in because the more effective labour response had evaporated. That's not good. You never want to have criminal law enforcement driving social policy or standards out in the workplace.





The consequence of that for workers is that the stakes get a whole lot higher. If the only tool available is criminal law, what gets done to you has to be worse for the government to care. The level of proof necessary also goes way up, and companies are probably going to fight the case much harder.

Also, if we're forced into saying that something is slavery or trafficking in order to go after somebody, it exempts companies from having to create better workplaces by making only the most egregious important. I think there is a huge danger in us setting up entire work-related regulatory schemes around these terms of slavery and trafficking.

It would be like trying to plan a response to childhood exposure to violence, and then only dealing with murder. You have to look at all the stages and degrees of severity that come before that. If murder is all you do, then you end up not dealing with the entire thing that gets you to the place of murders. It's the same thing here. If you're not dealing with wage theft, if you're not dealing with hours worked, if you're not dealing with the ability to act through unions, then don't be surprised when the most horrendous violations of enslavement and abuse end up happening.

## Han Dongfang

The globalised and fast-changing supply chain model of production sets workers further and further away from each other even as the goods they produce become ever more closely related within a highly globalised market. Unfortunately, while this process was happening neither national nor international trade unions found a way to effectively respond to this new reality. The extra wealth created by this globalised production model is disproportionately distributed. Far more of it reaches the hands of capital than those of labour, and far more ends up in developed countries than developing countries.

As a result, on one hand, the price of products remains low. Consumers, including working families

in the developed world, are able to consume more. On the other hand, the income of the workers producing these goods in faraway countries also remains low.

This new reality impacts workers in many ways, but the two most detrimental factors are the difficulty in organising, both locally and internationally, and the loss of local and global bargaining power.

## Lupe Gonzalo

From the perspective of my community and my home country, but also from that of many American workers, corporations have evolved over the past several decades in ways that have greatly increased their power. They have taken advantage of that power to effect political change. Their actions have also forced workers and entire communities to leave where they originally are from in order to seek out work to survive.

What workers find out through the migration process is that the places to which they arrive have the same types of abuses as the places they came from. They left to seek better jobs and better lives. What they find are incredibly abusive situations, this time exacerbated by the fact that they are now in a new place where they don't know the laws and where they don't know their rights. Now it is even easier for people to take advantage of them. That has been the biggest impact that we've seen for these communities.

In this new context companies take advantage of any crack of vulnerability that they can find in order to profit as much as possible. At the end of the day their one concern is how much money they can make. It's a deeply problematic and abusive situation where both governments and companies are able to push for certain policies without thinking about the humanity of workers and their families. This is how we've ended up with conflicting sets of economic and immigration policies that first pressure workers to migrate and then allow them to be exploited and abused when they arrive.



## Theresa Haas & Penelope Kyritsis

**Penelope:** Among the most striking changes in the nature of work concerns the rise of global supply chains and relatedly, the increase in outsourcing and sub-contracting practices. This re-organisation of production has given multinational corporations the ability to dictate costs along their supply chains. They use their market power to pressure suppliers to cut prices, a practice which allows an ever greater share of the profit to concentrate at the top while margins are further and further squeezed down below. These changes have enabled a consolidation of corporate power of multinational corporations as buyers at the top of supply chains.

At the end of the day, those most affected by this price squeeze are the workers at the bottom of supply chains. Supply chain dynamics and buyer practices have made it very difficult for suppliers to maintain successful commercial relationships and comply with labour standards, including minimum wage laws, at the same time.

**Theresa:** The consolidation of corporate power and the rise of global supply chains have created intense competition between suppliers. The easiest way for suppliers to compete is on the basis of price, and the easiest way for them to lower prices is by squeezing not only direct labour costs but also associated indirect costs. That means, for example, not providing appropriate fire safety equipment or seating in a factory, or paying the legally mandated premium for overtime.

Concentrated corporate power combined with intense competition among contractors has also allowed firms to shorten lead times. Buyers at the top of supply chains can pressure suppliers to deliver goods faster, more quickly, and more cheaply. This puts an incredible squeeze on workers financially, physically, and emotionally that really embodies this idea of a race to the bottom.

**Penelope:** A lot of times when people talk about labour exploitation they talk about it as if it's an unintended consequence of business practices. However, labour exploitation is an integral part of the design of global supply chains. When the idea is to get goods as cheaply as possible by outsourcing costs it's inevitably workers who pay the price.

**Theresa:** I think responsibility lies almost exclusively with the brands at the top of supply chains. They have intentionally restructured their industries in almost deity-type ways. The production of many products bound for the US market used to take place exclusively in the US, often by suppliers wholly owned by the retailers. That system had a number of flaws from a business perspective, one of which was that the retailer and the supplier were one and the same. That put a significant, exclusive amount of responsibility on the retailer for the conditions of the supplier.

By outsourcing production, buyers distanced themselves from that responsibility. At the same time they created an intense amount of competition that has driven down prices. Suppliers are really caught in a bind there, but I don't think brands are at all. Brands have done this intentionally because it is in their best interest to outsource production, deny responsibility, and drive down prices.

## Emily Kenway

Changes in the way production is organised, rather than changes in the nature of work per se, are what determine the constraints and opportunities around work and the potential for rights in labour. Over 80% of goods and services are traded through supply chains today in an incredibly complex, globalised system of production. Thousands of sub-contractors and suppliers operating below intricate transnational corporate structures now relate to the eventual end product or service.

This works really well for capital, essentially because it fragments the power dynamics in production. That, in turn, fragments responsibility and



creates a vacuum of accountability in relation to labour rights. The London construction sector is a good place to see this in action. It is common to find workers on a site who do not know what company they're working for, because the work has been sub-contracted out so many times. So these chains obfuscate who the ultimate employer is. That's not a term that the corporate sector is that happy with. But if you look at the power dynamics down these chains you can see that the lead companies at the top are, to some extent, shaping the conditions and possibilities for workers' terms much lower down.

Legal frameworks have not caught up with this at

always been a significant constituent part of the economies of the Global South. People think of informal labour as somehow anachronistic, and assume that sectors will formalise over time. People often talk about this in relation to domestic labour, as it has particularly high rates of exploitation. Yet that formalisation isn't happening, and in general the informal sector is actually growing.

The other thing is that while migrant labour has grown – that's a change – more important is that we still haven't learned to protect them. They remain largely excluded from labour rights protections. The UN Convention on the Protection of the Rights

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“Once people know you are a domestic worker, they immediately think you are stupid. You are dirty. ... It is very hard to ask for legal protections when the people around you do not think you deserve them.”

– Elizabeth Tang

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all. A worker's labour rights may fall in between different national jurisdictions, or between different nodes of a supply chain within a country. Millions of workers around the world are bound into this system, but without clarity on how to leverage those chains for their benefit, or where to direct claims and grievances to achieve change.

This whole picture of fragmentation and inaccessible accountability is compounded by two further issues. They're often talked about as if they've changed, but the ways they haven't changed are more important. The first is informal labour. It has

of All Migrant Workers and Members of Their Families was finalised in 1990 but so far it has had very low levels of ratification. It hasn't succeeded.

Taken together, these factors have created a situation where responsibility chains are totally obfuscated; where capital has free movement but labour rights have not gone with it; and where you have growing parts of the labour market – informal and migrant labour – that are under-protected. It's a really disenfranchised, under-protected labour market that benefits capital above all else.



## Reema Nanavaty

When people speak about global changes in working conditions the informal sector is completely left out. Workers in the informal sector often work out of their homes, so even though the majority of the workforce in India and in the Global South are informally employed their work remains invisible. This means that most policy debates end up only discussing self-employed or informal workers from the point of view of advanced economies.

The informal sector is growing. When the Self-Employed Women's Association started in the 1970s it was around 90% of the Indian economy. Now it's around 95%. Part of the reason for this growth is internal migration. Informal workers migrate to the cities from rural areas and are only able to find precarious and menial kinds of work.

For informal workers in India and the rest of the Global South, innovation is an in-built part of their coping strategy. There is no security of work – the informal sector resides outside the purview of government policies – so workers have little choice but to continuously change their work and adjust to newer skills. One day I might be an incense stick roller or an Indian cigar roller, then I might move to packaging, and from packaging I might suddenly move to finishing ready-made garments.

As innovation as a daily coping strategy for informal sector workers remains unrecognised, many questions crucial to policy remain unasked. Everybody talks about skilled development or life-long learning, but what does life-long learning mean in an informal context? What kinds of skills or schools are required? These questions remain unanswered.

That home-based workers are often found in rural areas also affects workers' positions within global supply chains. Does any major company directly work with these informal sector workers? No, they do not. They just cannot afford to. They are scattered, they work out of their homes, their tools are

worn out. These workers don't know where the raw material comes from or where the finished product goes to. Therefore, it is very convenient for brands at the top to just work with the intermediaries. That is why, despite their putting in so many long hours of work, the informal sector workers do not get their fair share of income.

## Elizabeth Tang

Most of the changes are actually nothing new. We have been talking about capital moving around, the exploitation of workers in so-called third world countries, migration, and the casualisation of labour since the seventies. What's new is that advances in technology have intensified them.

More women are migrating. Not just so-called professionals or people with high levels of education are chasing better work, but also comparatively uneducated women with little English from rural areas. This happened before but not at this scale.

Technology is, I think, driving this shift. Lots of domestic workers are now migrating solely through the information they find on websites, rather than with the help of an agency. It's now easier for them to make the move on their own. Before it was just doing what a man told them to do. They didn't have anything concrete, many didn't get so much as a piece of paper from the agent. Now they have access to recruiting websites on their phones. There's a lot of information there, it's all written down, so it seems more real and more secure. It's not, but it creates that impression.

The catch is that when they finally get a job there is no protection. The website might have said \$10 per day or \$200 per month before they started work, but if that doesn't materialise there is nothing they can do. They aren't protected by anything. It's true that many more countries have passed laws regarding domestic workers, but they are not enforced. So what looks concrete, real, and precise actually turns out to be fluid.





The other big change is that worker security has either greatly diminished or gone away entirely. Nobody has a life-long guarantee for their job, and pension systems almost look like dinosaurs now. The line between informal workers or casual workers and workers with formal jobs has actually become very very small. In both situations what you have is not secure.

Discrimination hasn't changed too much, but it's important to note that it remains as alive as ever. The IDWF gets constant feedback on working conditions from its members, and the most common word we hear is discrimination. Once people know you are a domestic worker, they immediately think you are stupid. You are dirty. You are not made for anything better than to clean. They never realise that they depend so much on domestic workers, that their lives would be completely disrupted without them.

Lots of domestic workers are also migrants, and as migrants they also face another layer of discrimination. Add that to being a domestic worker, and people really have no respect for them. It is very hard to ask for legal protections when the people around you do not think you deserve them.

## Alison Tate

From a labour perspective the really important changes are the impacts of trade and globalisation on business models, and the creation of global supply chains. These have led to greater exploitation in the modern age. There's a lot of discussion today about poverty alleviation and bringing people out of the most extreme forms of poverty through wag-

es and access to income. But what we've seen in the last 10 years is a model of business that undermines the capacity for job security and income security. This of course leads to a spectrum of exploitations.

If you look at the global workforce, it's about three billion workers. Only 60% of those are in formal work, and the majority of workers around the globe, no matter what level of development, are in insecure work. They don't know what their next week or their next month will look like in terms of their income. For those 40% of workers in informal work, they don't have the recognition of an employment relationship with their employer or recognition under law. That level of insecurity is a very stressful and sometimes leads to desperate situations.

Many are working in less and less secure conditions, but they might be more concerned to keep their job than to speak up or complain. It is the experience of many workers that joining a union or taking collective action means risking retaliatory action from employers, not being assigned work or shifts, or the risk being sacked. Freedom of association, collective bargaining, and social protection are fundamental workers' rights that are recognised in international law. They are for all workers.

No job should be without a floor of universal social protection, which includes certain benefits for when a worker is not able to access sufficient income. No worker should be without a minimum living wage, or the capacity to bargain for a fair contract price floor. Yet that's what we're seeing more and more in the digitalised and platform economy.

## RESPONSE

# The future of work and the future of poverty

Alf Gunvald Nilsen

In demarcating the most important changes in the nature of work in recent years, Anannya Bhattacharjee [rightly points to](#) the emergence of global production networks as a crucial development. Moreover, she is absolutely correct in calling attention to the fact that employment relationships in these global production networks are very often short-term, insecure, and poorly paid. “In India,” she argues, “job creation is really the creation of miserable jobs”. This is no exaggeration. Despite very high levels of economic growth since the early 2000s, more than [80% of India’s workers scramble to earn a precarious living in the informal sector](#). The richest 1% of the population, meanwhile, [corner more than 70% of all wealth generated in the economy](#).

In addition to being a sharp diagnosis of the emerging world of work under capitalism in our times, Bhattacharjee’s observations also point us towards an important insight about [poverty in the Global South](#). It is created and reproduced through global production networks.

The emergence of global production networks since the late 1970s has been propelled by transnational corporations relocating parts of their production process – in particular labour-intensive manufacturing – from the Global North to the Global South. The industrialisation of Southern economies has, in turn, resulted in a massive increase in the size of the global working class. In fact, [the global workforce doubled between 1980 and 2005](#). This transformation also accelerated economic growth, and low-income countries became middle-income countries as they were integrated into global production networks.

Consequently, actors such as [the World Bank](#) and the [OECD](#) consider participation in global production networks to be an important precondition for successful development. However, there is an inconvenient fact that is often left out of these policy narratives. As development economist [Andy Sumner](#) demonstrated in his book [Global Poverty](#), as many as 70% of the world’s poor currently live in what the World Bank refers to as middle-income countries. Put slightly differently, one billion poor people live in countries that, since the early 1990s, witnessed economic growth precisely because of their integration into global production networks. These countries are, in principle, capable of ending poverty among their citizens.

This paradox reveals that the economic growth lifting countries from low-income status to middle-income status is profoundly unequally distributed. It also reveals a fundamental aspect of global production networks: they are comprised of different value tiers, and that different groups capture different amounts of the value created in these networks. [Workers in the Global South capture the least value](#). The work they carry out is poorly paid, temporary, and unstable. Their working conditions are poor and their access to social protection is restricted. Indeed, the share of national income paid to workers in Southern economies [has been falling](#) since the 1990s. We also know that some [55% of workers in the world economy have no access to social protection](#), while [60% lack a permanent contract](#). The majority of these workers are citizens of Asian, Latin American, and African countries. In short, precarious workers live in poverty in middle-income countries in the Global South.

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*Alf Gunvald Nilsen is Associate Professor at the Department of Global Development and Planning at the University of Agder.*





This means that to discuss the future of work is to discuss the future of poverty. In a context where the livelihoods of the majority of the world's population are dependent on wage labour, the struggle against poverty [has to be a struggle for decent, stable, and well-paid work](#). It must be a struggle for social citizenship that advances redistribution in favour of the working classes in the Global South.

I use the word struggle deliberately, for it is nothing short of delusional to think such changes will come about without organising and mobilising workers to challenge the power of transnational corporations and political elites. Power, as we know all too well, concedes nothing without a demand. It never has, and it never will.



## RESPONSE

# From brothels to independence: the neoliberalisation of (sex) work

Ava Caradonna

For decades, the British sex industry has straddled both informal and illegal work. This is because while the buying and selling of sex is technically legal in the UK, everything that produces the exchange of sex for money – advertising, employing support staff, renting premises, working collectively – is criminalised. As a result, our workplaces in ‘flats’ (small scale brothels), saunas, and hostess clubs have never been stable or safe places.

There has never been any job or income security in the sex industry. You only make money if it is busy, and the ‘house’ takes a percentage of your earnings – sometimes as high as 65-70%. However, up until recently, the way the system usually worked was that the flat manager would cover overheads. Buildings come with rent, utilities, and maintenance costs. Venues also need interior decorating, furniture, bedding, towels, equipment, and cleaning, and in our corner of the service industry also condoms and lube. Bosses would produce and place ads in newspapers and cards in red telephone boxes. They would provide security and often a receptionist, who would screen clients either on the phone or at the door. Similar arrangements existed for escort agencies, although in their case workers were often required to sort out somewhere to receive ‘in-calls’.

While we were never paid for the hours spent waiting for clients, and while we had to cover the cost of our own work clothes and grooming, sex workers were not expected to invest time, money, and skills into our work when we were not on the job. Our

only investment in marketing was the construction of a work persona. This persona existed in clearly demarcated ways. It appeared when we came into direct contact with clients – either in the room, when actively earning money, or when introducing ourselves to potential clients – and disappeared just as quickly. This meant that sex work was clearly defined as a labour practice within time and space. A job with its uniforms and costumes, tools and office politics. A performed role, which you could stop performing when not actively working. In the past five to ten years, this has changed completely.

### The ‘entrepreneurial’ sex worker

In the last decade, working in flats and saunas has become increasingly risky and difficult. This is in part due to increased immigration raids, neighbourhood gentrification, and the closure of many premises by police with the help of abolitionist feminists. It is also partly a consequence of the broader incorporation of informal service work into the online, freelance, customer-reviewed ‘gig’ economy.

Today an increasing number of sex workers in Britain – although certainly not all – are ‘independent’. They are ostensibly self-employed, freelance entrepreneurs. It is a shift that has affected every aspect of sex workers’ lives. Unlike ‘flat’ managers, individual sex workers can rarely secure and afford to rent long term work premises. Instead they hire hotels or rooms by the hour and go to clients’ hotels and homes. And with expensive print advertising out of the question, sex workers must now drum up

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*Ava Caradonna is a migrant, a sex worker, a student, a mother, a citizen, a trans person, a person of colour, a teacher, a queer, a lesbian, and a militant. Ava allows us to speak from different positions as sex workers and as allies, without the stigma of using our ‘real’ names, and allows us to speak to the different realities of the sex industry.*





clients online. They maintain profiles on platforms such as AdultWork, promote themselves on social networks, and many even have their own websites.

The work of digital self-promotion is never-ending. Online marketplace websites require constantly updated picture galleries; a 'personal' story; details of services available; an active blog; reviews of clients; accepting clients' reviews of you; and often a webcam presence. Platforms like AdultWork penalise you or delete your profile if your response time isn't quick enough, or if your phrasing isn't to their liking.

If you have your own website, you also need to spend money on web hosting and web design, or, if you have the skills, spend hours doing it yourself. You need to pay for photographers, outfits, and work tools. You need to spend hours on Twitter, Facebook, or Instagram. You need to communicate with clients via phone, Whatsapp, Skype and email. You need to have and engage with a work phone, which you are expected to check constantly. All this before you make one penny.

To understand how sex work has changed requires thinking through how both our labour conditions and the political economy of the industry has been transformed. We are no longer forced to hand over hefty house fees to a boss, but our overheads are now much higher. The economic risk of investment has been shifted onto the worker. At the same time, we are now required to invest nearly infinite amounts of unpaid labour into our 'businesses'. Working hours now stretch into every waking moment and working spaces become everywhere and nowhere.

### **The isolation of 'independence'**

The term 'independent' brings to mind freedom and agency, but the very opposite is often the case. As an 'independent' sex worker, you are not exploited by a single employer within a capitalist framework, but by the nebulous yet crushing demands of an entire market. Independent workers are constantly on display while being dangerously isolated. They work alone in spaces hired by the hour, with no cleaners, drivers, or security, and

with no check-in/check-out practices. Many new workers don't even know the 'buddy' safety system, and lots of workers don't have friends who can do this for them due to stigma, immigration, parenting or employability concerns.

You can no longer go to work in an anonymous destination. Your activities are all registered online. They are connected to your IP address, and in many cases, to your email and social media accounts. Many workers report clients mysteriously appearing on their private social media profiles. In order to access adult websites, you need to provide your full identity details and passport. In most cases, your face and body are also plastered all over the internet. In neoliberal speak you can 'choose' to not show your face in these images, but the price will be lost work. That means only workers who can afford to pick and choose can take this protective measure.

When many of us started working – in brothels, flats, peep shows, escort agencies or outdoors – we had the benefit of other workers showing us the ropes. We received recommendations or warnings about workplaces along with other imparted knowledge. How to take and store the money; how to define and protect boundaries; how to give a good service while minimising strain and risk; how to guard against dangerous clients; how to recognise burn-out symptoms; how to get out of hairy situations. This shared community knowledge encompassed not just toys, tools, and anatomy, but how to handle the job psychologically and physically.

### **Safety in numbers**

Working in flats and brothels, sex workers could also share health concerns. We showed each other symptoms we are worried about, and shared information about treatment, prevention, and the best clinics. The long-established sex workers' knowledge and vigilance regarding our health has been alarmingly diluted over the past five years.

Rarely do public discussions of sex work actually reach into the practicalities of the work. However, it is crucial that we do so. Oral sex without a condom is



quickly becoming normalised, often with very little extra charged for this service. The perils of STDs are either poorly understood or viewed as an unavoidable hazard by many new ‘independent’ workers.

Vaginal sex without a condom used to be almost non-existent. It was something workers would do in secret, charging a hefty sum for the risk. It is now becoming common. Anal sex, hitherto a very specialised and highly priced service in the case of cis women sex workers, has also become a much more widespread and cheaper practice. The alarming decline in safety and the reduction of prices is directly related workers’ isolation. New workers no longer come into contact with more experienced workers, and they are deprived of the knowledge, support, and pressure of their peers.

This is not to say that everything used to be roses. Of course some flat managers used to put indirect pressure on workers to provide oral without a condom. They behaved like any other bad contractor or manager who wanted workers to comply with unsafe conditions in order to keep the client happy and increase their cut. However, in our experience this was relatively rare and never compulsory. Moreover, such flats quickly acquired bad reputations as workplaces to be avoided. The pressure on ‘independent’ workers is much more subtle and oppressive. If oral sex without a condom becomes a common service, you feel that you have no one but yourself to blame if you can’t make ends meet when not offering it.

### **At risk for less and less**

Platforms such as AdultWork are major contributors to the decline in workers’ safer sex standards. Their ‘check list’ of services is particularly damaging. This list contains a long list of practices, many of them unsafe. It indicates to new workers – and, crucially, clients – that risky practices are no longer seen

as exceptional. And while a sex worker can certainly ‘choose’ to opt out of them, doing so now seems oddly limiting – to quote many clients, ‘conservative’.

Who profits from this new arrangement? Many clients are taking more health risks now, but they are also getting much more for their money. Workers also face increased risks yet earn less for their labour. Prices have dropped dramatically over the past few years. This is partly due to stiffer competition, austerity, and a lack of industry standards due to the vanishing of flats. However, there is another, perhaps more important reason: the illusion that we are making more money thanks to the elimination of the middle-person.

As ‘independents’, we are no longer obliged to give the lion’s share of our hourly rate to mediators and managers. The sum we charge the client is all ours. As a result, we feel we can afford to charge less in order to get more clients. However, the sums don’t add up. ‘Independent’ workers, in fact, invest a lot of money and labour in getting and maintaining clients. The long hours of unpaid marketing and admin work, and the stress caused by constantly being at the client’s beck and call, are neither visible nor financially accounted for.

Sitting in a flat waiting for clients was also unpaid labour. But at least when we worked in this system we knew when we were working. We were able to calculate our real hourly wage by dividing our take by the actual time we were *at work*. We could see if we were earning enough at a specific workplace, and if we weren’t we could try somewhere else. So, as is often the case with neoliberal notion of freedom and choice, the consumer pays less, and the worker puts in more invisibilised, unwaged labour. And this time there’s no recourse, since, allegedly, we are all our own bosses.





## Question 2

Do you believe that existing strategies to promote ethical investment and ethical consumption have been effective in improving worker conditions and promoting workers' rights? Do you have examples of new ways forward that could improve upon what is already being done?



## Alejandra Ancheita

In our experience corporate social responsibility programmes can be useful in very specific cases. For example, when you have a factory producing shoes for a transnational corporation under very bad conditions and in a very small town, where most of the population is affected. In a case like that codes of conduct, due diligence, or naming and shaming mechanisms can work when pursued alongside a proper legal strategy.

It's different when we're talking about an entire industry. At this broader level our experience shows that trying to improve worker conditions through certifications has minimal impact. Perhaps not zero, but minimal. We are now working with berry pickers in Baja, California. These workers work between 14 and 16 hours a day. The owners of the farm do not give them all the training they need. They do not receive all the tools necessary for their work. They are only hired by the day. They are not able to form an independent union or settle a collective bargaining contract. Yet all the products they pick are certified by one organisation or another.

What works better is to not only implicate the farm owner but also the companies that are buying, selling, and exporting these products. In order to do that we're supporting the workers to collectively organise and building a strategy of strategic litigation. We pursue lobbying and advocacy with the Mexican government as well as with the brands. We are creating a new narrative to inform the public about what is happening to these workers.

Explaining all the layers of violation that can occur can be very difficult. The structural conditions we face in Mexico usually mean that when one human right is violated others are as well. Take berry pickers on a farm. Their labour rights are likely being violated in the ways we have already talked about, even though the berries themselves are certified. Behind that, however, might lie a further violation: the farm they're working on might be located on former communal land.

You see, after the NAFTA agreement came into force indigenous communities did not receive support from the government to work the land. They owned the land, but not the means. So they sold it. Now many of those same individuals, who once collectively owned the land, pick berries for the new owners under precarious conditions. It's a chain of exploitation resulting from a failed economic model, one that cannot ensure labour rights or indigenous peoples' rights to territory and natural resources.

Those kinds of facts very complicated for consumers to understand, even those with good will. They want to support campaigns and thus try to believe in these mechanisms of social responsibility. But the reality is that companies use social responsibility mechanisms because they are cheap and make corporations appear as the good guys. What is much more expensive for transnational corporations is fulfilling labour standards and fulfilling human rights.

## Shawna Bader-Blau

It's really important that there be a variety of strategies that well-meaning consumers and investors can access and use to try to do good. Those of us in the field, therefore, need to find allies in these structures and these movements.

At the same time, a common pitfall of these strategies is that they are not directly tied to the needs of workers. They might be well-meaning but they aren't devised or co-created with the input of the affected people. That can lead to odd outcomes, such as a product boycott that the workers themselves don't actually want.

A stronger response would be if the people thinking about ethical consumption and its effects on the earth, indigenous people, and workers came together with the people producing food, clothes, and other goods and services. Different social movements crossing boundaries to come together in common cause. That's the future of how we build





power. We can't do it in silos like we have so far. Neither of our strategies are effective enough, not on the worker end and not on the consumer end. The global economy is just too big.

There are great examples of how to converge interests in ways that really lead to positive change on the ground. Take the Accord on Fire and Building Safety in Bangladesh. We point to that a lot because it has global companies coming together with local NGOs, unions, and international civil society at one table to reach a negotiated and binding agreement on how to make workplaces safer. That is the sort of model of cooperation we should be pushing on private equity firms and the big investment companies behind the brands. We should push the idea that ethical investing means investing in brands that are signed onto these kinds of binding international standards.

We need to reassert at every level of corporation and government that labour rights are critical to shared prosperity. In many of the ethical consumption and ethical investment initiatives I've seen, the core rights of workers are often missing – collective bargaining, freedom of association, and the right to have a say in one's own working conditions. That's tragic because, while there are a lot of rights that we need to advocate for when we're trying to create fairness in the global economy and more positive corporate behaviour, core rights are absolutely key. Yet they're missing, I'd say, almost 70% to 80% of the time.

They're missing because they are perceived to hit the bottom lines of companies. I hope things like the Bangladesh Accord can be used to undo that assumption. You can't say that the global brands that signed onto the accord are diminishing, tiny little companies of no importance. They represent the 300 largest global garment brands on Earth. Somehow none of them went bankrupt or dissolved after they signed the accord. We should do a better job of advertising that fact.

## Anannya Bhattacharjee

We have not seen any of these programmes really change the lives of workers. I'm not saying that all of them are 100% rubbish. There could be a few pilots here and there which serve a few workers in a microcosm, and solve a problem for a period of time. But we have not seen any of these efforts really change the lives of workers.

Let's look at two ways in which workers are suffering, and let's see how these programmes could impact them.

The first is the day-to-day relationship between workers and the factory management. To a large extent those industrial relations – the way managers behave on the shop floor – are determined by the sourcing practices of the multinationals purchasing their products. Those sourcing practices frequently require managers to push workers extremely hard without fairly remunerating them. As a result workers face coercive, retaliatory, and often violent industrial relations. So: industrial relations can only improve if the extremely coercive practices that are needed to extract the work from the workers are removed. None of these ethical investment practices or CSR programmes really focus on what it would take to do that.

A second problem workers face is that of extremely low wages, if not wage theft. In many situations, workers are not able to fight for higher wages because the industrial relations I've described make sure that they do not exercise their collective power. This is no accident. Low wages and coercive industrial relations are in place so that the cheapest labour can be engaged to provide goods at very low cost. These problems aren't solved by the sorts of research and investment that go on. They may sound nice, but really at a ground level, they are not making any difference to workers' lives.

In my opinion things will only improve when workers' organisations are at the table to discuss, implement, and monitor the solutions. This rarely



happens because most corporate activities tend to avoid dealing with workers' organisations. There's antipathy towards trade unions or any kind of representative organisation. The one exception is that sometimes they may engage at a very high level – a global union at the level of Geneva or Brussels – even though production is on another continent.

The point remains: the only time things have a chance of working is when an activity can be conceived, implemented, and monitored by local worker organisations. Of these there are really only a handful of examples. In the garment industry there is the freedom of association protocol in Indonesia, and there's the Accord on Fire and Building Safety in Bangladesh. These agreements were designed with the participation of labour organisations, they

MSI participants turn back around and say, 'You guys think that it's always about putting people in jail, you don't understand how hard this is'.

The truth is probably somewhere in the middle. But I think it's very interesting that, by now, even many of the people who don't consider themselves as part of the anti-trafficking or anti-slavery movements are pressing for more teeth and more public transparency. That shift has led to the creation of the California Supply Chain Transparency Act, which then morphed into the US procurement standards from former president Barack Obama, which came out around the same time as the UK Modern Slavery Act in 2015. Those were all very much being driven by that kind of rebellious, young, anti-trafficking movement.

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“Workers as a bargaining partner at the site of production is the biggest piece missing from the picture.”

– Han Dongfang

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have a process of enforceability, and they bind signatories to certain activities. I would say these are some of the conditions for success, but they're extremely hard to achieve. Not because they're difficult to do, but because of the unwillingness of companies to engage with them.

## Luis C.deBaca

For folks coming at this from a trafficking lens, a lot of the multi-stakeholder initiatives (MSIs) look like they were either designed to be toothless or they became captive over the years. This group says, 'Y'all don't have any teeth, and so therefore you're just helping to greenwash'. Then the established

I helped promote the content of the California bill both nationally and internationally. Part of the reason we went down this route was that we felt, at the time, that MSIs and social audits were largely being done by environmentally-focused folks with environmentally-focused approaches. They were forestry and biology majors who were good at measuring chemicals in the water but not necessarily good at talking to workers in their dorms. That scepticism combined with the fact that a lot of audits remained proprietary information for the companies concerned, and with the way employers could use the ILO's tripartite consensus model to their advantage. They could point to a labour union representative in their MSI, while ignoring the fact



that trade unionists were getting killed over where their third- or fourth-tier suppliers were operating. There was that sort of fiction that was happening in the CSR model.

This is one of the reasons why so many of us are interested in worker-driven social responsibility (WSR) instead. It puts the worker a little bit further forward into the issue and it doesn't depend on the largesse of the company. Corporations can no longer claim to be committed to a tripartite, high-low style dialogue with the unions while simultaneously using lobbying and business associations to ensure unions stay powerless. My hope and dream for WSR is that it changes that dynamic.

A part of me also likes it because it does not necessarily require the worker's input to be filtered through official labour union structures. Trade unions in some countries are phenomenal with a lot of extremely brave people, but in some countries they're very captive. They're captive either to the government itself or to the companies. The entire focus on WSR puts the most important actor first in this, as opposed to corporate social responsibility.

## Han Dongfang

The corporate social responsibility and employer code of conduct strategy has been a necessary first step. The biggest achievement of these programmes, however, has been to highlight what should be done rather than to bring about real improvements. Brands are busy sending out auditors to the suppliers, auditors are busy travelling between different worlds and writing reports, employers are busy telling their workers what to say and what not to say to the auditors, and civil society organisations and media are busy finding the faults in the audits and accusing the brands of using them for PR exercises. It's a never ending game of cat and mouse.

Workers as a bargaining partner at the site of production is the biggest piece missing from this picture. China Labour Bulletin (CLB) has been arguing for the last 20 years that the corporate so-

cial responsibility approach will never become an effective tool for protecting workers' rights unless it involves the workers producing these goods as a bargaining partner. We believe that workplace collective bargaining will not only result in a better life for workers but also enhance the reputation of the brands, stabilise labour relations, and create stronger local consumption near the factories. In other words, workplace collective bargaining has multiple benefits for all stakeholders.

For many years nobody listened to this argument, so in 2005 CLB took the strategic decision of focusing on workplace collective bargaining as a means of protecting and developing the economic interests of Chinese workers. During this process, we were able to demonstrate the effectiveness of worker-led, enterprise-level collective bargaining in solving strike cases. Meanwhile, the process and the results demonstrated that worker organising was not necessarily a threat to the ruling Communist Party of China (CPC). It could instead bolster the legitimacy of the CPC by improving living standards for ordinary Chinese workers. This was one of the major elements that directly led to the CPC's reform of the official All-China Federation of Trade Unions (ACFTU) in late 2015. It was the first time in history that Chinese workers actually had the opportunity, as members of the official union, to turn that organisation into a genuine trade union that represented workers at the enterprise level.

In early 2017, CLB brought our experience of promoting workplace collective bargaining in China to India, where we are working with a garment workers union in Bangalore. After one year of strategic training for worker activists and worker organising on the factory floor, a team of representatives elected by the workers initiated a bargaining process in one of the major garment factories. Although it led to furious retaliation, including physical beatings and dismissals, all the representatives were able to hold on without backing down. This allowed the CSR partners involved enough time to commission an in-depth report on the case, and in the end the management finally engaged in dialogue with the



garment workers union. This example shows how collective bargaining and organising on the factory floor, combined with CSR, can actually get the employer to change its behaviour and become a leading role model.

## Lupe Gonzalo

Corporate social responsibility programmes exist to satisfy consumer demand for ethical products. Their primary purpose is to protect the brand by preventing consumers from taking their business somewhere else. They are not meant to and do not succeed in protecting the human rights of workers, or in reducing poverty for workers. The reason that these programmes don't work is because there is no enforcement. There's no one actually ensuring that the high standards the companies talk about are reaching workers. For example, there are a lot of coffee products from Central America that are labelled fair trade, but the workers producing them have no idea they're a part of that programme. It doesn't actually affect their lives or change anything for them.

I think what is necessary is just doing the hard work of directly educating consumers as workers. Consumers see us as human beings. They don't see us as machines. Our message is that workers and consumers can do something together. Our campaigns open the eyes of people, but it is only through concerted and conscious consumer demand that these types of programmes can actually be enforced. Companies will only invest in them if consumers actually demand high standards and enforceable programmes.

The essential elements of the Fair Food Program model can and have been replicated in many contexts. First, workers need to be the authors of the campaigns. It is critically important that workers themselves are establishing the goal posts, as they are the only ones who can really identify what they need.

Second, consumers need to be involved. Signing binding agreements is not something companies want to do, so you have to build power with consum-

ers and have them as allies in this process in order to make companies sign these types of agreements.

Third, workers must be educated about their rights, ideally by other workers. People who not only literally speak their language but also who have a deep and personal understanding of the industry by having worked in it. This is very powerful. Not only is the information better communicated, but having workers as educators inspires confidence in the programme.

Fourth, buyers and suppliers must understand that this is not a losing situation for them. The lead brands are going to gain something, because they now have a product that is actually responding to consumer demand. That will give them more consumers, not less. In turn, suppliers can be confident going forward that they will continue being able to sell their products.

Finally, mechanisms have to be in place to consistently monitor and enforce rights in the place of work. When abuses are found, there need to be consequences for that behaviour. Workers have to be able to see that the person who committed abuses was fired for doing so. That gives them trust in the programme, and makes it more likely that they will also report abuse. This is the key to making it work.

## Theresa Haas & Penelope Kyritsis

**Penelope:** The prevailing corporate response to addressing labour exploitation in global supply chains over the past 20 years has been a boom in corporate social responsibility schemes, including social auditing and certification schemes. The major flaw of these programmes is that they are typically voluntary and lack enforcement. There are no consequences for failing to comply with standards. That makes standards without enforcement programmes little more than Band-aids, obscuring how downward price pressures create exploitative conditions in the first place.





## ROUND TABLE REFLECTIONS

### Change the rules, not the game

Luis C.deBaca

Reading through the responses, there's a noticeable split between those saying, 'here's what we're working on, and we just need to keep working on it', and those saying, 'we really need to shake this up'. I focus a lot on questions of disruptive potential, and I do wonder how much is actually possible when we all seem to drift – whether it's through funding pressures or otherwise – into the dominance of multi-stakeholder initiatives, public partnerships, and other schemes where business maintains a strong presence.

I totally understand why we want business at the table. But it becomes very easy to forget that management and the capital they serve are not cooperatives and collectives. These are for-profit corporations who see work and workers as inputs. They are not necessarily looking for ways to have that input talk back to them. While we should continue to engage in partnerships, we need to remain cautious and with eyes wide open.

If the potential for disruption is currently limited, then it's worth considering changing the playing field to make better use of those old techniques championed by the first group. I grew up on a ranch, and I learned that the only way to stop a herd of cows walking away is to put some strategically placed fences in their way. With the right fences, you can get them going wherever you need to them to go.

Industry has done a very good job of removing all fences on their behaviour. Whether it's by jumping the restrictions, or by whittling down enforcement in labour inspections, or what have you, they have made it so that they can just evade responsibility. Then, when we come in and say, 'we want better work, we want unions, we want all of these things,' they walk right around us. We need the structures and intervention patterns in place that force them onto a fairer path.

**Theresa:** I would also note that 'multi-stakeholder initiatives' – e.g. the Forest Stewardship Council or the Rainforest Alliance – are sort of like round tables for civil society, brands, suppliers, and some types of government. Everybody supposedly comes together in dialogue and talks about how to fix the problem.

The fundamental flaw in those schemes is that they do not include or represent a fundamental shift in power. There is a significant imbalance of power between workers at the bottom of the supply chain and brands at the top of the supply chain. And unless you have legally binding agreements with mandated enforcement you're not fundamentally shifting power.

WSR is fundamentally about shifting power. It's about shifting power, resources, and control from the entities at the top to the workers at the bottom

in ways that legally obligate companies to prioritise the needs and rights of workers. There is currently a lot of pressure on companies to produce products in ways that are ethical and responsible. It's something consumers seem to want and investors seem to want. Fair trade doesn't do it. Rainforest certification doesn't do it. Currently WSR is the only way in global supply chains to do that.

And the reality is that any company that is not currently implementing a WSR programme in its supply chain is at very significant risk of having deeply embarrassing labour issues in their supply chains exposed. All the way up to slavery and trafficking. Yet companies have obviously made the calculation that they would rather do the thing that is cheaper and easier than the programme that actually protects workers and also protects the brand's reputation.



There is a lot of debate around whether WSR is good for business or not. I think it ultimately is good for business, but I don't think that really matters. I don't think any company decides to do WSR because they've taken a hard look at what the right thing to do is. They do it because they face massive pressure from consumers, workers, and the public over one or more serious violations of labour rights in their supply chains. They feel that this is what they have to do in order to protect their reputation. I don't think there's any brand that has independently looked at WSR and decided that it was an attractive business opportunity.

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“Campaigns or certifications like ‘fair trade’ exist to attract customers and increase market share.”

– Reema Nanavaty

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## Emily Kenway

My previous work at ShareAction and at the Living Wage Foundation focused on investment and consumer strategies to address corporate responsibility issues. I think both are problematic. They can win marginal gains, but overall the war is still being lost and such strategies may actually distract us from that fact.

Responsible investment programmes at big investment houses have analysts who focus on the environmental, social, and governance risks of companies, and then engagement teams who talk to the companies about those things. You can win changes by engaging with those teams; ShareAction

has done so plenty of times. However, responsible investment will always clash with the drive for profit and maximisation of share value which is legally and culturally bound into this sector.

Take labour exploitation in supply chains. Investment managers may tell their companies that they need to have an ethical supplier code of conduct in place about how suppliers' should treat workers. What you're less likely to find is them saying that companies need to change their purchasing practices, because the prices they offer bind suppliers into paying poverty wages and using labour that may have been trafficked. Likewise, you won't find investors promoting union recognition despite it being key to protecting labour rights. Fundamentally, investors are on the side of capital, not labour, and so investment strategies target the softer and weaker things. They feel nice and sound nice, and they will probably make a small amount of difference. But such strategies will never achieve far reaching, systemic, rights-oriented change.

I have less time for ethical consumerism. Obviously, it will only ever be applicable to a small and privileged segment of the economy because it comes with a price premium. It's also based on certain signals, such as the stamps you see on packaging. That's how we know that it is better to buy this tea than that tea. But when we look under the hood of those certifications, they don't necessarily look like they are doing what we would hope.

A new report out from the Sheffield Political Economy Research Institute found that labour conditions on tea and cocoa plantations were relatively similar for those in certified supply chains and those which were not. Some of the worst abuses were actually found on plantations producing certified products. No one wants to have a go at these certifications, but we really need to call them out if they're not working. Their shortcomings make the whole idea of ethical consumerism quite difficult.

We also have to ask ourselves about the principles underlying the approach. We are living in a world



that places the market at the heart of things, and strategies like ethical consumerism inherently place the responsibility on individuals. That is a neoliberal approach to responsibility. We need to question whether that's something we want to promote, or whether actually we need legislative and regulatory mechanisms which place responsibility on the companies themselves, making labour rights, environmental impacts and so on a core requirement for their business models.

## Reema Nanavaty

I do not think these campaigns are at all effective. Companies use these opportunities to show how they are working with a cotton farmer, or with a poor producer. But in reality I do not believe they want to distribute any part of their profit to those end producers. It's not that they fail in their efforts. It's only a question of pass or fail when they attempt. I don't think there is an attempt at all by the tops of global supply chains to engage directly with the end producers.

Campaigns or certifications like 'fair trade' exist to attract customers and increase market share. They are used to convey to the customer that a company believes in fair trade or that a product was produced in fair ways. But what is the guarantee for that? Corporations say that they do audits, but do they ensure that the minimum wage is met? Do they ensure that the farmers who grow the cotton or the spices get the minimum support price? Do they have access to childcare or healthcare services?

In my work I have not observed them doing this at all, so it seems that poor and informal sector workers are being commodified for use in sales and marketing. This is so unfortunate.

## Elizabeth Tang

When I was at the Confederation of Trade Unions we had very little involvement with such campaigns. They are more popular in the West, and there they are more successful.

One time I participated in a project to monitor a supplier of a major retailer in China. It was a great project. All the stakeholders were cooperative: the retailer, the supplier, our partner at the Ethical Trading Initiative, the British Trade Unions Congress. We succeeded in checking on working conditions, we even set up workers' committees. It went perfectly. We were so successful that the factory owner actually closed down the factory. He opened a new production line in the southwest of China, which was far enough away that nobody was bothered to monitor it.

I don't object to companies trying to do these projects, but they are incredibly challenging. For me, I will focus all my limited power on building workers' power and building my organisation. That is also hard, but I see progress. As a trade union movement leader I always feel that we have never done enough. We need to do more ourselves. We cannot expect our employers to change.

More useful in my opinion would be if the groups that support workers' rights – the funders – better understood how crucial it is to invest more in organisation building and movement building. It's necessary to invest in campaigns as well, obviously, but before that we need the capacity. We are currently very weak. But once we reach the levels of membership we need and have the leaders in place, we will know what to do. Unfortunately, lots of people only want to invest in the last step: fix this problem, change that policy. But they don't realise that the first half, the work that enables us to have the capacity to take that last step, hasn't been done yet. Investing only in the last step can consume large amounts of resources, but it will be less likely to succeed.

## Alison Tate

Ethical investment, ethical consumption, and ethical trade programmes have been going on for decades. They've been really important for raising the awareness of consumers, workers, and businesses about the ethics involved in production, trade, and consumption. They've played a really important



role in promoting the concept of worker's welfare, if not worker's rights.

The limit to those programmes is that they're all voluntary initiatives. They're about standards that are applied in particular companies. For example, in the way in which buyers engage with their suppliers. That has been really important, and continues to be important to ensure an understanding that fairness and decency should be a part of the trading relationship. That it's not just a financial transaction, but there are social consequences and social responsibilities involved.

That said, we will only see real change when companies and investors really take on their responsibilities around ensuring decent work. That means ensuring that, no matter in which country or under which legal system, the company's profit has been derived while respecting fundamental labour and human rights.

For investors, engaging with the companies in which they invest is not just about asking whether forced labour exists in a particular company's operations or supply chain. It is about asking what is being done about it when it's found. And if it's not being found, is the company looking hard enough? Investors need to demand that companies set up rigorous due diligence processes and provide work-

ers with a voice in that process, and a mechanism for reporting grievances and seeking remedy.

We're working with the union trustees of pension funds to help encourage that process. Pension funds are one of the big investors of the world. They represent \$30 trillion in the global economy, as owners of workers' capital, meaning that they are the stewards of the money contributed by workers to pension systems from their pay, as deferred wages.

Pension funds decide where those assets are actually invested. Their criteria for doing that is ultimately up to them, but those looking to invest according to ESG standards (environmental, social, and governance standards) must also take into account labour standards. That's part of the 'S', and it's upon those pension funds to look at the working conditions of the companies in which they're investing.

Pension funds are ideally placed to spearhead a shift towards fronting working conditions as a basis for investing. Their aggregate capital is enormous, and the union representatives on their boards, as both representatives of workers and as caretakers of workers' capital, have a direct interest that the working conditions and that the rights of workers are respected. There is a lot of potential for more action there.





## RESPONSE

# Three ideas to stop the global race to the bottom

James Sinclair

When I co-founded the fair labour company FSI Worldwide in 2006, my colleagues and I thought that we were in the vanguard of an ethical business revolution. The illegal and unethical practices of recruiters were well known by then, and we sensed that the tide was turning on the issue of workers' rights in global supply chains. It seemed there was a growing willingness and ability on the part of governments, businesses, and consumers to properly invest in better protections for vulnerable workers.

We were wrong.

Global corporate demand for our services, which seek to provide migrant workers to employers willing to offer safe and protected employment, remains a tiny fraction of the overall market. Only a handful of multinational companies have been prepared to elevate ethical practice over rhetoric and invest in the services provided by companies like ours.

While we applaud the companies that have invested, it is troubling that 12 years after our founding we are still offering plaudits to businesses simply for acting within the bounds of legal and ethical compliance. Yet this remains the case, in large part because those of us working for greater corporate responsibility and accountability have little in the way of leverage. We are effectively reduced to appealing to the better angels of corporate nature. While some companies engage, too many others conclude that the financial costs of cleaning up their supply chains outweigh any potential benefits in tackling the abuse of workers.

There are no easy or quick fixes to this problem.

Progress will only come when we have fully appreciated the scale of the challenge and identified effective levers for change. There have been many thoughtful and helpful responses to this round table, most of which I agree with wholeheartedly. The problems we face are multi-dimensional and require several layers of intervention. In my view three potential levers of change stand out.

**Concerted political action:** Three decades of neo-liberal deregulation have resulted in a transnational race to the bottom on consumer price. Worker welfare and environmental protections have been sacrificed in the cause of higher shareholder returns. Frameworks like the United Nations Guiding Principles on Business and Human Rights have attempted to arrest this fall, but national politicians generally remain either unable to meaningfully restrain corporate activity or choose not to do so. This needs to change, but no one country can do it in isolation. We need to see serious, multilateral engagement between governments in the Global North and the Global South to produce and robustly enforce common standards of protection for workers and the environment.

**Smarter laws, better enforced:** There has been some progress – notably in the United States, the United Kingdom, and France – on transnational corporate accountability legislation. However, these laws have little power to enforce standards, and the transparency provisions in the UK Modern Slavery Act 2015 are especially light touch. We need to see more 'failure to prevent' provisions that penalise inaction and shift the evidential burden onto companies. There is precedent for this in Section

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*James Sinclair is an English lawyer, academic researcher and social entrepreneur. In 2006, he co-founded FSI Worldwide, an award-winning ethical recruitment and management company.*



7 of the UK Bribery Act 2010, which states that a company is automatically liable for any bribery discovered in their operation, unless they can prove that they had in place reasonable measures to prevent such bribery. This could be applied to cases of modern slavery. Doing so would compel companies to take much greater responsibility for the protection of workers in their operations.

**Nudging better behaviour:** The procurement practices of very large buyers can reshape how suppliers are treated and how they, in turn, recruit and manage their workers. Since governments are frequently very large buyers, they have the capacity, currently underutilised, to shift markets in ways that prioritise 'best value' outcomes that incorporate human rights concerns over lowest cost bids. One way this could work is via a points system: demonstrably ethical companies are rewarded with better payment terms and procurement selection priority when it comes

to government contracts. Companies who consistently fail to demonstrate proper compliance would be downgraded or blacklisted from government contracts. A standardised system would need to be created and effective monitoring imposed, but these procedural challenges can be overcome with sufficient, if currently lacking, political will.

Ultimately, we should not be facilitating competition on worker welfare. We need global minimum standards that are robustly enforced to create a level commercial playing field. This would allow ethically minded entrepreneurs to compete and would decrease the advantages currently accruing to companies engaged in a race to the bottom. This is a long way from the current system of deregulation, global corporate impunity, and fig-leaf attempts at reform. Yet it is possible if we are willing to disrupt entrenched, privileged, and powerful vested interests.



## RESPONSE

# CSR helps hide abuse of workers' rights until brands can quietly exit

Judy Gearhart

Corporations have been selling 'ethical' products and services to consumers for over three decades. Many of these efforts have been organised under the banner of corporate social responsibility (CSR), with proponents advocating this as a means to secure workers' rights. Despite their well-documented limitations and brands acknowledging the need for improvements, most CSR initiatives continue to resist the structural changes needed. They instead prefer to tinker around the edges of a failed model.

Most CSR programmes are designed to fail. This starts with their top-down approach. As a general rule they rely on credentialed outsiders, who have little to no ties to workers and their communities. Global brands and retailers tend to bargain hunt with the auditing industry as much as they do with their suppliers. Auditors seeking to win contracts are largely assessed in terms of their capacity to work *quickly*. They usually have a set number of days on site and whatever they come back with becomes their findings. This approach has cost lives.

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*Judy Gearhart is Executive Director of the International Labor Rights Forum, a human rights organisation based in Washington DC that advocates for workers rights around the world.*





Factories like Ali Enterprises, Tazreen Fashions, and Rana Plaza had all been monitored or certified by an international code of conduct initiative before they suffered accidents that left over 1500 workers dead within a year.

CSR initiatives are based on the premise that global corporations are good actors, and that all will be well if their ethos is implemented throughout their supply chain. Yet if brands really are good actors, we would expect greater supply chain transparency – on both supplier locations and compliance – and public commitments to increase orders from good suppliers over time. Yet most audits are confidential and voluntary. They come with no meaningful role for workers and their organisations, and virtually no repercussions for the brands when workers' rights are abused or their safety is put at risk. This enables brands to silence findings and walk away if the code of conduct auditors find problems too difficult to fix.

Socially responsible investors can help change this approach by asking the companies they invest in for more meaningful information about their supply chain due diligence process, especially its effectiveness at identifying and remediating labour rights abuses. These are key components of the “know and show” benchmarks in the UN Guiding Principles on

Business and Human Rights, now influencing the proliferation of national laws requiring companies to conduct due diligence in their supply chains.

Socially responsible investors can support these laws by asking companies to demonstrate their impact on workers' ability to exercise their rights. The best way for companies to demonstrate such impact is by showing their support for initiatives that put workers front and centre. Worker-driven approaches, such as the Accord on Fire and Building Safety in Bangladesh or the Coalition of Immokalee Workers' Fair Food Program, have a demonstrated track record of delivering results for both workers and brands.

Albert Einstein is said to have defined insanity as doing the same thing over and over again and expecting a different result. This famous definition accurately captures the current state of play as far as most CSR programmes are concerned. The same models get tried and tried again, yielding disappointing results, yet advocates of CSR continue to declare that the next time will be different. The only way that things will be different ‘next time’ is if there is a sustained investment in actually doing things differently. Doing more of the same would be insane.



## Question 3

What types of interventions would encourage business leaders and policy makers to prioritise the working conditions of workers? How can workers more effectively participate in shaping the conditions under which they work?

## Alejandra Ancheita

Part of the main purpose of our organisation is to find ways to achieve transnational justice. Our most successful inroad so far has been our RADAR programme. This eight-year-old programme seeks to defend the rights of Mexicans temporarily migrating to the United States under the H2A/H2B visa programme.

The group of workers we collaborate with in Sinaloa, Mexico uses this scheme to work in the seafood industry in Louisiana. We saw that these workers were suffering from a pattern of violations that began with recruiters in their home community and ended on the seafood farms in the United States.

In response, we developed a strategy to try to protect these workers on both sides of the border. On

the Mexican side we filed a criminal complaint against the recruiters for fraud. This was the first time recruiters were detained in Mexico, and the first time the authorities recovered and returned money to workers.

They were, however, only part of the problem. These workers were already vulnerable when the recruiters offered them work. Poverty, a lack of opportunities, and violence within their own communities had made them desperate. So desperate that they were willing to pay money just for the promise of being hired.

Their vulnerability travelled with them across the border and was exacerbated by the H2A/H2B visa rules, which tie workers to a single employer. Employers can do whatever they want – demand unpaid overtime, provide sub-standard working

### ROUND TABLE REFLECTIONS

#### How can civil rights defenders reach across borders to protect migrants?

Luis C.deBaca


I think Alejandra is very much onto something when she is trying to figure out how to, for lack of a better word, work in a post-union world. I don't want to ever admit that there could be such a thing, but the reality is that it's hard enough being a labour organiser in the United States – in Mexico being in the wrong union can very much get you killed. And unfortunately, companies that want to dodge initiatives like the Fair Food Program are increasingly sourcing from Mexico instead of from the United States.

So in some ways protecting Mexican nationals in the United States means working to protect workers in Mexico. Imbalances here are often created by conditions there. I like the idea of going after the recruiters, like she's done. The United States and the Mexican authorities have been doing that already with sex trafficking rings that bridge Tlaxclala and Puebla to New York and Atlanta, but have not been as proactive on cases of forced labour. There are

some good possibilities with the new Tariff Act authority coming on line over at U.S. Customs and Border Protection (see p. 81). We have to think about ways to have simultaneous litigation in both countries, even if it is through private action as opposed to the government.

The idea is to create a situation where there is nowhere for an abusive grower or buyer to run. If you're in the United States, you have to expect that the federal prosecutors or civil lawyers are going to come after you, and that folks like the Coalition of Immokalee Workers are going to be out in your fields organising. And if you're on the Mexican side, you have to expect that folks like Alejandra are also going to be out in your fields, and that your access to the American market will suffer when abuses are uncovered. Those linkages are key, and they haven't been knit nearly close enough together. That's an area that funders should really be looking into.





conditions, or even keep the workers in captivity – and get away with it. If the workers complain, the employer can have them deported.

For lawyers in the US, one of the main challenges in bringing cases is that both the primary employer and the end buyers have the legal excuse of saying they didn't know. That allows them to evade responsibility. In response, we began to send letters of notification documenting abuses to the primary employer and to other actors in the supply chain. With that notification nobody can say they didn't know.

So, what we are offering is information about these violations. The different nodes in the supply chain have the opportunity to change what is happening. If they decide to maintain the same recruiter or to maintain the conditions where the violations were happening, these letters of notification can be used to prove that the primary employer and the other actors in the supply chain were aware of the violations. This is when we can really open up litigation.

Companies don't want to lose money. So while a company might be able to hire a lot of lawyers to defend themselves, it's important to understand that starting litigation with solid proof gives us an opportunity to use social responsibility mechanisms to our advantage. That is the moment when we can argue to investors that products are being produced with human rights violations, and that we can make public all these conditions. That is when you really can have an impact.

## Shawna Bader-Blau

There are a couple ways to respond. First, most of the fundamental human rights of workers that are abused are abused illegally – things like wage theft. Furthermore, the majority of people who are not paid the wages they are owed are women. This happens in contexts where not being paid the minimum wage is illegal. So, there's a complete lack of will on the part of governments to enforce existing norms and standards. And, at best, companies turn a blind eye to such violations and feign ignorance.

A mass movement of people needs to expose and address this fundamental lawlessness. It's like women in the #MeToo movement. We're globally exposing a lawlessness that has been going on forever, and we're saying, 'No. You can't just do that'. It's true wild west behaviour in many, many countries. Certainly in the informal economy, where there is no will or interest in protecting rights. You can already see this movement forming. Domestic workers, agricultural workers, construction workers, and others are coming together in creative and powerful ways to address the lawlessness that governs workers' lives.

On the demand side, it's important to break silos up. We've dedicated a lot of time at the Solidarity Center to building bridges between labour movements and other social and political movements. There are parts of the world, such as much of Latin America, where that has always happened. But in a lot of the rest of the world it's not common.

It's really important that we bring together the feminists of the #MeToo movement with the labour movements that are representing more and more women. There are 75 million women around the world in unions. These are the most powerful women's rights organisations on Earth, from an economic standpoint.

We also need to build bridges between land rights and indigenous peoples movements and labour rights movements. So many people are expelled from their land by big corporations and then end up migrating for work, usually in lousy conditions. That's intolerable. We have to bridge these kind of movements to make common cause. And the common cause is the reassertion of democracy.

There's no such thing as just a consumer or a worker. On some level we're all citizens. We're owed and deserve fair and decent treatment, and the dignity of democracy. We have the right to not only come together in our workplaces, but to create governments that represent our interests. And that very question of democracy is on the table right now.



## ROUND TABLE REFLECTIONS

### Why is it important that the Self-Employed Women's Association is a women's organisation as well as an informal workers' organisation?

Reema Nanavaty

When you talk about women in the informal sector, they're the poorest of the poor. Trade unions bring them together in their fight against poverty. They give voice, and visibility, and validity to the work of informal sector workers. No matter the caste, community, or religion we belong to, under SEWA we come together as people in poverty, as women, and as workers.

When women come together like this it gives them self-confidence in a tremendous way. Out in the world, she may have the know-how, she may have the skills, but she will never be perceived as a worker. When she experiences the camaraderie of other

workers, she becomes more confident about her own knowledge and skills. That sets in motion a whole process of transformation, and she becomes better able to take charge of her life and livelihood.

This not only brings about changes in her occupation. The whole family benefits. The community benefits. Because she's now much more informed, she's better able to access government programmes. She's able to advocate for improved work programmes. Step by step she becomes more recognised in her family, in her community, and in her society. For many women, membership in this organisation makes it possible for them to become leaders.

We have the huge task of reasserting these fundamental rights as core to democracy and exposing the fact that the concentration of more and more wealth in fewer and fewer hands gives those few not only economic power, but massive political power. That political power is exercised increasingly against the interests of the rest of us. In short, economic inequality is a massive democracy issue.

## Anannya Bhattacharjee

We need to understand that business is not one monolithic thing. There is big capital and there is small capital. If we approach all businesses as capital, and have the same approach to all of them, then we won't make the most strategic alliances.

Multinationals have huge power over their global production networks. They use this power to force producers to sign contracts that are essentially only beneficial to the multinationals. The margins for the local supplier are squeezed more and more, and this then affects the welfare of workers locally. As

worker organisations we need to be aware of these dynamics, and make our demands logical to the fact that there is big capital and small capital. There are some things we can demand of the suppliers at the local level, and there are some things that can only be delivered by the multinationals.

Unfortunately I doubt that even business sufficiently understands this. As a labour activist I can imagine allying with small capital to counter big capital, and thereby bring benefits to both small capital and labour. However, I think that business at the local level does not often see labour organisations as an ally. Small capital sees itself only as part of the business world. They haven't quite understood or internalised the inequalities, and how in some cases unlikely alliances may actually be beneficial. If we were able to understand each other's perspectives better, and strategise together, then I think we could make an impact.

National governments are turning inward. They're focusing on their national competitiveness in,

I would say, a short-sighted way. Governments do not think about their regions collaboratively. For example, as the Asia Floor Wage Alliance, we brought Asian labour into alignment on the issue of a living wage in Asia. We understand that workers in different countries are being divided against each other by making some labour cheaper than others.

National governments could do something similar. It would require governments to come together, just one government acting alone would not work. There are some existing regional alliances out there, of course, but they are not as dynamic or cooperative as one would like. They're split on various levels: politically, historically, etc. We are not seeing enlightened governments at this point, which is extremely unfortunate. Government's policies are nowhere near understanding the need for regional cooperation towards global capital.

## Luis C.deBaca

I certainly don't want to hope for tragedies, but I think that you have to make tragedies mean something. In the United States it was the combination of Thai workers locked in a factory in El Monte, California and deaf Mexican street peddlers in New York that horrified people enough to allow us to get the Trafficking Victims Protection Act through. For the international community it was how horrified they were that women were being auctioned off in the Balkans.

If it wasn't for the cockle pickers in Morecambe Bay we wouldn't have a slavery way of dealing with human trafficking in the UK. I would rather go back in time and have 23 live Chinese workers make it back to the sand that day. But not being able to do that, I'm going to make sure that their deaths don't go in vain and that we spread that slavery theory across the entire Commonwealth.

Unfortunately, I think that it does take that sort of tragedy. People don't seem to care about baseline worker exploitation. In the Clinton administration, we took the most horrible things of El Monte

### ROUND TABLE REFLECTIONS

#### How does the Coalition of Immokalee Workers see its relationship with law enforcement?

Lupe Gonzalo

In cases of sexual assault, for example, or even extreme cases of slavery, law enforcement still continues to play a critical role. With those kinds of extreme crimes we can't rely solely on resolution within a worker-driven social responsibility (WSR) programme. That results in someone being fired, but crimes of that magnitude need to go to court. They need to be prosecuted. So, even as the WSR model helps prevent those types of crimes from happening, we need law enforcement and the justice system to continue functioning alongside us for when problems occur.

The good news is that with WSR there are fewer crimes to investigate. Preventing abuses from happening is our principle goal, and we know that rates have gone way down. But there's still a lot of work to do. We continue to receive complaints about problems occurring outside of the Fair Food Program, and in those moments our relationships with law enforcement are critical. We need to be able to refer outside cases, where we don't have the same power as we do within the programme, to law enforcement when we receive those calls.

and the deaf Mexican case and we turned it into the worker exploitation task force. That created a bunch of ways in which we could improve labour enforcement apart from criminal enforcement. Unfortunately, those other methods dropped away after George Bush became president and we returned to relying on criminal prosecutions.

The bigger point there is that prosecution, while it shouldn't be the only tool, has a definite role. The success of the Coalition of Immokalee Workers (CIW) in driving change in Florida tomato fields comes from being a worker-driven group rather than waiting for the government to bring improve-





ments, but at key times it was the fact of actual enforcement that had a big impact on the growers.

The predator being out there in the forest – in this case the government – has a focusing effect. I think CIW has been very good at saying, ‘WSR, as we do it, might make you uncomfortable. But it’s not gonna make you nearly as uncomfortable as having the FBI go through your stuff’. To do that you have to have an FBI that will actually go through their file cabinets. We have that in the United States, but a lot of other countries don’t. Critics of the US Trafficking In Persons Report often accuse us of being fixated on prosecutions. Our response is that we’re actually not fixated on prosecutions. But we know that if there are no prosecutors on this, and there’s no real reason for the companies to worry, they’re not going to worry.

one of the worst countries for workers’ rights violations, we have seen numerous examples of workers with a common grievance coming together and taking strategic and thought-out collective action to force their employer to the bargaining table. It is not only CSR organisations and the media who can improve workers’ rights, but also workers taking the initiative. Worker organising is obviously a time-consuming process, but the results are solid. The strength gained by the workers also stays with them. It doesn’t vanish as soon as the media spotlight switches to another subject.

Isolated collective bargaining experiences cannot be sustained and are difficult to replicate if there is no trade union representation. Our experience in China highlights how important trade union representation is to successfully pushing through

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“To me, the thing that makes it possible to have worker-led social responsibility is the prospect of a boss going to jail.”

– Luis C.deBaca

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To me, the thing that makes it possible to have worker-led social responsibility is the prospect of a boss going to jail. A boss going to jail, or shipping containers sitting in an impound lot, is a very good way to incentivise a company to pick up the phone and call the workers.


## Han Dongfang

As noted in the previous question, the most effective way for workers to participate in shaping the conditions under which they work is by organising in the workplace and engaging in collective bargaining with their employer. Even in China,

worker initiatives, even in a country where worker-led trade unions are still a sensitive topic. Our experience in India shows that workplace collective bargaining is the strongest tie linking trade unions and workers, and is therefore able to create a long term and sustainable solution to the protection of workers’ rights.

## Lupe Gonzalo

With business leaders, it is important to point out that it is getting increasingly difficult for companies to hide abuse because of increasing levels of transparency worldwide. When abuse happens, even in



far away places, we find out about it. That's different than 15 or 20 years ago. Consumers can now inform themselves about actual conditions on the ground.

A good example of how this can work is what we've done recently with the fast food company Wendy's. We spent years working on a public campaign to educate consumers about the conditions in their supply chain in Mexico. We pushed really hard to convey the reality despite what Wendy's was saying. We combined that with action steps. We were not only telling consumers what was happening, but we gave them ways to help. That combination of educating people and telling them what to do about it really allowed us to make real change.

The United States isn't a good example when it comes to reaching policy makers. Farm workers and domestic workers have been excluded from federal protections since at least the 1930s. At the same time, any politician who knows anything understands that the migrant work force is a fundamental part of the foundation of the economy of this country. Whether it's in hotels, or restaurants, or agricultural fields, we are a part of this economy.

We really have to be talking about how to protect the basic human rights of workers in those jobs. To get there politicians need to recognise that economic contribution, but they also need to see the faces and the families of the workers who are doing these jobs. That means that we as people need to show that to them. We need to show that we exist, and that as immigrants we're doing our part to move the whole country forward. If we hide ourselves no one will ever see us. We have to be willing to go out in public to tell our stories. I hope that in the future that can lead to change.

## Theresa Haas & Penelope Kyritsis

**Penelope:** I don't see any reason why WSR can't be a policy maker's project. The principles are simple. The only barrier I see is finding the right incentive.

**Theresa:** There's quite often a number of levers that policy makers have to either provide preferences, or block non-WSR participating entities from being able to engage in business. There's no reason why policy makers couldn't require suppliers for public procurement to prioritise or exclusively source from WSR programmes. The same goes for government contractors. Sometimes private developers have to get certain government permits in order to build properties. You could have a system through which policy makers require developers to participate in WSR programmes in order to get the permits.

The bigger issue is about incentivising policy makers to want to make those changes. That's hard, because policy makers are deeply influenced by business. I think that business, in many ways, constrains policy makers from enacting stricter laws and regulations for workers engaged in any kind of production for public purposes. So a big part of the change does need to happen at the level of the businesses and the brands.

## Emily Kenway

For policy makers, one of the things that does work is involving business voices in the lobbying effort. Unlikely coalitions of corporate, trade, and civil society organisations do work. Take the 2015 UK Modern Slavery Act. Section 54 on transparency in supply chains, weak as it is, exists in part because corporate and investor voices pushed for it. Policymakers listen to businesses and you can't ignore that fact. You have to find a reason why a policy shift would be in the interests of business as well. Part of this is remembering that businesses are made up of people. Who they are can be very important. Take the UK Living Wage accreditation. In cases where campaigners won very large companies over to this wage rate, it was often because they found an internal champion within the company who understands it and wants to do it.

The other tactic that should be used more often is targeting public procurement. Like companies, government also has to consider the reputational risk



of its business-style activities, i.e. the products and services it buys. Particularly the current UK government which has a prime minister who seems to want to make anti-slavery her moral legacy. Campaigners could leverage that and push for deep action with actual teeth if they could demonstrate that there is child and slave labour in the government's own supply chains. That's not impossible to demonstrate.

And while transparency is what uncovers that sort of thing, we need to be wary of putting too much faith in it alone. Transparency has become an end in itself, but it is only a means. We need to ask how it is affecting or improving labour rights at the bottom of a supply chain. We shouldn't applaud companies for mapping the first tier of their supply chains. That's really not the point. For transparency to be effective, you use it to first bring issues to light. Then you act to structurally alter the possibility for those same issues to arise again.

It's quite clear from companies' modern slavery statements that this is not happening. The vast majority of even the better ones focus on output activities. They've trained x number of staff or run an educational workshop for y number of suppliers. But they are not focusing on outcomes. What has actually changed? What means this issue isn't going to happen again? They're missing that part of it.

I actually think they are missing that part of it – they are stuck at outputs and can't fathom outcomes. Most of the time when I meet with supermarkets I mention the Fair Food Program, just to see if people have heard of it. They should have, because it is one of the best examples of worker-led labour rights change out there today. But they usually haven't. They're missing those links and ideas. There is a lot of work for activists, civil society organisations, and trade unions to do in terms of providing alternative models to them.

## Reema Nanavaty

The primary and most effective route is to organise informal sector workers. This gives them a collective


strength. Their voice is heard. Their work gets visibility. For that to succeed, one has to work on capacity building for both leadership and management. If I, as an informal worker, know where the product that I'm embroidering goes to, what the finished product is, and what the sale price is, I have a much stronger base from which to work. That's why our organisation invests a lot in members' education.

We also work on setting up real alternatives for informal sector workers, because having alternatives increases their bargaining power. For example, we have set up a company run by garment and textile workers. It's grown to include over 15,000 artisans and garment workers and provides an alternative to other employers. We have also set up a company of small farmers, which has now managed to create its own rural distribution network and supply chain.

For almost a decade we have worked to organise home workers and small farmers in neighbouring countries as well. It's a long process, and many barriers stand in our way. Our focus is on women to women integration: bringing women producers together with women producers across the borders of different countries. To help with this process we have set up what we call SABAHs – SAARC Business Associations of Home-based Workers. It is through these different SABAHs that we have begun to develop our own, independent national supply chains. We're now trying to find ways to get these supply chains to interact with each other and to integrate regionally as well. It's a relatively new project that can only grow at the pace of its members, but it's gradually moving in a constructive way.

We have also experimented with other tools like model contracts, but they haven't been picked up very much in India. There is no government regulation that mandates supplier firms to enter into formal contracts. Employers thus remain very foot-loose. Today they work with the processors, or ginners, or spinners of India, but tomorrow they may ship the entire operation to southeast Asia, Bangladesh, or Africa.





One reason why such regulation doesn't exist is because India has yet to ratify the 1996 ILO Home Work Convention. We campaigned for more than 10 years to have that created, but until they ratify the convention the government will not make a policy.

## Elizabeth Tang

This is also our question. I used to organise all types of workers, and now I only organise domestic workers. I see the difference in terms of how to build power.

For other types of workers you focus on building your membership, your internal strength, so that you can strike. I once organised local Coca-Cola workers for a wage increase. We had a single target: the Coca-Cola factory and employer. We were able to mobilise workers to go on strike, and we were able to build up an image that everybody could get behind. It was easy.

In the case of domestic workers it is much trickier. There isn't a single employer, there are many. They are ordinary people. Nice people. Also poor people. So if we target our employers, we are also targeting the community. I'm convinced that getting the public at large to understand us is the key to success. It's harder, because it really involves a change in attitudes and a change in the value system of the population. We need to shift how people look at domestic work. How people look at women. How people look at migrants. We need to shift people's mindsets so that they begin to understand the value of our contribution.

Targeting policy makers is something we have to invest much more in. It's very hard in the beginning. Activists and trade unionists commonly and mistakenly take for granted that people know what they know. Unfortunately our world is not like this. If people are not in your world they really don't know your world. People turn their faces away and don't want to listen. But once you find the opportunity to start talking and people begin to hear you, things start to change.

We've had many successful experiences on this. Here in Hong Kong we recently had a legislator advocate for revisions to our human trafficking law. It's outdated and focuses only on preventing sexual exploitation. It has taken us years, but there are now a few parliament members who understand that exploitation of migrant domestic workers is much more common in Hong Kong than of sex workers.

For migrant workers, it is important to lobby lawmakers in both the country of origin and the country of destination. Most of our members spend probably 80% of their energy on the country of origin. Lobbying the destination country can seem much harder, yet it is as important. In places like Hong Kong domestic workers are indispensable. That gives them bargaining power. They first have to understand this, and then they have to have local support to act on it.

## Alison Tate

It's an interesting question to answer, because this really depends on how you see the power dynamics between these different political and financial institutions. There are the policy makers within a government; inter-governmental groups like the G20; international financial institutions like the World Bank or the International Monetary Fund that both provide access to capital and dispense policy prescriptions; and powerful business leaders at the head of some of the largest financial entities on the planet.

It's important to remember that organised labour is an actor as well. An important way to counteract these other forces is by building workers' power. It's really important. That means ensuring labour market institutions that deliver justice. That labour courts are there to ensure good laws and social protection measures. That rights are actually enforced. That labour inspections work. And that the financial system is working to the benefit of workers. Building these up requires not just good policy, but also political will.



I think many democratic governments around the world are absconding from their responsibility to intervene and make sure that these systems work. Governments are either withdrawing from that responsibility, or not living up to it.

Very few governments are living up to their responsibilities in tackling the kinds of fast-paced developments that we see. When people talk about the future of work and about the fourth industrial revolution there's a lot of fear because of the uncertainty about how quickly those changes are happening in the world of work. But there is also a lack of trust that governments are not living up to their democratic responsibilities.

We are in a moment of intersecting global crises: of unemployment, underemployment, inequality, of poverty and of climate. Of course people are taking on these challenges in all kinds of creative ways. Not only in the formal economy, but informal workers are also organising into associations and into

unions. There are huge numbers of workers who have been excluded from traditional structures, including from trade unions, because their work is informal. Domestic workers have formed unions and global networks. Great examples are in South Africa, the Dominican Republic, and India. This is also happening in countries like Sweden, Norway and Denmark, where freelance workers are coming together through platform-based organising. They are participating and collectively seeking to access the protections long afforded to formal unions.

Many companies also understand that they need to really look at their own practices. Sometimes the route to that realisation is indirect, such as the need to address climate action. Some companies are now working with workers to design employment plans that go along with carbon emission reduction plans. Changes like that provide new opportunities for unions to organise, to negotiate, and to bargain collectively around those conditions.

## RESPONSE

# Beyond silos: confronting common challenges amongst migrants and workers

## Global Alliance Against Traffic in Women

For us at GAATW, trafficking has always been an issue of labour and labour migration. Our efforts to challenge exploitation and trafficking must therefore be grounded in a deep understanding of the world of work. This means taking stock of how and why work has changed globally, identifying the specificities of each sector, and finding ways to enable workers to organise and build alliances.

It has long been clear that trafficking, exploitation, and labour rights violations occur in sectors where women, often migrants or of lower socio-economic status, work. These sectors include domestic work, the sex industry, the garment industry, and agriculture. Each of these comes with particular conditions that enable abuse and exploitation. Domestic work takes place in private homes. Sex work is criminalised and highly stigmatised in most countries. Agriculture and the garment sector are rarely monitored effectively.

We also know that the experiences of women who have been trafficked or exploited in these sectors tend to be very similar. They endure long working hours, unfair wage deductions, physical, psychological, verbal or sexual abuse, control on their movement, confiscation of documents, and so on. The strategies that can reduce exploitation in these sectors are very similar too: stronger and better enforced labour regulations; oversight and accountability of employers; firewalls between labour inspections and immigration; and the ability of workers to organise and bargain collectively.

Despite these common experiences and challenges, there remains a tendency towards fragmentation – or siloing – of the efforts of different groups that support women working in these sectors. Many anti-trafficking organisations view trafficking from a criminal justice perspective, and some continue to employ a harmful “raid-rescue-rehabilitation” model despite [extensive evidence](#) that it does not work.

Migrant rights groups typically exclude citizens. Local workers’ groups typically exclude migrants. Trade unions tend to be male-dominated. Many do not allow migrants to join or lead them, and usually exclude informal workers. All of these groups can and have been hostile to sex workers. And domestic worker organisations and sex worker organisations don’t often talk to each other, despite the fact that many women move between domestic work and sex work or engage in both at the same time.

### Towards a united front

To address this fragmentation, GAATW organised a [Knowledge Sharing Forum on Women, Work and Migration](#) in April 2018. The participants included more than 60 representatives from trade unions, academia and NGOs, and their expertise spanned anti-trafficking, migrant rights, women’s rights, sex worker rights, and domestic worker rights. The primary aim of the forum was to share strategies for protecting women’s rights and reducing the risks of exploitation and trafficking, and to forge new alliances between these diverse groups.

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*The Global Alliance Against Traffic in Women (GAATW) is a network of over 80 organisations across the world that work to promote the rights of migrant women and assist those who have experienced abuse and exploitation.*





Our discussions centred on decent work, migration, and gender-based violence in the workplace. They brought to light how a woman's access to opportunities and knowledge and her ability to negotiate depend on her geographical location and social standing in the patriarchal structure. Given this realisation, we also focused upon the importance of cross-sectoral movement building for all women workers.

On the final day, participants came up with a joint [statement on violence and harassment in the world of work](#). This was released ahead of the 107th Session of the International Labour Conference in Geneva, where delegates met to deliberate on an international instrument to address violence and harassment in the world of work.

We hope to make these forums an annual event and to hold them in different parts of the world. Now more than ever there is an urgent need for social justice movements to come together. There is a need to build and strengthen movements across issues and across sectoral and geographical borders. Civil society organisations focusing on different issues need to come out of their silos and share their work. In doing so, they will gain a deeper understanding of each other's concerns, challenges, and successes, and find out where their meeting points are.

Some of this cross-movement building is already

happening. If GAATW had not talked to migrants and sex workers, we would not have understood how anti-trafficking laws are now being used to justify border controls and other repressive policies. If our members had not engaged with trade unions such as the Self-Employed Women's Association, the Asia Floor Wage Alliance, or the International Domestic Workers Federation, they would have missed out on many lessons for how to unionise informal workers at the grassroots level.

Quite naturally, all these different groups have different priorities, different strategies, and different opinions. But our goals are same. We all want to see a world free of exploitation, where people can move freely and are not criminalised or discriminated against because of their migrant status. We want to see a world where everyone can realise their rights. Above all, we want a world that is safe, secure, and peaceful for all.

As this Future of Work round table has shown, the state of the world of work requires a coordinated challenge. We need to find new ways to organise ourselves and legitimise diverse forms of worker mobilisation. Anti-trafficking NGOs, women's rights, migrant rights, domestic worker organisations, sex worker organisations, and trade unions need each other at this moment. No single group has the answer. No single group on their own can effect the change that is needed.



## RESPONSE

# Decriminalisation and labour rights: how sex workers are organising for legal reforms and socio-economic justice

Luca Stevenson

Political and public debates regarding sex work have intensified and crystallised into two apparently irreconcilable positions. On the one hand, we have calls for the recognition of sex work as work, with the primary goal being the end to criminalisation and legal oppression. On the other, we have the view that prostitution should be regarded as intrinsic violence against women. From this perspective criminalisation – and especially the criminalisation of clients – is an important part of larger efforts to disrupt, decrease, and ultimately abolish prostitution. This debate has important ramifications for efforts to grapple with the future of work, as opposition to the basic notion of sex work as work like any other continues to undercut efforts to improve rights and protections for sex workers.

The abolitionist model of criminalising clients has recently gained considerable ground across Europe. France, Norway, Sweden, Ireland and Northern Ireland have all criminalised the purchase of sex. Israel and other countries are debating similar laws, and Spain officially announced a ‘feminist abolitionist’ government. Despite this negative trend, sex workers continue to self-organise and formulate collective demands against their precariousness and exploitative working conditions. By way of further illustration, I’d like to share three current examples from different European countries that demonstrate both the breadth of sex workers’ organising and the obstacles they face.

### **Snapshots of oppression, snapshots of solidarity - Autumn 2018**

In September, Spanish media reported that a new sex worker union, Organización de Trabajadoras Sexuales (OTRAS), had been created and officially registered by the Department of Labour. In response, the Spanish government announced its decision to disband it. Pedro Sanchez, the Spanish president, confusingly justified this annulment on Twitter by saying prostitution is illegal in Spain. It’s not, and despite the political pressure OTRAS followed through with the launch of their union and continued their project of self-organisation.

In the United Kingdom, a grassroots campaign led by sex workers and allies from diverse, sex worker-led organisations coordinated the launch of the DecrimNow campaign at the fringe Labour Party Conference in Liverpool. British and migrant sex workers – both street-based and indoors – denounced the impact of criminalisation, austerity and poverty on their living and working conditions and called for the Labour Party to support them as precarious and informal workers.

In France, sex workers recently mourned the murder of Vanessa Campos, a migrant transgender sex worker from Peru who had worked in France for two years. Vanessa was killed in August 2018 by a group of men as they attempted to rob her client. For several months prior to that attack, Vanessa and

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*Luca Stevenson is the Coordinator of the International Committee on the Rights of Sex Workers in Europe (ICRSE), a network of more than 100 organisations led by and/or working with sex workers in Europe and Central Asia.*



her colleagues had tried to report these aggressors to the police. They were ignored. The apathy and silence of the political class was denounced by sex workers and trans organisations such as STRASS and ACCEPTESS-T through demonstrations, vigils, and articles. Sex workers and allies had previously warned of the dangerous implications of the 2016 French law criminalising the purchase of sex, which has increased the vulnerability and precarity of sex workers and forced them to work in more dangerous areas.

Her murder sparked a wave of global protests from Amsterdam to Bogotá. In each city, sex workers and their allies stood in solidarity with sex workers in France whilst also linking Vanessa's murder to local struggles against racism, transphobia, police harassment, and violence against sex workers.

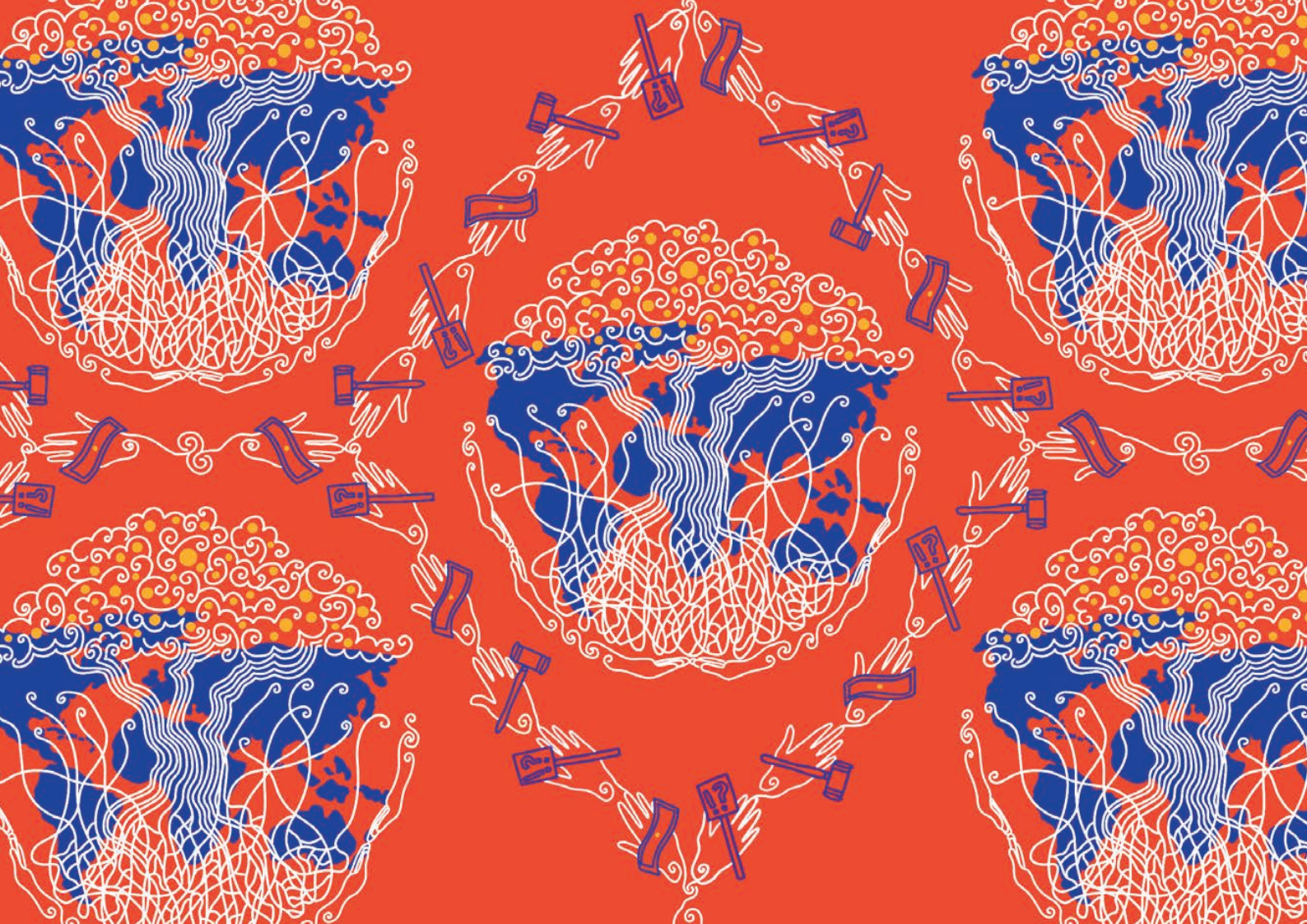
**Demands for a better future**

Taken together, these three examples provide visible and concrete examples of the ongoing self-organisation of sex workers as workers and their united and unequivocal demands for decriminalisation, labour rights, and human rights. Sex workers are also calling for: justice for all in their community; documentation and the right to work for all migrant workers; an end to transphobia and greater

access to education and other forms of economic activity for trans people; reform of the welfare state; and an end to austerity. While the call for decriminalisation captures the headlines, it should be clear that there is much more going on here.

The European network for sex workers' rights, ICRSE, supports and amplifies the voices of sex workers in Europe. It also develops resources that analyse exploitation in the sex industry and violations of sex workers' rights. Over the next two years, thanks to the support of the Oak Foundation, ICRSE will coordinate a project aiming at supporting migrant sex workers to tackle exploitation and trafficking in the sex industry in partnership with several of our member groups. The project is a response to the continued criminalisation of migration and sex work, and to the negative effects of increasingly repressive 'security measures' on migrant sex workers. Sex workers aren't unique in this struggle. Precarious workers everywhere face similar types of challenges, and the voices and experiences of sex workers can contribute greatly to larger campaigns for greater rights and protections for all workers and migrants. Greater solidarity between migrant and labour organisations and the sex workers' movement is the future.





## Question 4

*“The mobility of global capital allows firms to easily move operations across borders in search of cheaper labor or more favourable tax or regulatory systems. Therefore, if one country raises labor standards, it risks the loss of business, investment and jobs to another” (Ford Foundation, 2018). What needs to happen in business, politics, or organising in response to this race to the bottom?*



## Alejandra Ancheita

It's a very interesting question. One answer is to better explore how unions, which are still very much attached to national contexts, can develop effective alliances with other unions in other countries. There are some global unions, but not many.

My friends from the unions are going to hate me, but it is important to remember that worker organisation doesn't necessarily have to go through traditional unions. What is important is that they are organised. Only the collective power of workers has the possibility to balance the power relationships between the workers and the corporations.

We also need to keep working with our governments. We need to keep demanding that governments meet their obligation to protect national laws that give labour rights to the workers, and that strong judiciary systems enforce those rights. We also need to think creatively about how to utilise other types of initiatives to our advantage. For example, many countries have national action plans. How we can develop a new round of national action plans that actually have teeth when it comes to labour protections? There are many possibilities.

## Shawna Bader-Blau

It has to start with all of us on the activist and organising side being really clear that the pursuit of profit at all costs is unsustainable. We need to be able to articulate that, give examples why, and then create a common mission for addressing that incentive structure. The uncontrollable, unmitigated, unfettered pursuit of profits is not something that God ordained. It is something that men have created. It was made by people and can be unmade by people. Every right that has ever been created or established came through organisation, advocacy, and struggle. We can make these kind of changes. They might be big, major-scale changes, but they can happen because of social organisation of people with common vision.

There are, of course, also smaller interventions. The implications of the Accord on Fire and Building Safety in Bangladesh are massive in terms of opening up the realm of the possible for corporate governance. At the same time, in comparison to the size of the garment industry the accord is small. So it's an effort that we should be, and are, working collectively to try to replicate in different forms.

The accord is a negotiated agreement between workers and employers, which is akin to collective bargaining. It is completely replicable, scalable, implementable, and is built on the back of a 100-year history of trade unions and labour organisation. The reason such agreements are rare isn't because collective bargaining is some old thing that no longer works. It is because the systems that allowed workers to collectively bargain and have a say in their wages and working conditions have been fundamentally dismantled. But the model works. We need to reassert that and not be afraid to say that, especially in the context of the future of work.

The future isn't magically going to be a nice place, a nice time, because all this lovely technology exists and people can just sit around and receive salaries from the banks. All the same disenfranchisement that exists now very likely will exist on steroids in the future if we don't reassert democracy and democratic control over economies.

So there are big movements and smaller efforts. Both should seek to change the incentive structure through the reassertion of democracy. You do this through social movement activism and organising, and by replicating models of corporate accountability and corporate citizenship that work. The ones that work are negotiated with beneficiaries. They're not imposed by a company.

## Anannya Bhattacharjee

When you have a situation where the government is not enlightened enough to take on these issues, there's a lot of work to be done to raise their awareness of the problem. I think it's something one can





attempt, but it's not being attempted a lot. We do some small experiments here and there, but on the whole it's not something that has been prioritised.

What we really need is a movement of people to finally upend the status quo. The movement has to be built by all of us who are in the labour rights, human rights, women's rights, and migrants' rights movements. And by those who live in the headquarters of global capital as citizens and consumers. This is the only solution I see right now. We need to build a movement of people to hold capital accountable.

There are some indicators that things are changing. The International Labour Organisation has definitely been able to organise spaces to begin some of these discussions. In 2016 it held its first tripartite discussion on regulating global supply chains. Last year the discussion was on migration.

This year it was on gender-based violence. These discussions are being had, but it's not going to be an easy road. The employer lobby is really refusing to take responsibility, even though their position is becoming more and more unattainable.

## Luis C.deBaca

This is why we recently changed the Tariff Act in the United States. This act from the 1930s, among other things, prevented the importation of slave-made goods. However, it came with something called the 'consumptive demand exception'. This allowed products to be imported, regardless of whether slave labour was involved in their production, if no one in the US was producing them. Its original purpose was to secure the flow of certain, strategically important goods, such as rubber, and was predicated on the idea that most things were still being made in the US. Now, in the globalised economy, almost everything is made somewhere else.

We were finally able to get Congress to get rid of the consumptive demand exception. Now, we're able to actually look to see if slave-made goods are coming in. If so, we're going to seize them, we're going to

prevent them from coming into the United States. I think you will soon see enforcement around that act.

Unless people want to set up two supply chains, one that would come into the US and one that would go everywhere else, they will need to take this into account. They've created a new office in Customs and Border Protection to lead on this. It is only about six months old now. They're bringing in people from the labour world, not just folks from customs and immigration. They're hiring people who have dealt with MSIs, with companies that show little respect for the law, and who have good, long-term relationships with unions. I think that the seriousness with which they are staffing that office bodes well.

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"I don't know that we've necessarily hit the bottom. I'd like to think we have."

– Theresa Haas

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The US Trafficking In Persons Report is also meant to catalyse a shift. It has been criticised by many for being a unilateral reporting mechanism. But even the folks over at UN Office of Drugs and Crime, which are supposed to be the keepers of the Transnational Organised Crime Convention which has the trafficking protocol in it, admit they're dependent upon what each individual state gives them to put in their own report.

They assemble all the self-assessments together, whereas the TIP report provides an outside assessment along the lines of prevention, protection, and prosecution. It looks at capacity and corruption, and tells some uncomfortable truths every year.



That does seem to make a difference. When you turn up the heat for long enough on a country, they start to make change.

For example, we're now seeing in Thailand a different level of training and expectation than before. Not just for the police, but the labour ministry as well. A lot of that would not have happened if we had just left that cosy relationship with the seafood industry alone. But, by being a real pest, and by doing it for long enough, we were able to put pressure on the companies buying those goods. I think that we can actually say that there's been some real changes in Thai shrimp.

## Han Dongfang

This question is rather misleading because it mixes up two major forces affecting labour standards: organised labour and the government. Government policy on labour standards is highly dependent on whether or not labour is well-organised. If workers are strongly organised with a focus on workplace collective bargaining, the respective government will have to consider the demands of organised labour before changing labour policy.

The size of a country's labour force is another major factor. The countries with the biggest labour force will have the biggest impact on international labour standards. China and India provide a huge proportion of labour to the world labour market. Improving labour standards in these two countries will have a significantly larger impact on the world labour market than most other countries. Given the vast size of the labour force in these two countries, there is nowhere else companies engaged in the race to the bottom can go if they want to maintain their same capacity. CLB is lucky enough to be able to focus our strategy on workplace collective bargaining and organising in these two countries. By improving labour standards here through workplace collective bargaining, we may be able to slow down and eventually reverse the race to the bottom.

## Lupe Gonzalo

From our perspective the main thing that we have to offer to that question is the broader model that we have developed. The Fair Food Program currently exists only within U.S. agriculture. But the model that it established is replicable, not only in agriculture but in other low wage industries. That's already proven to be true. There are workers in the Vermont dairy industry who have used the same essential elements to create the Milk With Dignity Program. They have their own enforcement, their own education, their own agreements. On the global scale there is the Accord on Fire and Building Safety in Bangladesh, a worker-driven social responsibility model that combats health and safety threats to textile workers.

We're looking to bring this model to workers in other places. We know there are just horrific human rights abuses in other countries, that there's horrific poverty in other countries. There are migrant workers in other countries who are vulnerable in the same ways that we are here. They also have the possibility of creating a WSR-style programme that can harness the power of the market for good. We would like to see this model take root on an international basis as much as possible.

The other important piece is the continued education of allies and consumers. There are consumers in every country and for every product. They will play a critical role in demanding real social responsibility. It is our job to educate them on the power they have to work together to make change. Between expanding the model and continuing to mobilise consumers, there's a lot of work to do. But if you are willing to really do the necessary work to harness power and to build power, then it is possible to change.

## Theresa Haas

I don't know that we've quite hit bottom yet. While Bangladesh is extremely cheap, you also have Burma and Ethiopia where production has been moving.





Can you get even cheaper than those two? I don't know. So I don't know that we've necessarily hit the bottom. I'd like to think we have.

To answer your question, you have to figure out ways to mitigate that competition between countries. There are a couple of different strategies to do that. One is to conduct campaigns on a global scale, to go after an entire industry or an entire sector. If you were to have a global effort around wages, the only way would be for it to apply to every country equally. That way no one country would lose out by becoming too expensive. That's obviously very difficult given the scope.

Worker organisations have increasingly been organising cross-border solidarity efforts because they recognise that pitting one country against another hurts workers across the world. They're seeking to create agreements on a global scale, but we're obviously not there yet.

## Emily Kenway

I think the first step is actually challenging the narrative around it. The prevailing narrative is something like a trickle-down theory of labour rights. The more that developed countries develop an ethical conscience and want to consume ethical products, the better rights people at the bottom will have. Research shows that that is not happening. [Oxfam recently dug into the value chains of UK supermarkets](#) and found that the share of value going to the supermarkets at the top has actually increased over time, whilst the workers at the bottom sometimes don't even have access to drinking water. This is happening in an era of alleged corporate social responsibility and ethical consumerism. So we need to get rid of that story line, which I suspect a lot of people probably buy into if they're not directly working on this kind of thing.

There are also legal mechanisms that need to be used, or private versions of those legal mechanisms. We need to implement joint liability frameworks where the top is responsible for creating the con-

ditions for exploitation lower down. They do exist in some sectors in some countries already, but we need to go bigger and to cross boundaries with them. That's a big ask, and we are far away from it.

In the meantime there are private versions of that, such as the Bangladesh Accord. There you have businesses at the top binding themselves into improving the factories supplying them from halfway around the world. The Fair Food Program is similar. It's clever because it understands the power dynamics in the supply chain by commercially incentivising tomato farm owners to stay in the programme. That gives it teeth. We need many more mechanisms like that, which create joint transnational responsibility even in the absence of a law.

In terms of organising, I think we need to see really clever disruptions of capital across supply chains. Really looking at specific supply and logistics chains to identify the nodes and intervention points within them and periodically stop them functioning. This would build worker power to the point where it becomes impossible to ignore. The reason to use those strategies is because they will hit money, at the end of the day, which is the only way to succeed given the legal and cultural structures we're operating under and the absence of things like capital controls.

It isn't enough to have siloed worker action – we need solidarity links between workers across the world. And we need it at every layer. We have to be wary of prioritising the international and forgetting the need for organised power at national and local levels. If you look at global framework agreements, the most successful ones are those which have strong worker organisation at national and local levels to make sure they were implemented and monitored properly.

## Reema Nanavaty

In order to attract foreign direct investment the Indian government has embarked upon economic reforms as well as labour reforms. We are advocating quite strongly around what kind of wage code and



## ROUND TABLE REFLECTIONS

### What are the building blocks of an effective transnational alliance?

Shawna Bader-Blau

The Solidarity Center doesn't have a unique template, and there are many good models across different social movements of successful and lasting transnational solidarity. We have, however, learned a thing or two over two decades as an organisation.

First, transnational solidarity means to be grounded in the idea that we are all equal. Fundamental is that we all have equal rights to dignity, to cultural freedom and sovereignty, and to decent lives as we define them. Equally fundamental is recognising that the forces preventing people from achieving equality and justice are global and affect all of us. Yet the world has not treated us all as equals. The world has treated people very differently based on historic discrimination. People in the Global South have been occupied and exploited by the Global North, and within the Global North we have massive gender discrimination and racial disenfranchisement, among other things. Both points need to be recognised at the same time to have transnational solidarity. You build trust by grappling with all that at once.

Second, relationships are not built on one-off visits. They're built on trust and commitment to each other. You must put in the effort to communicate regularly, to listen. Really listening to counterparts

in other countries, who exist within a different social movement context, is not a well-enough developed skill. But you can't be a good ally if you don't develop empathy and love, and that comes, in part, through really listening.

Third, it's critical to develop joint analyses of power and visions for change. That comes through spending time together and putting all your cards on the table. This is who we are, this is what we're about, this is who we want to be in the world, this is what we need, this is what we can contribute. You then listen to the other folks, develop a joint analysis, and then situate your relationship and joint work within that. That's really critical and often missing. When you don't take the time to do that, you might build a friendship but your work will be less powerful if it is based in assumptions rather than in a joint analysis and theory of change.

Finally, developing a true understanding that we are all in it together. We need to think about mutual interests and reciprocal actions, so that we practise solidarity by treating each other's campaigns and priorities with a high level of seriousness. In short, we need to really show up for each other.

labour reforms ought to be there to safeguard the workers at the base of the pyramid. It's important, because in our experience these workers are not the base of the pyramid but its wheels. They keep the pyramid moving. We're asking for a floor living minimum wage for informal sector workers. We are also working on what kind of skills development, social development, and social protection programmes need to be put in place, as well as on what kinds of enabling policies are needed so that the enterprises of the informal sector can also grow to scale.

Sometimes we must work in the opposite way, and try to prevent unwanted change from taking place. For example, it used to be that companies with 20 workers or more were required to pay certain entitlements. The governments is trying to raise that number to help more companies evade those requirements, so we are trying to make sure that the government doesn't change it. We have been listened to, and we are doing our best to work on the policies, so we are hopeful. After all, we're not talking about a few thousand workers. We're talking about 95% of the workforce of the country.



I'm not an economist, so I may not be able to say it precisely, but in the long term I think India needs to develop its own economic growth model. We cannot really copy one model or the other. We might be one country but in reality we are many countries within a country. India is so huge, there is so much diversity, and each geographic area has its own particular skill set.

India thus needs a highly decentralised growth model that works with local procurement, local processing, local manufacturing, and local distribution. A few formal sector corporations are not going to give jobs to the millions and millions of youth in our country. If you really want the youth to feel that they have productive, meaningful work that is dignified, you have to look at a decentralised and localised model of growth – what we at SEWA call the 100-miles approach.

## Elizabeth Tang

There are many well known strategies for this: organising across regions, organising across sectors along a single supply chain, worker cooperatives, etc. We had already identified them back in the 1970s, and I still think there are no other ways. We have to believe in them and work towards them.

The problem I see is something else. It's not that these solutions are not solutions. The problem is that we are doing less and less in terms of building international linkages, of building regional or international strategies.

Donald Trump and trade unions are now saying many of the same things. They have lots of problems at home, those problems are growing, so they can no longer have large budgets for international activities. There is less time for international solidarity because building their organisation at home is the priority. They are becoming narrower in perspective and more inward looking. Twenty years ago in Asia, there were many regional platforms and networks, and now they have all died.

I got my start organising Coca-Cola workers in 1982 because I was connected with the International Union of Food Workers (IUF). At that time the IUF was campaigning for a boycott of Coca-Cola, because one of their factories in Guatemala was on strike and many trade union leaders were being killed in the country. We used that story to mobilise Coca-Cola workers in Hong Kong. We also mobilised workers to go to the South African consulate to protest against Apartheid. We actually collected donations from workers to send to South Africa to support trade unions. Nowadays all such initiatives have disappeared.

It's not just a question of resources. They are always not enough, they are always scarce. I think our enemies have succeeded in creating fear among us, and instead of confronting that fear we submit to it. One of employers' most common tactics is to threaten to leave when we demand better conditions. But often it's just a bluff. Some smaller operations can close and open easily, but when we talk about the bigger ones it's not so easy. I can't remember how many times Coca-Cola has threatened to leave Hong Kong, but they are still here.

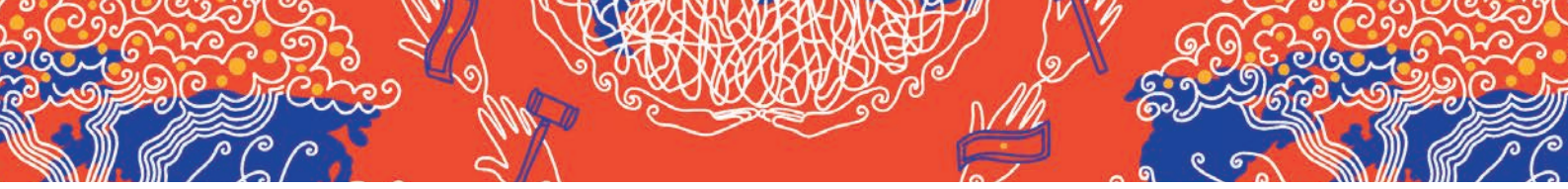
So before we conclude that globalisation just hasn't worked, that that's the only problem, we need to look at ourselves and how inward-looking we have become.

## Alison Tate

I think the UN's sustainable development goals and the Agenda 2030 framework has raised awareness of the interconnectedness between labour rights and labour standards, on the one hand, and the long-term economic and environmental sustainability of companies on the other.

From the ITUC's perspective, our message is very often that we need to change the rules. We've done global polling of the general public in 14 countries and around 85% of people surveyed say it's time to rewrite the rules of the global economy. That's the kind of crisis that we're facing. The future of our society feels like it's being determined by an economic





model that takes no consideration of the needs and the aspirations of people.

For us an underpinning of fundamental human rights is essential to changing that. That's not an old idea in a modern world. That's a really fundamental idea that remains relevant. The United Nations institutions have a human rights mandate. The same is true for the ILO. Decent work is the key pillar of the work of the ILO, and improving access to universal social protection and the formalisation of all forms of work is key to living that mandate.

Where we see these institutions not taking that on, we need to push them to come back to the fundamentals and the foundations of what works.

Crucially, we need to ensure that pervasive global inequality in terms of women's access to work and discrimination issues in the workplace are addressed. That means addressing maternity rights and parental leave, as well as ensuring minimum living wages, social protection and collective bargaining is available to all women. It means taking specific and targeted action to make sure that what comes about will change the nature of the global economy. Women are on the front lines of many of these industries where fundamental labour rights are eroded, so tackling discrimination is fundamental. All those global institutions have made commitments to that. They've all made very good communiques or proclamations or declarations, but it's now important that those are realised.

## ROUND TABLE REFLECTIONS

### What is the role of solidarity in an age of protectionism?

Shawna Bader-Blau

This is a moment when a lot of countries are turning inward. Xenophobic, nationalist perspectives are on the rise, which say that 'there are real citizens and then there's everybody else'. Real citizens are defined along exclusionary nationalistic lines, often based on race, country of origin, and religion. That is a trend north to south around the world, including in the United States.

In moments like this the labour movement becomes a target for people who don't share our view of equality and justice. They view us as antithetical to nationalism and as a threat. Some parts of the labour movement in different countries around the world

have decided that the best way to survive this kind of moment is to look inwards as well. Stay strong, keep your head down, and live through the moment.

That is, in my view, how civil societies die. We won't survive these moments by replicating the behaviour of the xenophobic and nationalist groups around us, i.e., by looking inward solely. Instead, the democracy, human rights, and labour movements should be doubling down on our belief that the world is interconnected. That we are all people, and that there's no economy on earth that stands and lives on its own. We're not going to retrench, we're going to double down on global solidarity.



## RESPONSE

# Is the race to the bottom over? Reflecting on 'surplus' populations in Cambodia

Nithya Natarajan, Katherine Brickell and Laurie Parsons

Tanya Murray Li, a professor of anthropology at the University of Toronto, describes the millions of unemployed or under-employed people across Asia as “[surplus populations](#)”. She writes, “For the 700 million Asians who live on less than a dollar a day, tiny incomes are ample testament to the fact that no one has a market incentive to pay the costs of keeping them alive from day to day, or from one generation to the next.” This idea of a surplus population puts a whole new spin on the notion of a ‘race to the bottom’ in terms of the trajectory of work. It forces us to rethink the very premise of the metaphor, and also to question how such populations can become lucrative for capital in other ways.

Standard Marxist political economy has long held that a key power differential between companies and their labourers is that there are far more workers than there are jobs. This creates a reserve army of labour and thus downward pressure on labour prices – a phenomenon that capital is keen to perpetuate. Yet Li argues that the vast numbers of low-paid labourers are no longer required to further increase profits, even in reserve. Labour competition is already so high and prices are already so low that millions of lives have become simply surplus to the needs of industrial and services sector-led growth.

### **Profitable only through debt**

Our recent research report ‘[Blood Bricks](#)’ offers a stark glimpse into one case of surplus lives in Cambodia. The research documents how bricks destined for ascending skyscrapers in Phnom Penh are

moulded and fired by debt-bonded families. These families were once smallholder farmers in rural areas. The impacts of climate change and medical expenses pushed them into unsustainable debts, often with one of the many unregulated microfinance institutions in the country. To deal with their rising indebtedness, they approached brick kiln owners located near Phnom Penh, who agreed to pay off the creditors if whole families moved onto the kilns and worked off the consolidated debt. Cambodian smallholder farmers-turned brick workers therefore entered the non-farm economy by being “[adversely incorporated](#)” into broader circuits of capital accumulation. They did this by borrowing from the high-interest microfinance sector that is increasingly characterised by [foreign investment and financialisation](#).

As such, despite being surplus to the requirements of the economy as labourers, smallholder farmers became lucrative in another way; as bearers of debt. The value of their agricultural produce, or their contribution as labourers, is surpassed by their borrowing. This renders everything they own, and even their future wages, collateral to the finance market. This is what happens when the everyday costs of living are no longer provided by the state for pauperised farmers. Debt becomes the only recourse, and credit institutions gain a new – if highly risky – customer base. Ananya Roy, a professor of urban planning, social welfare, and geography at UCLA Luskin, has termed this “[poverty capitalism](#)”.

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When jobs are scant and low-paid, rural smallholders are in a particularly adverse position when it comes to the labour market. The risk of defaulting falls on individual farmers, who are therefore forced into extreme exploitation on brick kilns to stave off creditors. Wider [research](#) from Cambodia also documents the appropriation of land by creditors as a result of loan defaults.

### **The race has already been lost**

The ‘race to the bottom’ metaphor in this context thus appears inadequate. Rather than representing an ongoing struggle, the ‘bottom’ is already here for millions across Asia and the rest of the world. Advocating for strong labour rights alone won’t make a difference to these surplus populations. Rather, it is the very nature of the economy that needs reform. An economic model which renders their work surplus, and thus allows their adverse incorporation into the economy as bearers of debt and then as indebted labourers, is the issue. It is also the state’s lack of social provisioning. The absence of state welfare or

support for the poorest in Cambodia forces them to rely on debt for their day-to-day expenditure. Therefore in thinking through what “business, politics or organising” can do in response to declining labour standards, we need to step back and ask a more fundamental question. What happens when the lives of millions are surplus to the requirements of growth?

As well as struggling for “decent, stable, and well-paid work”, as Alf Gunvald Nilson argues in this series, we need to explore how economies and the state value people’s lives – particularly those that are surplus to the requirements of growth. This means focusing on social welfare and protection afforded to the poorest, and resisting new ways to adversely incorporate them into capitalism as an alternative to this, for example through financialisation and indebtedness. The phenomenon of surplus populations is worsening as more and more people leave rural life and find poor prospects of work in the non-farm sector. We therefore need an agenda that addresses poverty outside of work as well as within it.





## RESPONSE

# Organising for a better future for work

Becky Wright and Simon Sapper

Unions21 is delighted to participate in this discussion regarding the future of work. Having had the opportunity to read through earlier contributions, we were especially pleased with the emphasis on governments absconding from key responsibilities, as highlighted by Alison Tate and others. We also further endorse Shawna Bader-Blau's emphasis on the need to approach people as both workers and citizens simultaneously. These and other voices feed into the bottom line for our own contribution, which starts with the premise that governments should act to establish a framework for social responsibility that embraces concepts of fair work, but they cannot be relied upon to do so. And since governments cannot be relied upon to act independently, our goal should be to organise as both workers and citizens in support of a better future for work.

This starting point is shared by a number of earlier contributors, such as Han Dongfang, Lupe Gonzalo, Reema Nanavaty and Elizabeth Tang. We see no incentive strong enough to guarantee that policy-makers do the 'right' thing.

Recent experiences in the United Kingdom have underscored the challenges which need to be overcome in order to organise effectively in defence of precarious workers and migrants. As other contributions to the round table have illustrated, including Emily Kenway, Alejandra Ancheita, and Luis C.deBaca, there have been some promising signs of progress in some cases and locations. It is worth emphasising, however, that these examples have frequently proved difficult to reproduce or scale up elsewhere. In the United Kingdom, these challeng-

es can be primarily traced to a hostile political environment, along with the strategic choices of key stakeholders.

### The fall (and rise?) of unions

Trade unions have been on the decline in the UK ever since former prime minister Margaret Thatcher confronted them head-on in the 1980s. At the beginning of that decade, trade unions had nearly 13 million members. Their lists have since fallen to 6.23 million, a drop in density from 52% of all UK employees to 23%. Collective bargaining coverage, meanwhile, has fallen from 36% of employees at the turn of the millennium to 26% today.

Trade union membership in the public sector continues to surpass – by a wide margin – that found in the private sector. This discrepancy hasn't changed even though the former has shrunk dramatically over the past decades while the latter has become engorged. To cap it all, union members are increasingly aged. Density amongst the youngest cohort is only around 5%. Yet the labour market is the tightest it has ever been.

You would imagine that, with swathes of the UK economy now unorganised, unions would coordinate their approach and systematically pool resources to meet these political and economic challenges. For various reasons, forging common front has not been a priority. Instead, significant resources have been directed towards union mergers, legal challenges (e.g. [McSherry and Lodge v BT](#) or [Farrer v Uber](#)), and creating more sophisticated relationships between unions and employers in specific high-density sectors.

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*Becky Wright is Director of Unions 21. Simon Sapper is a Trustee of Unions21.*



In cases where a collective worker voice has been established, the prospects of employers acting responsibly have increased. However, these cases are now rare in the UK's highly atomised economy. In an environment where over 95% of all UK companies now employ less than 10 people, how can collective voice be encouraged, nurtured, and maintained?

### Organising outside traditional sectors

This is where we are noticing a new model of collective action emerge, with a number of unions reaching out in innovative ways. The [Independent Workers Union of Great Britain](#) and [United Voices of the World \(UVA\)](#), for example, have undertaken actions amongst gig economy workers in major urban centres that have been loud, joyfully assertive, and widely reported. Unite has established a [community-based section](#), the GMB is making strides among the [bogusly self-employed](#); Community has reached out to the [genuinely self-employed](#); Equity has had success in [fringe areas of performing arts](#); and the Pharmacists' Defence Association Union in [supplanting a "fake union" within Boots plc](#). And many more.

What sets these sorts of actions and efforts apart from more traditional activity is the arguably oldest of organising premises – you need to go to where people are rather than where you want them to be. All of the above examples illustrate this in a different – and new – way.

For the IWGB and UVW it is a question of style and structure. Their members are working in precarious circumstances designed to disempower workers. The unions rely on streamlined decision-making oriented towards demonstrable actions to physically challenge this notion of disempowerment.

This has three particular effects: 1) it gets noticed, and therefore has extended reach; 2) it disconcerts employers, a necessary step on the road to engagement; and 3) it builds self-confidence amongst the workers. IWGB and UVW are operating in conventionally hard-to-recruit areas, yet these are the are-

as in which there has been noticeable employment growth (though now in slight decline) over the last six years.

Unite's community section seeks to organise those not necessarily in any sort of work. Part of this attempt to apply organising techniques to the community as opposed to workplaces is to extend the reach of trade unionism and (obviously) Unite in particular. The range of services provided includes cv and application letter writing, debt counselling, interview training, welfare, payment utilities and tax advice. This is not dissimilar to services that may be available through other community support groups – but in this case they come through the organisational and political prism of the union.

The GMB is active in some of the same areas as the IWGB, such as Uber, and has taken a particular interest in those who are bogusly designated as self-employed. This is a subset of the gig economy sector, and the union has developed an exceptional track record in litigation to secure a reclassification so that these workers are legally recognised as such. (Readers will know that in the UK currently, there are three categories of working people – the self-employed, the employed and workers. Workers have a legal platform of rights and protections but to a lesser degree than employees).

IWGB and GMB represent two different organisational models in the same industrial space – the former would highlight agility and speed, whereas the ability to deploy significant resources flexibly is a deciding positive actor for the latter. But there is scope for both to continue to increase their memberships.

Community, meanwhile, have sought to engage with the growing numbers of genuinely self-employed by, in 2017, partnering with Indycube – a resource organisation for the self-employed – to create "[the first Union for freelance and independent workers in the UK](#)".

Equity, a union for performers, focuses on marginal workers in their sector, while pitching to employers



the added value of a stable employment relationship with active involvement and a degree of underwriting by an independent union. The weakness of employers' organisation in the UK is a major impediment to sector level bargaining, but in this instance, the union has facilitated a more co-ordinated approach by employers to realise benefits for their members.

Finally, the Pharmacists Defence Association Union (PADU) used complex UK recognition laws to displace an incumbent but non-independent rival. Such a move was unprecedented, and PADU needed to work hard to secure the necessary turn-out in crucial legally-binding ballots on the issue.

The PADU campaign, like all the examples cited here, are demonstrations of effective engagement with target groups of people. In each instance success has

been predicated on having the means and the desire to truly understand what the concerns of that target group are. It's member-centred trade unionism, if you will, reaching out into areas that have been resistant to or overlooked by more traditional trade unions. Taken together, they illustrate a renewed appetite for success in the UK labour movement.

As for our own group, Unions21, we have established our [Commission on Collective Voice](#) – a cross party, multi-disciplinary group to solicit, collect, evaluate, and advocate ways in which Collective Voice can work in the early 21st century. We are data gathering at present, with a publication date for our report set for late spring 2019. You can contact us at [worksforus@unions21.org.uk](mailto:worksforus@unions21.org.uk). We'd love to hear from you.



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“No matter how production chains evolve in the future, the focus of labour will remain the same: ensuring the fair and reasonable distribution of profit through the exercise of collective bargaining and solidarity.”

– Han Dongfang

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## Question 5

Global patterns of work and employment will continue to evolve. How must existing regulations and organisations evolve in order to keep up?



## Alejandra Ancheita

In my practice as a human rights lawyer, I can see that the international fora of human rights are trying to evolve. But those institutions are very big institutions, and change is very complicated for them.

The International Labour Organisation, for example, is not answering the question of labour rights in the global economy. They are trying, but it's not enough. The International Organisation for Migration also has to change. They are very bureaucratic and in some context they actually play the role of recruiters, which can be very complicated. The UN is currently pushing for international action plans. Even the OECD, a very conservative institution, has developed international guidelines for in business and human rights for their members.

So a lot is happening. These international fora need to become even more proactive, but as a human rights lawyer I can say that the mechanisms and human rights law that they have developed have proven effective tools in our national courts. They might be flawed but they are still very useful.

## Shawna Bader-Blau

There is an important tension to work out between localised democratic control – the sovereignty of people over their food, over their lives, over their land – and the fact that there is no economy anymore, no matter how local, that is unaffected by the rest of the world's economy.

That means we can't focus all our energy at the local and grassroots levels at the expense of global standards. We need both. Locally we need to reassert democracy and human rights. These are under attack around the world. And then, at the global level, there is a critical need to reimagine a binding, enforceable rights framework.

Take, for example, the possibilities of employment discrimination through online platforms. In their current forms, these platform employers are ba-

sically unregulated in terms of how they pick and choose who they employ. You could have a platform one day say, 'You know what? Indians, we don't want to hire them anymore because they're asking for too much money, and they ask too many questions about employment conditions. So, we want to hire people from some other country.' You'd never know they had made that discriminatory decision.

That's just an example of why we need global regulations based on human rights frameworks. In the future of work in platform employment we can't have discrimination. We can't have someone sitting there somewhere deciding they're not going to hire me because I'm female, but they're going to hire you because you're male. Or the opposite. We can't allow that. So, we need to do both. We need to reassert democracy locally for people, and we need to re-envision existing global human rights institutions and how we're going to affect them.

## Anannya Bhattacharjee

The International Labour Organisation is the world's only tripartite organisation for labour. It is an extremely important organisation, but it is challenging to move things within it. That definitely gives opportunities to people who don't want to change anything. It gives them the opportunity to not change. It also frustrates people who want change faster, and certainly we can all say that it does not move as fast as one would like.

However, let there be no doubt that the ILO's standard making process and the standards that it has created and upheld since its beginning are golden. They must continue. They have to be protected. They have to be implemented. The ILO's global standards serve us in extremely good ways when we are talking about global production, because frankly, where else are there standards? National laws do not apply in the international area.

While we do agree that national laws have to be followed by global capital, at the same time we need global standards for all kinds of things. Hold-





ing global capital accountable by measuring them against the ILO’s labour standards continues to be very important. One of the drawbacks of the ILO, and I think ILO knows this, is that it only recognises certain types of labour organisations. Certain labour unions are in their official membership, while large parts of the labour movement are not seen as being officially part of the ILO.

The good thing is that this alternative labour movement has nevertheless made its way into the ILO in many different ways. That has been important. We have done that ourselves in many scenarios. The domestic workers movement did that, although it had no recognition. The ILO, through our own re-

short. We have to look at them through the historical record. By no means can we just give these institutions up so that they become more and more amenable to those who do not care about our welfare. We have to be there, at the table, and negotiating our positions.

### Luis C.deBaca

We no longer have the luxury of the siloed institutional structures that we currently have. The fight against unscrupulous employers sometimes gets stopped by the intermural fights and navel gazing of the modern slavery movement, or the anti-trafficking movement, or the labour movement, or

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“It’s not technology rendering workers vulnerable to extreme labour exploitation, but the fact that wealth and power are not concentrated in the hands of workers.”

– Penelope Kyritsis

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sistance and knocking at the door, has opened its door a little bit wider. That trend needs to continue.

We have to always remember that institutions are only as important as the movements. We must strategically use the institutions and push them to become more accountable, to become more open, and to become more inclusive. If we just retreat from institutions, then we would lose the mechanisms that are out there. I am not for that type of a retreat. We have to work through these institutions.

We should also not forget that much has happened. We cannot judge these institutions simply by the years of our individual lifetimes, which are quite

whatever we’re wanting to call it these days. We’ve taken our eye off the ball while trying to figure out which one of us is going to be in charge, or whether something flows from the 1956 convention, as opposed to the 2000 protocol, etc.

In the meantime, unscrupulous employers, the folks who tolerate them and their supply chains, and the folks who purposely traffic people, continue to do their work. They are not being distracted by whether this is an issue for the International Organisation for Migration, as opposed to the UN Office of Drugs of Crime, as opposed to the International Labour Organisation, as opposed to UNICEF, or as opposed to the Financial Crimes Task Force. The



answer, of course, is that this is a problem for all of those entities.

We need to stop thinking of ourselves as separate. Instead, we need to figure out what each of us can bring to the mix and then move forward. Because the other side, whether it's the corporations or the abusive bosses fuelling their profits, is not taking the time to think about our silos. Except, perhaps, to see how to exploit them.

## Han Dongfang

Good labour laws are always better than bad laws but the key is implementation. Both China and India have decent labour laws. But due to weak trade union representation and a lack of effective workplace collective bargaining practices, labour laws in both of these countries are not fully implemented.

Before talking about changing government attitudes towards the implementation of labour law, however, we need to establish a collective bargaining system tied to trade unions so that workers can then take the lead in enforcing existing labour laws and improving future legislation.

No matter how production chains evolve in the future, the focus of labour will remain the same: ensuring the fair and reasonable distribution of profit (salary, social insurance, training programmes etc.) through the exercise of collective bargaining and solidarity. For this to happen however, national trade unions need to get back to local organising and strengthening solidarity in the workplace. Without workplace and local organising based on effective collective bargaining, global solidarity will have nowhere to go or no real role to play. In other words, global initiatives will only be effective if there is strong workplace and local organising.

It sounds old school but it is time to get back to basics and rebuild workers' capacity to bargain collectively. Taking a step-by-step approach, one workplace at a time, and then one industry or region at a time, workers will be able to gain a fair and reasonable

share of the profits and enjoy decent pay for decent work. There is no shortcut to reversing the race to the bottom, only the gradual rebuilding of workplace organising and collective bargaining for workers.

## Lupe Gonzalo

If international institutions are going to have any relevance in this conversation about human rights and global supply chains, they have to hear directly from the people affected. I've been in spaces and have talked to people in different countries who have no idea which worker organisations are in their country or which challenges they're facing. That has to change. If they're going to be relevant in this conversation, they have to create spaces to hear directly from the people affected by the problems. They need to learn what support these workers need and then act on that information.

The dynamics should be that workers first establish which rights need to be protected. They need to have a strong and powerful voice in that process. These other bodies then need to come in behind and figure out how to actually implement and enforce them, and ensure that these rights are now part of the broader landscape. If they're really going to make a change, if they're really going to have an impact on labour standards internationally, they have to take that approach.

## Theresa Haas & Penelope Kyritsis

**Penelope:** A lot of discussions around the future and technology sensationalise computerisation and artificial intelligence as a threat, implying that the dynamics leading to the precarity of workers at the bottom of supply chains are somehow new. They aren't. It's not technology rendering workers vulnerable to extreme labour exploitation, but the fact that wealth and power are not concentrated in the hands of workers. So if institutions want to keep up, if they truly want to help workers, the only way they can do that is by putting power in workers' hands.



**Theresa:** ILO conventions remain useful in terms of setting universal standards around these particular issues. Unfortunately the ILO does not have an effect on the enforcement mechanism. Many countries have adopted ILO conventions as part of their national law, but they are not enforced because those governments lack the resources and the political wealth to effectively enforce their own laws. So ILO conventions and international standards are only useful if there is an effective enforcement mechanism component. Absent that, new conventions or standards are not solutions to the problems we've been talking about.

If you could persuade governments to enforce those laws as a matter of policy that would be wonderful. But we acknowledge that although that is the ideal way for things to happen, it's not realistic to expect that it's going to happen anytime soon. If what we want to do in our lifetime is see real change for workers, we have to go after the people at the top of the chain, which are the brands.

## Emily Kenway

Firstly we need to be upfront about what doesn't work. There was a community organiser in the US named Saul Alinsky who said, "Don't get trapped by your own tactic". That is something we all need to think about, including the big institutions working on labour issues like the ILO. Are they actually having the impact that is needed, or are they running to catch up while the Amazons of the world run rings around everybody?

I think this comes down to being more systemic. Obviously regulations need to be more systemic in terms of crossing national boundaries and addressing supply chains all the way through. But organisations and campaigns also need to focus less on particular companies, particular jurisdictions, or particular issues, and instead work to change the structural pillars underlying all of these problems.

In the UK, that could mean something like campaigning to build migration status into anti-dis-

crimination law. Under the UK Equality Act of 2010 immigration status is not protected while nationality and ethnicity are, yet we know that lots of migrant workers are being discriminated against for that reason. Changing that would immediately enable migrant workers to access their rights in the UK. Or we could push for limits in supply chain tiers like there are in Oslo. Such caps make it easier for workers to claim rights, for companies to ensure there's no trafficked labour in their supply chains, and for unions to gain ground.

Ethical consumerism could evolve in this way too. It needs to turn away from using audits to check up on particular issues and instead toward supporting unions. This just doesn't exist. Why can't I tell which supermarket or fast food chain has a recognised union? This matters because unions and worker-led organisations are long-term structures that build power over time, build leadership, and that can continually protect rights and fight for new rights. They are the lynchpin of long-term change, and that is where consumer attention should be directed if we are going to have ethical stamps and that sort of thing. It shouldn't be possible for a business to stand on a responsibility platform, to win awards for responsibility, and not have a recognised independent union. Yet that happens all the time.

Working in this way would have a ripple effect. Take international standards, like those created by the ILO. They are useful for making national governments pay attention to things but then it comes down to how they're implemented on the ground. It comes back to what all of this always comes back to: the need for national and local organised activity to ensure things are done properly with an eye toward achieving lasting systemic change. Most importantly, trade unions and civil society organisations need to ensure that we don't play the game of being grateful for consolation prizes from capital. We are bargaining for scraps at the moment against a legislative and global economic framework which empowers capital. That has to change but it won't unless we make the right sorts of targeted, disruptive, systemic interventions.





## Reema Nanavaty

To be perfectly frank, neither the policy makers nor the governments nor the multilateral institutions have any clue how the future of work is going to evolve. What kind of technological advancement is going to happen? Where is it going to happen? How is it going to impact work? Nobody has any idea. This is why there is economic growth but it is jobless.

So however well-meaning they are, however more they want to do something for the poor and for informal sector workers, they themselves have no idea what it should entail. This has meant that their views on responsible business and alternative economic models have been heavily influenced by corporations. That's why I said, right in the beginning, that for informal workers innovation is a crucial part of their coping strategy. They have to keep innovating day in and day out for their own survival.

## Elizabeth Tang

They need to stick to and affirm the ILO's four principles. They really have to believe in them and never give up. Freedom of association and collective bargaining are the prerequisites for workers' power. These principles are constantly being challenged by corporations. So how we continue to defend them is very important.

Secondly, workers' organisations are constantly evolving. These institutions and also more traditional trade unions need to open their eyes to see what is really happening. When we first started IDWF people didn't really know what to do with us. Our organisation didn't look like a traditional trade union. We didn't use the methods they used. Only a few domestic workers' unions are capable of signing collective agreements, the majority cannot. So we had to find other ways to get rights and are our methods are still evolving.

People found it very hard to accept that we are not signing agreements. They were afraid that by working with us they would become tainted somehow.

That we would be a bad influence on their members. Their sectors were already facing many challenges, and their members were no longer working in the same protected environments. So their members were also looking for new ways of organising and of getting rights, and their leaders felt challenged. This sort of attitude has to change.

## Alison Tate

I think that the difficulties around intervening through these different institutions suggests that we need more coherence across their policy prescriptions. They say all the right things. It's now about actually taking action and making sure that happens.

That's why building workers' power and having new models of ways in which workers come together is so important. It acknowledges that workers and the unions that represent them are the foundation for that bargaining and that aligning of power across economic systems. For us it is about having a foundation of social dialogue.

The ILO is a really important institution in that. It's the international parliament of the workers if you like, the place where employers and governments and workers come together for a process of negotiation and consensus building to create policies and legal standards that need to be applied across the world. That's why these institutions were founded and they are as relevant today as they ever were. Our job is to make sure that they're doing that effectively.

Discrimination in employment remains a major, major challenge, whether that be for recognition of women's pay rates, issues around hours of work, issues of the disproportionate number of women working in the informal economy, or whether it's about access to maternity provisions.

These notions still have not become reality for the majority of working women. There is certainly recognition that that is important, and there have been strides in achieving that. But not in all work places and not in all industries. And not for all women.



## RESPONSE

# Tied visas and quick fixes: the UK's post-Brexit labour market

Caroline Robinson

In 2016 the UK voted to leave the European Union. At the time many British businesses raised serious concerns about the likely impact of a leave vote upon the labour market. At the heart of their concerns was a fear of labour shortages resulting from the end of free movement within the EU. Some experts from government, civil society, and industry have called for a renewed focus on improving wages and conditions in order to entice British workers into jobs that were previously only palatable to EU nationals.

This would be in line with the UK's stated ambition of [leading the world](#) in the fight against 'modern slavery'. If employers must treat workers better as a result of Brexit, then surely this helps to advance the cause? Yet rather than welcoming this new world of work, the government has instead introduced a [temporary migrant worker scheme](#) that will greatly increase the risk of 'modern slavery' in Britain.

### Migrants for the fields

In September 2018, following sustained business lobbying to address worker shortages, the government introduced a new 'seasonal workers pilot'. The pilot will bring non-EU workers to the UK agricultural sector by tying their work visas to two 'pilot operators'. For those of us working to end labour exploitation in the UK, this is a backwards step that will create a new worker underclass.

The new pilot to bring non-EU nationals to fill agricultural labour shortages responds directly to industry concerns. Indeed, Michael Gove, the environment secretary, justified the new scheme when

it was first announced by saying, "We have listened to the powerful arguments from farmers about the need for seasonal labour to keep the horticulture industry productive and profitable."

No mention was made of any concerns from workers, and crucial issues regarding the design of this new scheme are yet to be determined. We do not yet know whether workers will be allowed to change employer, to bring family members and other dependents with them, or to live outside employer-provided accommodation. Instead, the government has said that the [Gangmasters and Labour Abuse Authority \(GLAA\)](#) – one of the four key UK labour inspectorates – will oversee wages and living standards for workers in the scheme. Despite the government saying they are working with the GLAA [to get the scheme right](#), crucial elements of the GLAA's role in propping up worker protections in the scheme have also yet to be determined.

### A scheme or a scam?

Without effective safeguards, this new scheme will be a gift for those who wish to exploit workers. Two examples show why. First, the limited, six-month stay under the scheme means it is unlikely that workers will have time to form ties with migrant communities or trade unions. Because of this, pro-active inspections of labour sites are essential to reach these isolated workers. As yet no extra resources for proactive labour inspection to police the scheme have been announced. Second, there is a high in-built risk of debt bondage inherent in the scheme, with overseas labour providers likely to charge large fees to workers. It is essential

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that the GLAA licenses labour providers in sending countries to reduce this risk. Whilst the GLAA currently licenses labour providers within the EU, an extension of their remit to the rest of the world is a very different, and far more complex, proposition.

As the UK enters into new trading partnerships and brings new workers to our shores, it is vital that we put in place and fund systems to prevent exploitation. Our labour inspectorates need essential resources to do their job – a little over [double current levels](#) if we're even to reach the International Labour Organisation's recommended one inspector per 10,000 workers. The tried and tested GLAA licensing system will have to be expanded to high-risk labour sectors that are likely to see an increase in migrant workers in years to come. The care and construction sectors, for example, are unlikely to survive without workers from outside the UK.

For the new seasonal worker pilot, the Agricultural Wages Boards that previously set standards in England and Wales should be reinstated. Furthermore,

a real effort must be made to ensure workers drive the conversation about their pay, conditions, and treatment in this high-risk scheme. Finally, even if these steps are taken, exploitation will not only continue to exist but also remain largely hidden unless the UK establishes channels for individual workers to report abuses. The UK desperately needs a 24-hour complaints line for workers that can offer resolution to problems raised.

This post-Brexit vision for the UK labour market looks like a recipe for abuse and exploitation. However, there is still time to ensure a better future for work. We have a chance to reimagine the labour market and labour standards, and to reverse recent attacks on [regulations](#) and worker protections. For a country with aspirations to lead the world in the fight against exploitation, we can surely do better than schemes that are designed to appease business interests at the expense of workers.





## ROUND TABLE REFLECTIONS

### After nearly 20 years of the Palermo Protocols, how do you assess their impact?

Luis C.deBaca

I think that they're working, in part because they have been an extremely disruptive force. Without this brash, young, and active challenge from the United Nations Office on Drugs and Crime and the protocols themselves, I suspect the IOM, the ILO and other international entities would've continued to chug along with the forced forms of exploitation subsumed into other parts of their mission.

Previous mechanisms just didn't work. Whether we're talking about the 1956 Anti-Slavery Convention, the 1957 Forced Labour Convention, or even the 1999 Worst Forms of Child Labour Convention, none of these were focused on victims in the communities in the way that the three-P paradigm – prevention, prosecution, protection – of the Palermo Protocols is.

Likewise, look at how older British or US paradigms dealt with the sex industry. These laws basically exempted sex workers from ever being classified as being enslaved, even if they had suffered coercion. Instead, they subjected them to a legal regime based on international commerce and movement that considered sex workers unwanted commodities, as opposed to people whose rights may have been violated.

That might be the most important part of the Palermo Protocol: it says that it doesn't matter if a person in prostitution chose to do that work, were forced into it, or had crossed a border or migrated. Rather, it focuses on whether they were held in compelled service at any time, regardless of initial consent or foreknowledge, and no matter whether they are in their hometown or thousands of miles away. Conceptually, these changes ended up expanding protection to a lot of people who had been exempted from earlier human rights concepts.

Even though prosecution numbers have not skyrocketed under Palermo, the discourse and the level of activity has changed substantially as a result. Without Palermo you wouldn't be seeing joint projects between the big institutions in Geneva. You wouldn't be seeing countries going out and setting up task forces. You wouldn't be seeing pro-worker legislation being considered in pro-business places like Australia.

The fact that Palermo Protocols align pretty closely with the US reporting mechanism has certainly helped to increase uptake. This is an annual audit of what countries are doing to combat trafficking, and when they align themselves against the 11 minimum standards under the US Trafficking Victims Protection Act they also carry out their obligations under Palermo. That feels very different than, 'Oh, well, if we ever see such and such in any of our brothels, then we will do something.' Each year, the Americans are going to not just assess, but publish the results, which forces a more proactive approach.

Eighteen years in and we are approaching global adoption of Palermo. But we're not yet approaching global compliance. The next stage of implementation of that protocol has to now focus on actual results. Countries should no longer be getting credit for ratification or for putting new laws in place – now they have to go out and use them. That means meaningful prosecutions with both criminal punishment of the bosses and restitution for the victims. It means prevention efforts that incentivise a real role for workers in setting and enforcing standards and carry consequences for those who do not address abuse in their supply chains. And it means real victim protection, including social services, family unification, protection from deportation, and true reintegration into communities and workplaces.

# Contributors

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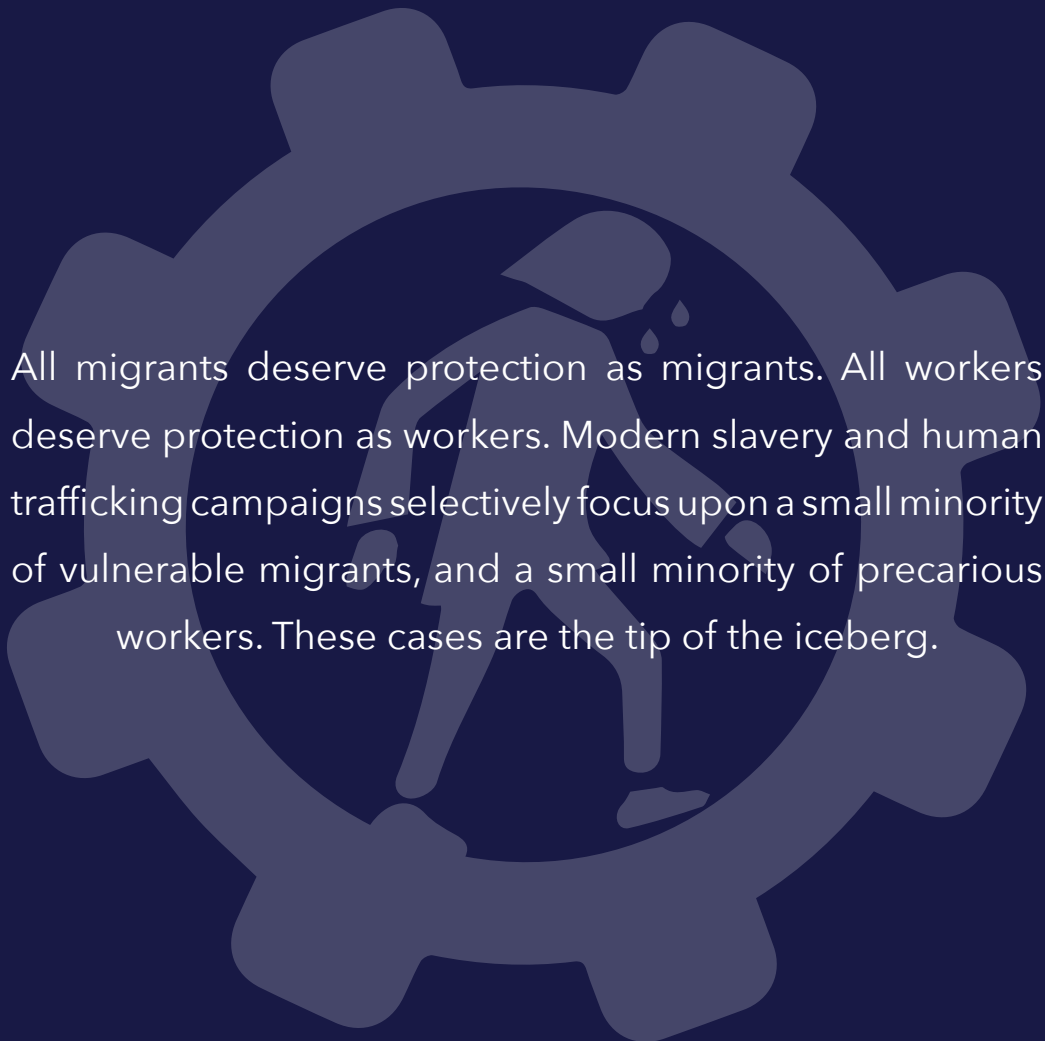
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All migrants deserve protection as migrants. All workers deserve protection as workers. Modern slavery and human trafficking campaigns selectively focus upon a small minority of vulnerable migrants, and a small minority of precarious workers. These cases are the tip of the iceberg.

**Beyond Trafficking and Slavery**

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