

## Principles for Addressing Trafficking, Forced Labour and Slavery in Supply Chains: POLICY BRIEF #3

### Introduction

This series of Policy Briefs results from research on initiatives (policies, programs and other actions) to address Trafficking, Forced Labour and/or Slavery (TFLS) in and through supply chains. This is a fast-growing field of intervention which our research has sought to map and understand. Based on this research, we recommend four principles for addressing TFLS in and through supply chains. In this policy brief, we focus on Principle #3: genuine worker participation is a critical aspect of initiatives to combat trafficking, forced labour and slavery in supply chains.

#### *Four principles for addressing TFLS in and through supply chains*

**1) It is time to go ‘beyond compliance’ to responsibility for ethical supply chains:**

In order to effectively tackle practices associated with TFLS in supply chains, responsibility must be understood to include not only culpability and liability, but the duty to address injustices from which we might benefit. Lead firms should take responsibility for improving conditions for workers within their supply chains – and policy should promote this.

**2) Initiatives need to be enforceable and have significant consequences:**

Voluntary efforts to address TFLS in supply-chains are unlikely to be effective without enforcement mechanisms which result in significant consequences for violations (or failure to achieve targets).

**3) Genuine worker participation is critical:**

Wherever possible, trade unions and other workers’ organizations should be substantively involved in formulating, implementing and monitoring initiatives at the TFLS-supply chain nexus.

**4) Public regulation to protect workers’ and migrants’ rights and labour standards is crucial:**

Practices associated with TFLS in supply chains do not take place in a vacuum. Addressing them necessitates a broader commitment to labour rights and labour standards. Private initiatives can complement and reinforce public regulation, but not substitute for it.

### Data collection and analysis

This project has involved intensive desk-based research complemented by fieldwork. Initiatives at the TFLS-supply chain nexus include the following, which typically reference Core Labour Standards, including freedom from forced labour: 1) International Framework Agreements (IFAs) negotiated between Global Union Federations (GUFs) and Transnational Corporations (TNCs); 2) bilateral and multilateral trade agreements; and 3) individual company codes of conduct. In addition, 97 initiatives at the TFLS-supply chain nexus have been identified. These initiatives are diverse: a range of actors (companies, NGOs, governments, multilateral bodies, etc.) are involved in these initiatives, they are being developed and applied in various industries, they operate at different scales and in different locations, and they take a number of forms. In order to understand this diversity, we have classified each initiative according to a number of factors including those listed above. To further consider the implications of these diverse initiatives, we have conducted three case studies investigating how selected initiatives are playing out on the ground. Each case study has involved a period of fieldwork: electronics in Malaysia; construction in Qatar; and agriculture in the US.

## Prospect for worker participation

We would first note that International Framework Agreements (IFAs) negotiated between Global Union Federations and Transnational Corporations (excluded from our inventory of 97 initiatives as they form a clear category in their own right) are potentially important initiatives at the TFLS-supply chain nexus. They commonly reference core labour standards including freedom from forced labour. First, by signing IFAs, companies make a contractual agreement to address labour violations within their supply chains, thus increasing their own liability for such violations. Secondly, however, IFAs promote freedom of association and the right to collective bargaining, thus paving the way for workers to combat practices associated with TFLS. IFAs are high-level agreements which (by design) need to be followed up with on-the-ground worker organising and mobilisation if they are to achieve their full potential.

Beyond this, while many initiatives we identified were multi-stakeholder (for example, involving a non-governmental organization and a company), only two were initiated and/or implemented by trade unions (the 'From Catcher to Counter Program' targeting fisheries and the Fair Games – Fair Play campaign focused on construction), with one additional initiative implemented by a worker-based human rights organisation (described below). Only these three initiatives, together with one more initiated by an NGO-trade union alliance (the Clean Clothes Campaign), rely on worker organising as a key mechanism by which the initiative would function. A recent initiative to address child trafficking in fishing carried out by the General Agricultural Workers Union (GAWU) in Ghana<sup>1</sup>, the Torkor model, has demonstrated the progress that can be made by engaging workers, employers and local communities: according to the union, 2,000 children have been moved from hazardous work, usually as a result of trafficking, into education. These initiatives appear to be the exception. While some incorporate worker training or even 'participation', few involve on-the-ground worker organizations in the design, implementation and monitoring of the initiatives. These results are striking given the widespread recognition for the work of the Coalition of Immokalee Workers (CIW)<sup>2</sup> and the model of Worker Driven Social Responsibility (WSR) that they have pioneered.

In the Fair Food Program (which resulted from the Campaign for Fair Food, launched in 2001 alongside CIW's Anti-Slavery Program), workers have been involved in the design of an industry-wide Fair Food Code of Conduct to reflect the on-the-ground realities they face. The Code forms the basis of 'negotiated bilateral agreements with national and international retail brands (fast food chains, food service companies and supermarkets)' (Brudney 2016: 352). Workers are also central to its implementation and monitoring through complaint-driven investigations. The third-party monitoring of the agreements by the Fair Food Standards Council relies on a more extensive evidence base than is typical of standard CSR audits, and there are market consequences for non-compliance: participating buyers are required to suspend purchases from growers who have failed to comply with the Code (see also Parella 2014). Central to the program is a Fair Food Premium, which participating buyers commit to pay and which is received by workers as a line-item bonus in their paychecks. This has led to impressive progress in addressing 'slavery in the fields,' extremely low wages, health and safety risks and sexual harassment. In relation to labour outsourcing (discussed in Policy Brief #1), it is also notable that the Code mandates direct employment of both farm labour contractors and agricultural workers.

Workers are best placed to articulate the factors which lead to a situation in which their mobility is constrained and the specific practices which harm them or risk doing so. Therefore, genuine worker participation contributes to better design, implementation, and enforceability of initiatives. Wherever possible, trade unions and other workers' organizations should therefore be substantively involved in formulating, implementing and monitoring initiatives at the TFLS-supply chain nexus. Yet to date, the rapid expansion of initiatives at the TFLS-supply chain nexus is not characterised by such involvement. In the short term, international organizations may play a role in contexts where this is more challenging, while longer-term efforts to promote labour rights and standards are also important (on which see Policy Brief #4). Yet, the challenges do not fully explain the relative neglect of worker organizations in the design of many initiatives. We therefore recommend greater involvement of worker organizations in existing and future initiatives at the TFLS-supply chain nexus.

## References

Brudney JJ (2016) Decent Labour Standards in Corporate Supply Chains: The Immokalee Workers Model. In: Howe J and Owens R (eds), *Temporary Labor Migration in the Global Era: The Regulatory Challenges*, Cumnor, Oxford: Hart Publishing, pp. 351–376.

Parella K (2014) Outsourcing Corporate Accountability. *Washington Law Review* 89: 747-818.

## Funding

The research leading to these results has received funding from the European Union Seventh Framework Programme [FP7/2007-2013] under grant agreement n° [612869].

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<sup>1</sup> A representative of this organization serves on the Advisory Board for this research project.

<sup>2</sup> Representatives of this organization serves on the Advisory Board for this research project. CIW's work has received the 2015 Presidential Medal for Extraordinary Efforts Combatting Modern-Day Slavery, the 2014 Clinton Global Citizen Award, the 2013 Franklin D. Roosevelt Freedom from Want Medal, the 2003 Robert F. Kennedy Human Rights Award and the 2010 Hero Acting to End Modern-Day Slavery Award among many other recognitions. For a full list of their awards, see: <http://www.ciw-online.org/highlights/>

