

# ITUC Strategy to Build a Workers' Alliance to combat Forced Labour and Trafficking

## **Challenge**

According to the ILO at any given time a minimum of 12.3 million people are working in forced labour conditions meaning they are involuntarily exacting work under the menace of a penalty. The number of trafficked workers is ever increasing and victims are not only found in sexual exploitation, growing numbers are to be found in mainstream economic sectors such as agriculture and construction. This indication is the tip of the iceberg.

Trade unions are and always have been at the forefront of the fight against inequality and exploitation. Following its constitution the ITUC was to "strive for the universal respect of fundamental rights at work, until child labour and forced labour in all their forms are abolished, discrimination at work eliminated and the trade union rights of all workers observed fully and everywhere."

In a new trade union internationalism, the fight against forced labour is an essential component of the trade union campaign for *decent work*. Forced labour and especially trafficking is modern day slavery and a result of the ever increasing demand for cheap labour causing downward pressure on employment conditions and wages, causing labour migration and increasing vulnerability of workers. Trafficking leads to and is concurrently a consequence of downward pressure on wages and labour conditions, a vicious circle that needs to be broken.

This strategy, together with the issue it wants to address covers a vast geographical territory and many economic sectors. Hence it will inevitably make generalisations which do not always justice specific situations in specific countries. A uniform approach to all forms of forced labour is not appropriate. Different actions will be needed to address different manifestations of forced labour. (bonded labour, trafficking, exploitation of domestic workers, ...) A number of similarities exist however. This plan of action wants to gather common elements and provide a framework for more specific actions to be undertaken by trade union organisations in specific sectors or areas. It is important to keep this in mind when reading the strategy.

## **Consultation process**

It is the result of *two consultative sessions* organised earlier this year to consult with ITUC regional organisations, GUFs, affiliates and ILO-ACTRAV. The first took place from 9 to 11 September in Malaysia, the second in Italy from 23 to 25 October. At these events this strategy paper has been presented and thoroughly discussed by participants representing the earlier mentioned organisations.

Concurrently the ITUC undertook a *survey* to assess the existing capacities, needs and opportunities of trade unions in order to do more against forced labour and trafficking. The survey showed that trade unions are already carrying out valuable work in relation to forced labour and trafficking. Existing trade union efforts are mostly focused on fighting the worst forms of child labour, abuse of domestic workers and the protection of migrant workers' rights. In regions such as Eastern Africa and South-East Asia and certain parts of Europe, the trade union movement already made significant contributions to the fight against trafficking as such.

During preliminary consultations attention has been drawn to the limited capacities of trade unions and their restricted financial possibilities as well as their overstretched agendas. Therefore this plan of action wants to fully exploit existing trade union structures and ongoing activities in related areas of work.

Trade unions constitute a specific sector of civil society. They have affiliates and members in all areas and industries which places them in a privileged position to reach out to all workers, formal as well as informal, document as well as undocumented. Trade unions are doing valuable work to fight forced labour and trafficking.

- Exploited *domestic workers*, mainly women, are often working in forced labour. Trade unions and trade unionists defending the rights of domestic workers are taking part in the struggle against forced labour as a whole. A global workers' alliance against forced labour should support and reinforce their work.
- *Discrimination* is one of the main causes of forced labour. The risk of forced labour for discriminated minorities should be integrated in discrimination policies. Particularly policies against trafficking should be gender based.
- *Informal economy* workers are more likely to be caught up in forced labour as they are less organised and therefore less protected. They need to be informed of and protected against the risk of forced labour and trafficking. These issues need to be incorporated in general trade union policies towards the informal economy.
- *Migrant workers* risk being trafficked to their country of destination. They should be protected by trade unions from either or both their countries of origin and destination.
- The existing trade union work against *trafficking* needs to be integrated in an internationally coordinated approach. The existing structures and working relations with of the ITUC and the Global Union Federations should fully be exploited to coordinate the Global Workers' Alliance against Forced Labour.
- Improved *social security* schemes in industrialised countries and alternative savings, credit and/or insurance mechanisms such as cooperatives in area's and for people outside any social security system should make workers less dependent from their employer.

Trade union capacities are not fully exploited nor recognised by other stakeholders and therefore this document is a strategy paper to build a Global Workers' Alliance against Forced Labour. It wants to provide a strategic and political basis for a concrete trade union action plan to fight forced labour and trafficking during the coming years.

### ***Focus on key principles and action points maximising impact.***

- Add forced labour to the issues in bipartite and tripartite negotiations and agreements. Campaign and use tripartite bodies and procedures to push for clear legal definitions and adequate sanctions. Trade unions should use established tripartite bodies and procedures to place ratification and implementation of ILO Conventions 29 and 105 at the top of the legislative and political agenda and include special provisions on forced labour in collective agreements and negotiations. Interagency groups should be established at country level in countries affected, involving social partners and government. Use ILO supervisory mechanisms to report on the implementation of standards.
- Ensure political and financial support for the development of policies against forced labour at all levels and the appoint officers, committees or units to implement them.
- Document, identify and publicly highlight cases of forced labour without endangering victims. Trade unions could add to national mapping and data exercises by using their access to workers to help identifying risk groups and areas.
- Officers working on these issues should be linked together in order to exchange knowledge and experience in these various issues as well as on forced labour through a

trade union forced labour network. Trade unions should also be encouraged to link up their activities with friendly organizations and benefit from their experience in different fields. Non-governmental organizations have taken on an increasing role in combating forced labour issues, especially trafficking and are in many countries recognised as meaningful stakeholders. Complementary alliances will add to the integrated approach needed.

- Adapt structures to integrate migrant and informal workers. Informal, migrant and especially informal migrant workers are most vulnerable to exploitation in forced labour. Organising them would offer them the most effective means of protection. The informal economy is growing faster than the formal economy. Trade unions should on the one hand promote formalization of the informal economy and on the other offer them the protection they deserve as workers. Trade unions should use and push the existing institutional framework to incorporate informal workers and at the same time enhance their outreach work to informal and migrant workers addressing their specific situation and needs. Migrant and informal workers should be integrated in trade unions and within this structure enabled to speak for themselves through direct representation. In trade unions there is no room for discrimination. Eradicating forced labour can only be achieved by guaranteeing all workers the right to organize and bargain collectively. Trade unions could contribute by strengthening their ranks in the sector where forced labour is present.
- Reach out and provide direct support. Establish contact with victims and help to rehabilitate them and introduce them in formal decent work in cooperation with other trade unions and friendly NGOs. Explore alliances with unions and relevant organisations abroad and liaise with international, regional, sectoral, national and foreign trade unions, cooperation. More bilateral agreements should be signed between trade unions in sending and receiving countries. In order to reduce migrant and other workers' vulnerability trade unions should increase access to information concerning employment opportunities, working conditions and regulations abroad using particularly electronic information sources. These electronic sites should be linked together, especially those of trade unions from countries of origin and destination.
- Raise awareness of the issue of forced labour and trafficking among staff, members and public and campaign for decent work to reduce the economic push factors for labour migration such as discrimination, unemployment, low and irregularly paid salaries poor working conditions and social protection. Neither trafficking nor migration as such can be an alternative for decent work in home countries. Decent work means providing people with employment for a living wage in the place where they live.
- Monitoring employment agencies and companies as well as their supply chains of respect for international labour standards lies at the heart of union work worldwide. Companies need to obtain a detailed understanding of employment practices covering the localities, factories and suppliers in their supply chain in collaboration with local trade unions.
- Reinforce organising efforts in sectors and groups of people at risk. Trade unions are organised in different industries and can focus on high risk sectors for forced labour victims. These include agriculture, food processing, construction, textile and garment, logging, mining, catering and fisheries. Trade unions in the transport, travel, communication and entertainment industry have a privileged vantage point in –and responsibility for – detecting trafficking. Even these sectors are not the ones with the highest trade union density; they have the opportunity to reinforce their organising activities in these sectors and are in civil society still the most adequate organisations to represent these workers.

## ***Trade union recommendations to governments and employers:***

### **Governments:**

- Independent and comprehensive national surveys should be conducted in order to identify the categories and numbers of victims in certain countries. These statistics should be broken down to show the number of women, children, indigenous, etc as well as the industry where victims are being exploited. This would allow more specific remedies to be developed.
- Adequate legislation and a clear definition of trafficking, active control and effective sanctions as well as witness protection schemes. Clear regulation of employment agencies. More resources and reinforcement of labour inspection services.
- Ratification and adequate implementation of relevant ILO Conventions and the UN Trafficking Protocol. Explicit exclusion of the use of forced labour in trade agreements.
- Intensify action to ensure the respect of human and labour rights in unregulated and unprotected parts of the economy, including the freedom of association for migrant workers. Respect for all (un)document human beings, restitution, compensation and social inclusion of victims.
- Develop a referral system to identify trafficked persons and refer them to assistance, set up a national coordination structure involving trade unions, governmental and non-governmental agencies.
- Targeted information campaigns to groups of people at high risk, develop and emphasise the role of embassies in providing rights based information to migrant workers
- Overall a tripartite approach and interagency cooperation. Labour ministries should be competent for migrant workers

### **Employers**

- Companies should have policies to ban forced labour, including respect for worker representation, principles of non-discrimination, minimum age, regular and direct payment of wages and prohibiting the confiscation of personal documents and the use of violence and intimidation.
- This policy is to be embodied in all contracts with joint ventures partners, suppliers and subcontractors including external employment agencies.
- Compliance has to be monitored in all stages of the supply chain with the involvement of independent trade unions. Complaint mechanisms should be adopted.
- Employees should be informed of their rights in all stages of the supply chain.

### ***ITUC Action Plan 2008-2009***

- Develop a platform and a network of trade union specialists on forced labour and friendly NGO experts and install a coordinating body.
- Build a website, with links to trade union websites dedicated to forced labour in different countries and disseminate information.
- Develop training materials and organise training for trade union trainers and provide support for national trade union action plans
- Organise international action, a global “That’s my passport!”-campaign and produce campaigning materials.
- Start up pilot projects to fight bonded labour in South Asia and Latin America. Research and pilot projects need to experiment with the possibilities of creating or associating with saving and credit schemes in or in alliance with trade unions. Poverty and discrimination

are the main causes of bonded labour and a special focus should be on the agricultural, mining and brick making sectors.

- Reinforce the ongoing work of trade unions against the exploitation of domestic workers and support the establishment of an ILO Convention on the protection of the rights of domestic workers. Build in links with existing work against child labour integrate existing work against trafficking and reinforce and support the ongoing trade union activities to fight forced labour in Burma