

# Definitions of forced or unfree labor



Forced or Unfree labor is a tricky concept to define. Much debate exists within the scholarly discourse about how to accurately define this concept (ILO, 2014). The importance of coming up with a definition cannot be understated, as the definition is critical to the measurement of the long-term trends (ILO, 2014). Creating a specifically defined concept enables researchers to investigate the extent of the issue, allows them to understand historical changes and critically evaluate the effectiveness of public policy (ILO, 2014). The fact the forced/unfree labor is by its very nature hidden makes the measurement of it very difficult (ILO, 2014). For this paper, the International Labour Organizations' definition of forced labor will be used. Their definition dictates that forced labor includes " All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (ILO, 2014, pg. 3). This definition thus encompasses many types of forced labor, including; slavery, debt bondage, situations similar to slavery and serfdom (ILO, 2014). This paper aims to critically evaluate the growth and related governance of the unfree labor market in the modern global economy. The paper will be organized as follows. First, the growth of unfree labor will be discussed and will be reinforced by statistics. Second, the paper will examine how governance and policy has responded to these issues. Ultimately, this paper will argue that with the growth of modern economies the unfree labor market has grown, and current public policy is insufficient in its effort to eradicate this issue.

Beginning in 2005, the International Labour Organization divided forced labor into 3 main categories. The first category includes forced labor that is

imposed upon people by the state and includes many forms of work, including; militaristic work as well as just general public works (ILO, 2014). It should also be noted that this category includes forced prison labor (ILO, 2014). The second type of forced or unfree labor is the type imposed upon individuals by private actors with the purpose of sexual exploitation (ILO, 2014). This category encompasses any type of forced labor that has any kind of commercialized sexual activity (ILO, 2014). An example of this kind of forced labor would be pornography were the participants are not freely choosing to participate. The third category includes unfree labor that is imposed upon individuals by private corporations for labor exploitation (ILO, 2014). This includes labor that is “ bonded labor, forced domestic work, forced labor of migrants in many economic sectors and work imposed in the context of slavery or vestiges of slavery” (ILO, 2014, pg. 5). It is critical to mention the above 3 categories as most measurements of unfree labor are measurements of those 3 categories. The accurate measuring of forced labor statistics is a relatively new phenomenon. In fact, in the early 2000s little to no accurate data existed (ILO, 2014). It wasn't until 2005 that the International Labour Organization published its first worldwide estimates on the size of the forced labor market. While there were many flaws in the methodology used to collect these figures, the publishing of them had the effect of increasing public awareness of the issue of unfree labor (ILO, 2014).

To strengthen the existing data, the International Labour Organization began to focus on specific geographical areas which included Latin America and Africa (ILO, 2014). In 2012 they published the result of these findings. The survey estimated a total of nearly 21 million individuals were working in the

unfree labor market and were trafficked either for their potential as laborers, for sexual exploitation or were held as captive workers in slave-like conditions (ILO, 2014). Of these roughly 21 million people, the overwhelming majority were being taken advantage of in the private economy, these cases totaled 18.7 million people (ILO, 2014). 18.7 million cases accounts for roughly 90 percent of the total. Females constituted the greatest share of the 21 million workers, accounting for roughly 55 percent or 11.4 million of the workers (ILO, 2014). Children were reported in significantly fewer numbers as adults (aged 18 or above) accounted for roughly 75 percent of the workers, with the number of people aged 18 or below being around 5.5 million (ILO, 2014). To illustrate how these numbers have shifted over time, it is helpful to look at the total value of the unfree/forced labor market. In 2005 the International Labour Organization estimated the total market value to be 44 Billion US dollars a year (ILO, 2014). This same figure reached a total of 150 Billion US dollars in 2012 (ILO, 2014). Given this massive increase in profits experienced by the forced/unfree labor market, the number of people involved in these situations appears to be growing.

Governments have started to take notice of this and have begun to implement more stringent legislation. Theresa May introduced a Modern Slavery Bill in 2014 (Davidson, 2015). United States President Barack Obama created a National Slavery and Human Trafficking Prevention Month in 2014 to bring more attention to the issue (Davidson, 2015). However, these changes haven't just been coming from political leadership, many people and companies with humanitarian interests have tried to bring attention to this issue. These include religious leaders from various faiths,

labor unions as well as large companies (Davidson, 2015). A coalition was created by various big businesses that includes “Coca-Cola, ExxonMobil, Ford, Microsoft and ManpowerGroup amongst its members” (Davidson, 2014, pg. 28). However, the start of government intervention in the forced labor market can be seen back to the 1990s where a growing fear around international crime related to the more open borders of the time raised fears of the expansion of illegal markets (Davidson, 2015). They viewed this growth as a threat to the legal economy and even to the political institutions that made up the modern nation-state. Thus, the idea of forced and unfree labor came to politician’s attention due to concerns around the trafficking of this labor across borders (Davidson, 2015).

However, in contrast to governments, NGOs have pushed the idea of Rights and suffering as the basis of the fight against this type of labor (Davidson, 2015). They argue on the basis that everyone no matter what race, gender or culture have the same basic human rights and that forced and unfree labor violates these rights, while also emphasizing the suffering they experience (Davidson, 2015). Yet, instead of focusing on the suffering governments have largely maintained their previous stance towards the issue. They maintain that the best course of action is “to promise tighter policing, tougher sentencing, harsher immigration policies, and ever-stricter border controls” (Davidson, 2015, pg. 31). In practice these policies have meant that a nation’s response to forced and unfree labor is to put heavier restrictions on freedoms related to migration which does virtually nothing to improve the conditions in which these sufferers live in and can even make it

more difficult for these victims to migrate to the countries in which they will be safe (Davidson, 2015).

Government and other state actors have responded to the problem of unfree labor in an authoritarian manner. They have utilized public policies that stress the importance of law and order. In practice, this has meant that governments have increased jail time and other kinds of punishments associated with the forced labor market. This also includes stricter border controls to stop people from crossing illegally. They have done this because in many cases of people being transported for the unfree labor market, they cross borders illegally (Davidson, 2015). However, this is the incorrect policy action to take. Instead, governments and other state actors need to follow the lead of NGOs. NGOs have typically focused on the idea of human rights and suffering when combatting unfree labor. This has several desirable effects. Firstly, by focusing on human rights and suffering they inevitably focus on the victim, not on the perpetrator. This means they focus on getting the victim out of the situation rather than focusing on putting the criminal in prison. Secondly, by focusing on the criminal and making border crossing more difficult, governments have inadvertently made escaping from forced labor situations more difficult. By making escaping from the situation more difficult, current government policy is not doing very much to help the victims of forced labor. Especially in a globalized economy like the world has today, allowing people who are fleeing from these heinous crimes to enter one's country is increasingly important. Therefore, government policy should adopt the focus of NGOs and base their policy on human rights and

suffering. Which would make government policy more successful in fighting unfree and forced labor.

In sum, the problem of unfree and forced labor is growing in the world. This fact is exemplified by the massive increase in profits experienced by this sector of the economy. The unfree and forced labor markets impact gender and race differently with women being impacted at unproportionally high rates (Strauss & Fudge, 2013). As well as Pacific-Asians being the most over-represented region. Political response to this issue has come in the form of increased regulation and harsher stances on immigration, which has had the adverse effect of making immigration to safer countries harder for the sufferers of this problem (Davidson, 2015). A prime example of this type of response is seen in Theresa May's Modern Slavery Bill which increases punishment on traffickers and makes it more difficult for everyday migrants to reach the UK (Davidson, 2015). To improve government policy, policymakers should follow NGO lead and emphasize the suffering of the individuals instead of the criminality of the perpetrators. This can be a more effective policy approach as it allows the sufferers to flee their location and more freely access safer societies instead of imposing more restrictions on people trying to immigrate to their countries.

#### Bibliography

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