

**Focus on Labour Exploitation Statement on the need for comprehensive measures to prevent trafficking for labour exploitation.**

***Second informal interactive multi-stakeholder hearing - Preparatory process for the global compact for safe, orderly and regular migration and the intergovernmental conference on international migration***

Dear Moderators, Dear Co-Facilitators,

[Focus on Labour Exploitation](#), or FLEX, is a UK based organisation working to prevent human trafficking for labour exploitation.

These remarks focus on the need for comprehensive measures to prevent trafficking for labour exploitation, and in particular a recognition of both the impact of immigration enforcement measures on creating vulnerability to exploitation, and the need for strong labour rights protections for migrant workers.

In the UK we have a new Modern Slavery Act, with a much lauded transparency in supply chains provision, which requires companies to report on their efforts to address modern slavery in their supply chains. This provision is based on the idea of a 'race to the top' among affected companies, and on the presumed power of consumer pressure and brand reputation to change exploitative practices.

But this provision alone will not address the many factors that make migrant workers in particular vulnerable to exploitation, and it will not change the practices of those companies who have no desire for change.

Instead what is needed is a comprehensive understanding of the drivers of exploitation, and in particular those drivers that are controlled by the State, including labour market regulation and immigration control. Because there is no point in States acting to combat human trafficking and modern slavery on one hand, and at the same time acting in ways that create vulnerability to this very exploitation, yet this happens frequently.

In particular, legislation that criminalises undocumented workers completely undermines government efforts to address modern slavery, as we know that fear of criminalization is one of the primary tools used by traffickers to control exploited workers. And this chilling effect extends beyond undocumented workers to all migrant workers. The research of FLEX and others has repeatedly shown that such intentionally created hostile environments make migrant workers feel that they have no rights, and that they will be penalized for speaking up. These are the conditions in which exploitation thrives.

At the same time, immigration systems that tie workers to their employers increase the power differential between workers and employers and hand exploiters a powerful tool to control their victims. In many countries whole industries rely on migrant workers, but there is insufficient protection for these workers against exploitative employers.

## **FOCUS ON LABOUR EXPLOITATION**

Temporary and seasonable migration schemes can be beneficial for both migrant workers and employers, but too often workers in these schemes are unable to access their labour rights, and return to their home countries while their employers continue to abuse with impunity.

These issues are compounded by weak systems for labour market regulation in many countries, including a lack of labour monitoring and enforcement. Our research has shown that the risk factors for labour exploitation include not only migration status, but also employment relationships that increase worker vulnerability, including temporary or precarious employment status, underpayment, extensive subcontracting, excessive fees and deductions, and false self-employment. In sectors where these risk factors are present we need more and better resourced labour inspection, stronger enforcement, and clear routes to assistance and remedies for exploited workers. We should also be thinking more creatively about measures such as joint liability for unpaid wages, limits on subcontracting and procurement policies to improve accountability throughout supply chains. It is also vital that all migrant workers are covered by labour legislation, not just documented migrants, as the failure to protect undocumented migrants from labour abuses creates a culture of impunity in which both workers and employers know that exploitation will invariably go unpunished.

When we seek to develop better responses to human trafficking we must not only seek new and innovative legislation but also to assess immigration control and labour market measures for their impact on an individual's vulnerability to exploitation.

Migrant workers need to feel safe to come forward and report abuse. They need to know that their status as an exploited worker will take priority over their immigration status. They need to be empowered to exercise their labour rights, and to have clear avenues to report abuse and access redress.

States have made significant steps forward in the fight against human trafficking and slavery in recent years, now is the time to review those policies and laws that directly undermine these efforts and move forward with a comprehensive approach that prioritises human rights and labour rights over immigration status.

Thank you.