

1.3: Forced and precarious labour in the global economy

In the previous video we considered some of the reasons why it may not be a good idea to classify forms of exploitation and vulnerability in terms of the popular categories of modern slavery or human trafficking.

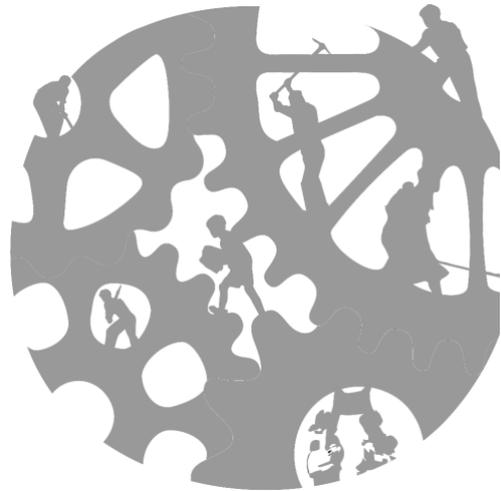
There's a bunch of reasons why these categories may not be particularly useful, but in the previous video I was keen to highlight the ways in which thinking in terms of modern slavery or human trafficking establishes a sharp division between exceptional cases and everyday practices. Modern-day slavery and human trafficking are very much concerned with the exceptional. They focus upon what is regarded as the very worst of the worst, and this distinction between the exceptional and the everyday creates a situation where huge amounts of work is excluded from the orbit of concern associated with campaigns against trafficking and slavery.

If we accept that there might be problems with these categories then we have to ask what an alternative or preferable framework might look like. In this course, instead of doing slavery and trafficking we're more interested in thinking in terms of forced and precarious labour. Now, it's important to emphasise at the outset that there's not a sharp or hard distinction between forced labour on the one hand and precarious labour on the other. The conditions and constraints and broader factors apply in both instances, making them part of a continuum or spectrum rather than completely distinct and different.

What do we mean? In thinking about this issue we need to first recognise that work in the world today has certain characteristics. These characteristics are usefully albeit imperfectly described in terms of statistics. For example, the ILO estimated a couple of years ago that 75% of the global workforce is in temporary informal or unpaid work. This means that only a quarter of workers in the world today have the security of permanent contracts. In addition, it's also been calculated that four in ten young workers are either unemployed or working but living in poverty, while as many as 200 million people in the world are currently unemployed.

The 2008 financial crisis did not help this situation. It made things worse in terms of the number of people who are vulnerable, precarious and exploited. It's important to keep this context in mind when thinking about 'forced' and 'precarious', because this is the context within which contracts or agreements between employees and employers conventionally take place.

Let's start with forced labour, the more familiar of our two concepts. It's conventionally defined in terms of work or service which is extracted from a person under a threat of a penalty and for which the person has not offered himself or herself voluntarily. This consensus definition is taken from the 1930 Forced Labour Protocol, which was negotiated under the auspices of the International Labour Organization. It's important to emphasise that this definition focuses on employees and employers. It



VIDEO TRANSCRIPT

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narrows the conversation to thinking about the point of contract: what does an employee do and what does an employer do?

The problem with this kind of focus is that it pushes to the outside of the conversation the context within which the arrangements between the two take place. When people talk about voluntary employment relationships or people consenting to particular types of labour arrangements, it's important to keep in mind that 'consent' or the language of 'voluntarily offered' can conceal or cloak the larger conditions within which negotiations between prospective employers and employees take place. We need to look not simply at what employers do, but also at the larger context within which negotiations around wages and conditions take place. We need to think about the lack of viable alternatives, and how people are compelled by the need for food or the need to support their loved ones to work under conditions that they would not have accepted if they had had other options. So, when people talk in terms of forced labour we really need to think about the broader force of circumstances, and not simply about direct forms of coercion and violence that are exercised by individual employees.

In this situation we can begin to link forced labour to the larger context of precarious labour. Precarious labour linked to forced labour invites us to think about the limited opportunities and options within which employment negotiations and work take place. There's a whole bunch of things we might want to include in this context that could be indicators of either forced or precarious labour, but we really want to see both of these as being part of a whole rather than separate and distinct.

In the case of forced, we might want to think in terms of physical and sexual violence, intimidation, and threats, retention of identity documents, withholding of wages, abusive working and living conditions, forced overtime, etc. But, these types of characteristics that are commonly associated with force very comfortably and consistently overlap with the broader spectrum of experiences that we classify and define as precarious labour, which we might want to think of here in terms of irregular and uncertain work. It might also include things like a lack of job security, uncertainty regarding future employment, vulnerability to being dismissed without notice, poor and irregular wages, working conditions which have dangerous or adverse health effects, few legal rights and protections, and no effective redress for wrongs from their employer.

In thinking about this we need to emphasise that there's not one thing which is forced and another thing which is precarious. We are instead thinking about systems which structure the choices within which individual labour arrangements and contracts are created. A good example of this in the case of precarious labour is the ways in which individual employment relations are brokered by intermediaries between main employers and workers.

We have a good example of this here in South Africa, where the multinational beer brewing company Heineken employs a large number of workers to help in the production of beer, but it does not do so directly. Instead, Heineken outsources work to a labour broker or a labour intermediary. This creates distance, and allows Heineken, which is employing the workers to work in its factories, to assert that they are actually working for another company entirely. The result is that Heineken does not have any direct legal obligations to the people who work in its factories, sometimes for years. This triangular employment relationship is sometimes called a false employment relationship. Big multinationals employ workers who are formally employed by third parties in order to absolve themselves of responsibility for the direct welfare, employment, payment, etc. of the people producing their goods and services.

So there's a lot of different strategies legal and otherwise which are used to create terms of work that are highly unfavourable for employees. In some cases the theory may be that they're not employees, or it may be that they're defined and classified as independent contractors and are therefore understood to be entirely separate from the person who's paying them. In all of these cases the conditions are created to move more of the potential costs onto workers and to reduce any form of liability and responsibility to employers.

It's important to emphasise here as a final point that we should avoid the temptation to think in terms of workers being victims of systems. This is an important point, because workers are adept at defending and advancing their interests. They are capable of understanding what the issues are, and there are real dangers associated with reducing people in situations of vulnerability to the status of passive victims. People who need external intervention which provides help and assistance that they are incapable of achieving on their own. This kind of image is tied to the idea that the victims of exploitation need, first and foremost, to be rescued. This impulse to rescue is understandable, but it comes with the intendant risk of denying or diminishing the capacity of people in situations of work and labour to articulate and defend their own interest and to advance their own agendas.

Forced and precarious labour describes constraints. These constraints can be very serious and they can make it very difficult for workers to achieve their goals. But at the same time we shouldn't fall into the further trap of assuming that workers don't exercise agency, don't understand the issues, and are therefore subjects that require external intervention. There's a delicate line to be negotiated here. We need to understand the conditions around which work takes place, yet avoid the temptation to reduce people subject to those constraints and conditions to passive victims in need of external protection and support.

This transcript was prepared for the online course [Forced and Precarious Labour in the Global Economy](#) by [Beyond Trafficking and Slavery](#) (openDemocracy). It has been lightly edited for clarity. This course was originally released on the [edX.org](#) platform in 2018, where it has now been archived. As of 2021 it is available on [opendemocracy.net](#).