

# Decent Work in Global Supply Chains

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# Trafficking/Slavery Defined (1)



- A term for compelled service
- A crime phenomenon about the acquisition and management of a labor force
  - This is in contrast to Sexual Assault or Extortion, where there is no master/servant relationship
- Obtaining or maintaining labor or services of another person through coercion. No coercion needed if victim is a child in prostitution
  - Movement of victim not required.
  - Not differentiated by citizenship – can be a foreigner or national of a country
  - Maintaining is as bad as Obtaining (initial consent does not waive rights)

# Trafficking/Slavery Defined (2)



- International treaties and international law norms, as well as domestic legislation and enforcement structures focus on:
  - the inability of workers to leave their employers' service
  - the abuse of vulnerabilities and debts
  - the use of force and coercion (and threats thereof)
  - the use of false or inflated promises of salary or working conditions as a way to induce the workers to enter into employment
  - the taking advantage of immigration status or lack of proper documentation
  - the confiscation of immigration or identity documents.

# United Nations “Palermo” Protocol



- Builds on Article IV of Universal Declaration of Human Rights
- Mirrors TVPA “3P Paradigm”
- Sex and Labor Trafficking both encompassed
- Signatories responsible for victim protection
- Focus on exploitation, not international travel (unlike prior International Conventions)
- Drives development of anti-TIP instruments at EU, Council of Europe, OSCE, etc.

# Exposure



- Criminal: Human trafficking offenses and other enforcement
- Criminal: Profiting from human trafficking (end-user liability)
- Civil: class-action lawsuits under the False Claims Act and other federal statutes, EEOC enforcement activities
- Money Laundering: international banks increasingly concerned
- Regulatory: Tariff Act seizures, disbarment from federal contracting, civil money penalties for labor violations
- Reputational: advocacy group actions, boycotts, press, national image and reputation

# International Best Practices



- Support for service providers and shelter operations; relationships with worker groups and home country embassies
- Inter-ministerial Task Force (policy) and Dedicated Units (police & prosecution)
- National Referral Mechanism: for victim identification
- National Plan of Action: that tracks policy development and practice
- Public Reporting: as both statement of facts and as signal of political will

# Transparency & Responsibility

**U.S. Ethos going global**

**UK Modern Slavery Act of 2015**

**(Australia?)**

- Builds upon California Transparency Act
- Not just retail and manufacturing – includes those supplying goods or services
- Annual disclosure be approved by the company's board and signed by a director (or, for partnerships, by the members and a designated partner).
- Must guard against backsliding, “greenwashing”
- Need for vigorous NGO, legal, & political oversight

ALLIANCE



- Target 8.7 leaders committed to: "take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms"
- Action, Research, Innovation, Resources
- Open questions: political will; resourcing; real world



# Worker-led Social Responsibility

- Coalition of Immokolee Workers – Flores case
- Penny per Pound
- “No Quiero Taco Bell”
- Fair Food Standards Council
  - Growers
  - Buyers
  - Workers
- Now in VT (dairy) and starting in TX



# Worker Progression From Victims, to Survivors -- to Colleagues

