International Labour Organization

Summary of Lessons Learned

Work in Freedom Programme

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Table of Contents

Background

Women and girls on the move in South Asia

For millions of low-income households in South and West Asia, migration is perceived as a pathway towards something better. As the shift from rural and transition economies to a globalized economy is fully underway, the jobs and trades of yesterday are receding. However, the jobs of today are yet to fulfil the promise of better livelihoods for all those who remain in poverty. The poor move in all directions in pursuit of jobs, and the patterns and periodicity of their movements are all but linear. Nonetheless, mobility for work is lived and experienced differently depending on whether one is, for example, a man or a woman, rich or poor, a migrant worker or not, and so on. For some, mobility is unrestricted and for others it is tolerated but closely 'choreographed' by highly gendered and socially hierarchized norms and rules. While many poor are able to improve their livelihoods in the same country or abroad in spite of such adversity, many concurrently face abuses in their jobs, including practices that amount to forced labour.

What is the Work in Freedom programme?

Work in Freedom (WIF) was a ten-year development international Labour Organization (ILO) cooperation programme that started in 2013 and was funded by the UK Foreign, Commonwealth and Development Office. It adopted an integrated and targeted approach in developing practices and multisectoral policy measures that reduce women's vulnerability to trafficking and forced labour in South Asian countries of origin (Bangladesh, India and Nepal) and in selected destination countries (India, Jordan, Lebanon and some Gulf countries). To address these challenges, the WIF programme implemented a series of interventions that engaged migrants, trade unions, civil society organizations, businesses and regulators in a collaborative effort to try addressing multiple facets of forced labour in areas with high outflows and inflows of low-income women migrants, especially in sectors where the proportion of women workers is increasing, such as household care work and manufacturing. The interventions and work of the programme included: (1) outreach to migrant women in areas where they come from; (2) worker empowerment interventions and employer advocacy; (3) improvement of practices related to recruitment and working and living conditions; (4) law and policy work; and (5) research on labour migration trajectories.

What are these lessons about?

This document is a summary of the main lessons learned from the programme. A full account of all the lessons learned is available in three separate publications: one focusing on the countries of origin, another on the recruitment of migrant workers, and a third one focusing on the countries of destination.

- **Lessons Learned Part 1: Outreach to migrant women in areas of origin (April 2021)**
- **Lessons Learned Part 2: Recruitment of migrant workers (October 2021)**
- **Lessons Learned Part 3: Policy and programme responses to unfree labour in destination countries for migrant women workers (June 2022)**

These editions were preceded by one in October 2017 and another in February 2019. Each lesson was based on feedback from the programme's practitioners as documented in progress or monitoring reports and evaluations or in separate research commissioned or related to the programme. Lessons aspire to regroup learnings from multiple countries covered by the programme and are usually not country specific. All the lessons documented in the three publications were connected to specific interventions designed as a part of an overall framework of interventions. Therefore, none of these lessons should be read in isolation from the others.

Conventional versus non-conventional interventions

The contours of conventional anti-trafficking interventions are described in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, one of the three Palermo Protocols. They are often referred to as consisting of four 'Ps'. They include activities meant to prevent, prosecute, protect and develop partnerships in responding to trafficking in persons (ILO 2022, 9–10). Conventional interventions related to improving recruitment practices usually consist of promoting non-binding codes of conduct for recruitment agencies, training on fair and ethical recruitment for labour recruiters and the assessment, and certifying of fair recruitment practices (ILO 2021b, 6–7). Conventional interventions to promote safe migration in countries of origin most usually consist of pre-departure orientation training (PDOT) and migrant resource and facilitation centres (ILOa 2021, 8–9).

The WIF programme adopted an adaptive learning strategy and went far beyond these conventional interventions, particularly focusing on the reduction of vulnerability to forced labour in the specific contexts of domestic and garment work through worker and employer outreach and regulation, a holistic labour market approach to the regulation of recruitment, and pre-decision orientation sessions (PDOS) in countries of origin. The lessons learned listed in this summary illustrate some of the key lessons learned in areas of origins, destinations and the interventions related to recruitment linking origins with destinations.

A. Lessons learned on policy and programme responses to unfree labour in destination countries for migrant women workers

The lessons learned in this section deal primarily with how addressing labour unfreedoms are linked to policies affecting job markets, how unfree work is closely linked to the shifting power dynamics in labour relationships, and how the understanding of unfree labour and the framing of labour unfreedoms affects the effectiveness of related policymaking.

1. **The scarcity of decent jobs combined with the absence of social protections are factors of market coercion for job seekers that affect their vulnerability to forced labour. Combined, they are important aggregate indicators of forced labour risks (ILO 2022, 15).**

   Policy responses to prevent human trafficking usually assume that abusive practices can be fixed by addressing the most obvious causes affecting individual victim trajectories such as, for example, by prosecuting an abusive employer or a recruiter or by informing migrants about risk factors. While immediate remedies responding to individual trajectories are important, such framing leaves out more important collective and contextual factors like labour market dynamics. The absence, at a significant scale, of meaningful employment options, especially if social protection measures are weak or inexistent, is a form of market coercion that forces job seekers to accept abusive jobs.

2. **Anti-trafficking laws, policies and administrative practices (as they are) are not comprehensive ways of preventing human trafficking or forced labour (ILO 2022, 78–79).**

   Laws, polices and administrative practices to prevent human trafficking tend to prioritize educating migrants and holding recruiters accountable while glossing over working and living conditions. Policy guidance on improving working conditions is more important than educating workers about risks that they often can't mitigate or holding labour recruiters accountable for practices that do not necessarily depend on them. It is important to prioritize labour and working conditions in destinations rather than over-emphasizing prevention through pre-employment interventions. For more information, see the ILO policy brief on Anti Trafficking Laws, Policies and Administrative Practices (ILO 2017a).

3. **Common anti-trafficking policy frameworks can sometimes concurrently undermine hard-won labour and other human rights, such as the right to work and freedom of movement, or even efforts to promote decent work (ILO 2022, 81).**

   To avoid these policy contradictions, it is important to prioritize the strengthening of labour frameworks that effectively uphold the rights of migrant and other workers, especially the fundamental principles and rights at work, such as freedom of association and collective bargaining which tend to be overlooked. Similarly, it is important for stakeholders supporting anti-trafficking frameworks to be cautious about anti-trafficking measures that infringe on social economic and political rights, especially the right to work and freedom of movement within a country (Article 6 of the International Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights provides for the right to work. Article 13 of the Universal Declaration of Human Rights provides for the right to "freedom of movement and residence within the borders of each state" and the right to "leave any country, including his own, and to return to his country.").

4. **The concept of 'modern slavery' in the regions covered by the programme was not helpful in advocating for effective responses to forced labour and human trafficking (ILO 2022, 83).**

   The concept of slavery tends to evoke colonial histories of both indentured labour and chattel slavery. Memories of colonial emancipation and development away from that regrettable past were too firmly entrenched for comparisons between past and present forms of forced labour to be deemed acceptable. Even when the term 'modern slavery' was used by non-government actors, it referred to extreme socially deviant cases for which criminal frameworks of action were called for rather than labour right frameworks.

5. **In the context of migration, anti-trafficking and forced labour programmes should not delink the analysis of labour abuses that take place in migrant destination areas from employment options and decent work gaps in their areas of origin (ILO 2022, 21).**

   The programme found that policymakers show greater interest in tackling human trafficking and forced labour when doing so does not disrupt power relationships in which they have a direct stake. For example, policymakers in countries of destination tend to support information campaigns designed to educate migrant workers about risks. They have also supported prosecution efforts targeting labour recruitment intermediaries in countries or districts of

origin. However, these very policymakers proved more circumspect when it came to implementing labour laws in their own countries, even where systemic labour abuses were well documented. Similarly, policymakers in countries, states or districts of origin regularly showed concern for the abusive conditions faced by migrant workers in the countries of destination. When it came to addressing the reasons why migrants were leaving their homes, they were less receptive.

Programmes seeking to address human trafficking and improve migration outcomes should pay special attention to the political economy in which they intervene. They should acknowledge how interventions may need to disrupt the power relations in which different types of policymakers operate so that they 'walk the talk' especially with regard to ensuring decent work.

6. **The notion that migrant workers can be easily reintegrated into their home countries through ad-hoc, crisis-related reintegration programmes goes against the labour market realities that prompted them to migrate in the first place. In the case of women, reintegration can even mean a process of disempowerment (ILO 2022, 93).**

Foreign employment and migration policies in countries of origin tend to be political strategies to relieve unemployment and underemployment pressures. Migration is, in fact, the result of the processes of structural transformations leading to specific employment deficits in different sectors. The idea that migrant workers who return to their home countries can be 'reintegrated' while such countries are facing important employment challenges fails to account for structural labour market dynamics. Unless large-scale public employment and social protection programmes are implemented or upscaled in countries of origin, the discourse on reintegration can generate false expectations.

7. **Without freedom of association and collective bargaining for migrant workers, reducing their vulnerability to forced labour is unsustainable in the long run. Fostering both fundamental principles often runs counter to current policy environments and requires the willingness of international organizations to stand by international labour standards and assume political risks (ILO, 2022, 57).**

Organizing migrant workers has been more effective where regulatory and physical spaces have enabled workers to connect, support each other, defend their collective rights and network with wider social movements to uphold their rights. In the absence of regulatory spaces, ad-hoc measures creating physical safe spaces (such as workers' centres) or regulatory spaces (such as measures enabling freedom of association) are necessary, albeit subject and vulnerable to strong counter-pressure and political vicissitudes.

B. Lessons learned on the recruitment of migrant workers

The lessons learned in this section relate to how the scale of supply and demand for jobs affects recruitment outcomes, how fair recruitment policies and interventions need to address the segmentation of labour recruitment services and how the design of fair recruitment programmes and policies can be improved.

8. **The scarcity of decent work options on a significant scale may lead to more labour intermediation and poor recruitment outcomes (ILO 2021b, 11).**

   The WIF programme found that when working conditions were perceived as poor, employers were more likely to keep a distance and seek intermediaries to facilitate recruitment. Similarly, when workers knew that working conditions tended to be poor, they too sought intermediaries that could help them find 'better employers'. This meant that ad-hoc efforts to improve recruitment practices along specific corridors were far from sufficient as they failed to address both the demand for and the scarcity of decent work at a significant scale. A holistic and nuanced approach to the regulation of the recruitment industry is important.

9. **Labour outsourcing and subcontracting policies have tended to blur the responsibilities of employers, labour intermediaries and governments to ensure fair recruitment and decent work (ILO 2021b, 25).**

   The effects of labour outsourcing and subcontracting policies on policies and programmes that support fair recruitment outcomes and decent work must be analysed. The former may undermine the latter, and there is the risk that failing to analyse the effects of labour outsourcing and subcontracting on fair recruitment and decent work may lead to misleading characterizations about the merits of fixing specific recruitment processes. Policy guidance should ensure that checks and balances exist so that employers and intermediaries at all levels are transparent about recruitment and working and living conditions. Better practices should ensure that workers in areas of origin have accurate knowledge of the exact working and living conditions in addition to the migration terms.

10. **Efforts to ensure that labour recruiters share responsibility for labour recruitment outcomes should not concurrently offload the principal**

employer's responsibility to provide for decent work (ILO 2021b, 27).

The fluidity and segmentation of labour supply chains is such that none of the key stakeholders – for example, workers, labour recruiters, regulators and employers – can guarantee a fair migration outcome for any worker on their own. If working conditions are poor, each stakeholder in the recruitment process has a vested interest in not volunteering information that could make a migrant worker change their mind. The more intermediaries are involved in the recruitment process, the more likely it is that they will omit information, if not outright misinform, migrants about working conditions. This leads many workers to claim they were deceived during the recruitment process, and yet each individual link in the chain is often able to plausibly deny this charge.

11. **Anti-trafficking laws and policies tend to indiscriminately criminalize informal labour intermediaries, who, in most migratory and legal contexts, play an important business role and without whom employers and formal recruitment agencies can hardly operate (ILO 2021b, 35).**

    Rather than supporting legislation that systematically criminalizes informal labour intermediaries, it is important to foster dialogue to remove unnecessary motives for intermediation and promote accountability in labour intermediation and decent work at all levels.

C. Outreach to migrant women in areas of origin

The lessons learned in this section are about how safe migration programmes relate to migratory trends, how they are affected by political economy considerations. They are also lessons on training and local outreach interventions in areas of origin.

12. **Migration through formal channels and/or migration for formal work does not guarantee protection from labour abuses (ILO 2021a, 27).**

    While migrating through informal channels involves risks, legal channels into formal work situations can also lead into abusive labour situations. Programmes and policies should be careful not to promise migrant workers that following formal migration channels in formal settings will necessarily protect them from labour abuses.

13. **Conventional safe migrations interventions tend to either prevent migration or promote it. Both can be harmful. From both a programme and policy perspective, it is important to neither stop women from migrating nor encourage them to migrate (ILO 2021a, 63).**

    Two opposing patterns have tended to prevail in some programme areas of origin of migrant women. The conservative approach was represented by conventional anti-trafficking non-governmental organizations (NGOs) that inflated the risks of trafficking and failed to see that the women needed the jobs to make ends meet. The liberal approach was represented by some migrant-rights NGOs who exaggerated the benefits of migration and minimized its risks.

14. **The cost of 'blue collar' international migration for women tends to be lower than that for men in the regions covered by the WIF programme (ILO 2021a, 25).**

    Public discourse on migration costs tends to extrapolate the high cost of men's migration to women as well. This is misleading.

15. **The migration of women depends on the specific context of patriarchy and how women's mobility, work-seeking and distress is socially appraised and mediated (ILO 2021a, 15).**

    The more women's mobility and work is restricted and socially stigmatized, the more women will simply not migrate or, if they are desperate to leave, migrate suddenly and secretly to avoid stigma. For those who have never migrated, migrating all of a sudden, can be risky even if staying back is equally undesirable.

D. Conclusion

The lessons documented by the programme point to the following conclusions.

- **With a prolonged 20-year agrarian crisis, the rural worlds of South Asia have been going through a process of structural transformation**, making it increasingly hard for the majority of the rural population to make ends meet. Labour in agriculture has consistently dropped.
- **The metros of South Asia have been unable to absorb significant proportions of the surplus labour that manufacturing and other industries used to absorb** in the past century. A combination of factors related to liberalization, globalization and growing automation mean that both manufacturing and service industries have no longer been able to employ surplus labour resulting from structural transformation and demographic growth.
- **Female labour participation in several South Asian countries has been either declining or stagnating**. In many rural areas, it's not just that decent jobs for women are usually available, it's also that working women are highly stigmatized, leaving them few options except to stay at home in poverty, survive in the informal economy in undervalued and stigmatized jobs or seek work abroad.
- **In the Gulf, the employment of migrant workers has been growing. This has enabled many to earn more than they would at home. However, in practice, the real wages of migrant workers have been stagnating at relatively low levels** and mechanisms of voice and representation to ensure decent work remain unsatisfactory from a labour standards perspective.
- **In the Levant, Lebanon and Jordan have been beset by profound labour market transformations related to the refugee crisis and economic stagnation or recession that have been pauperizing the population**. As a result, there is a growing incapacity for many employers to pay migrant workers' agreed wages and guarantee decent work. In Lebanon, the number of migrant workers coming to the country has significantly declined.
- **Vulnerability to forced labour actually increased throughout the programme and was further compounded by the COVID-19 pandemic**. While the programme provided direct support to 770,000 women, supported the organizing of over 180,000 migrant women and successfully advocated for important policy measures, these interventions only prevented the situation from getting significantly worse (for example, regulations on domestic work, trafficking, removal of mobility bans and others).

E. The way forward


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Each lesson learned publication has a list of suggested better practices. This section highlights general directions for a way forward.

Anyone interested in acting against forced labour and human trafficking must go beyond the peripheral direct measures that a programme can undertake (for example, safe migration, fair recruitment or labour audits) and highlight the macro policies needed to really make a difference (in line with the 2030 Agenda for Sustainable Development).

- **Position productive employment and decent work for both women and men at the centre of long-term national development plans, strategies and macro-economic policies**. Policies should be in place to effectively respond to surplus labour emerging during periods of structural transformation.
- **Explicitly acknowledge and include excluded occupations or types of workers under the fold of general labour law protections**. It is very important that migrant workers, domestic workers and other excluded vulnerable workers are given full labour protections. Legal and policy measures are also very important.
- **Guarantee employment for all while recognizing the specific vulnerabilities of marginalized persons**. Waiting exclusively for foreign investment to drive job creation does not work. Employment should be guaranteed by law and promoted by policies. Whether it is through public or private employment, examples of effective employment promotion policies exist across countries through different periods of history (for example, the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), 2005, in India or the New Deal in the US).
- **Establish robust social protection floors**. This will enable populations who do not have the means to make ends meet access the basic services that prevent them from falling or remaining in poverty. These measures are particularly important during periods of structural economic transformations that may see the emergence of significant numbers of unemployed, underemployed or informal workers.
- **Remove mobility and employment restrictions for women**. The WIF programme closely reviewed mobility restrictions in several countries. Bans on women's mobility and employment are a violation of their human rights and are also simply ineffective. They should be just removed.
- **It is important to expand the support basis for migrant workers, women workers** and other vulnerable workers to enable them to avail their labour and other human rights and more effectively participate in policymaking that affects them.

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Work in Freedom

Work in Freedom was an integrated development cooperation programme aiming to reduce the vulnerability to forced labour for women migrating for garment and domestic work. The programme worked along migration pathways in India, Nepal, Bangladesh, Jordan, Lebanon and Gulf countries. It is funded by Foreign, Commonwealth & Development Office. However, the views expressed in this policy brief do not necessarily reflect the department's official policies.

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