



The Forced Labour Protocol Guide

JOB
CLIMATE-FRIENDLY JOBS
RIGHTS
SOCIAL PROTECTION
EQUALITY
INCLUSION

A New Social Contract for Recovery and Resilience

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'Written for ITUC by Aidan Mc Quade'.

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Executive summary

The Forced Labour Protocol

The Forced Labour Protocol represents a vital opportunity for trade unions and their allies to obtain, through social dialogue and action, measures to end exploitative labour practices and to advance opportunities for decent work.

*[Forced labour and human trafficking](#) are products of the [political economies in which they occur](#). That is, they **emerge from the nature of the laws, policies and practices that govern employment, business and trade**. Understanding the nature of the political economy of forced labour can enable trade unions and human rights activists to adapt advocacy strategies to advance decent work through appropriate national and international channels.*

Estimates in 2017 indicate over 40 million people are still enslaved. This includes 25 million people in forced labour and 15 million in forced marriage. Of these, an estimated one in four, or 25%, are children, and 71% are women and girls. Debt bondage is a principal mechanism of enslavement, affecting around eight million people – that is, half of all victims of forced labour by private actors.

The systems of forced labour practiced in the first half of the 21st century are significantly more varied than the systems of state-sponsored forced labour that predominated in the first half of the 20th century and to which the original 1930 Convention responded.

*The **Forced Labour Protocol** (with its associated Recommendation) brings ILO standards against forced labour into the modern era. It **recognises that combatting trafficking is not solely a criminal justice issue but also one of labour rights**. This implies that resolving forced labour abuses requires reforming the political economy through the social dialogue which the Forced Labour Protocol mandates.*

*The **Protocol strengthens the trade union role as social partners in social dialogue**. Hence, it provides an entry point to initiate discussion on issues such as wider labour law reform and policy, with a focus on forced labour.*

*The requirement for international cooperation between states to combat forced labour represents a major effort in the Protocol to address some of the regional and transnational risks. However, **fuller***

realisation of the potential of the Forced Labour Protocol is hampered by its limited number of ratifications. At the time of writing, [50 countries have ratified the Protocol, which was](#) the goal of the [50 for Freedom campaign](#). While this is a good start, it is imperative that workers' organisations maintain national and international pressure for more widespread ratification and implementation of the Protocol.

Social Dialogue

***Social dialogue is central to the Forced Labour Protocol**. The Protocol envisages that guidance offered by the Recommendation will be adapted through social dialogue to suit the realities of the country for which an Action Plan is being prepared. Trafficking and forced labour are practices that may adapt in response to any measures instituted to combat them. Hence, the importance of a dynamic social dialogue to respond to the evolving realities of forced labour and trafficking in specific national territories and regions.*

*Forced labour does not occur in isolation. Rather it is one extreme of a continuum, the polar opposite of decent work. **“Forced labour can be eliminated and decent work ensured by establishing labour rights and employment protection mechanisms and enforcement to eliminate the risk factors that render workers vulnerable to exploitation.”***

Amongst the specific risks to vulnerable workers that the Protocol and Recommendation seeks to eliminate are “abusive and fraudulent practices during the recruitment and placement process”, including recruitment fees that can render workers into debt bondage.

In addition to these measures, the Protocol recognises that any action plan against forced labour and trafficking must be adapted to national and regional priorities. Ratification establishes a process which may initiate new additional law, policy or practices. For example, a national action plan must address any shortfalls in legal protections, risks of debt bondage, or discrimination that underpin the exploitation of vulnerable workers.

International accountability

Social dialogue is, in itself, a means to hold governments and employers to account. However, **Protocol ratification also means that states accept the ILO supervisory system in which social partners, such as trade unions, can intervene.**

The Constitution of the International Labour Organization (ILO) sets out the processes to be followed if member states are not fulfilling their obligations under the Conventions and Protocols that they have ratified. Hence, **the Protocol ensures that the social dialogue it entails does not occur in national isolation, but rather is something that may be scrutinised internationally against international labour standards.**

Imperatives for ratification

As both a legal and moral obligation, failure to address forced labour in national economies and in business supply chains can pose significant economic and commercial risks.

Targeted legislation may ban import of goods tainted by forced labour. So, for example, this may preclude businesses from access to the US market given the provisions of the 2014 Trade Enforcement and Trade Facilitation Act, which empowers the US Customs Service to exclude goods and commodities tainted by forced and child labour.

National due diligence and transparency legislation are on the rise, including the UK Modern Slavery Act, France's "vigilance" law, and the Dutch Child Labour Due Diligence Law. Future European Union human rights due diligence laws may bring other obligations and sanctions.

Hence, widespread ratification of the Protocol is in the interests of businesses and countries alike to help ensure that they maintain their access to international markets and are not undercut by unscrupulous competitors in states with weak anti-slavery systems.

Furthermore, the ratification of the Protocol opens the possibility of putting the development of **effective national mandatory due diligence** on the social dialogue table.

Building an alliance for ratification

Businesses can be important allies in advancing human rights protections for workers, with notable initiatives such as **Global Framework Agreements**. The transparency in the supply chains clause of the UK Modern Slavery Act and the Bangladesh Fire Safety Accords were both obtained with crucial business support. However, many businesses regard the challenges of forced labour and trafficking in supply chains as technical ones that merely need better management practices.

Trade unions have to emphasise the importance of tripartism and social dialogue with their negotiating partners in business as the basis for a coalition in favour of ratification of the Forced Labour Protocol.

Anti-slavery and anti-trafficking organisation can be allies in promoting ratification and a strong national action plan for implementation that strengthens vulnerable worker protection mechanisms.

International initiatives

There are a number of international initiatives through which states and other stakeholders have expressed their commitments to the eradication of forced labour and trafficking. These include Alliance 8.7, "an inclusive global partnership committed to achieving Target 8.7 – the target to eradicate slavery, forced and child labour, of the Sustainable Development Goals".

However, of the 22 "Pathfinder" countries that Alliance 8.7 currently lists – that is, countries that "demonstrate commitment to implement meaningful efforts... to accelerate progress in tackling Target 8.7" – at time of writing only eight have ratified the Forced Labour Protocol.

Ratification of the Forced Labour Protocol must be a key element in obtaining Target 8.7 because it establishes sustained national processes to develop action plans through social dialogue to combat forced labour and trafficking effectively in the prevailing political economy.

It is clear that such national action plans developed will also require resources for implementation. Hence, **there is an urgent need for a new international fund to ensure that the development and implementation of all national action plans are properly financed.** This is a logical extension of Article 5 of the Protocol that requires ratifying states to cooperate with each other. **Proper funding of effective measures to combat slavery, forced and child labour would also make a crucial contribution to poverty reduction, not least by increasing access to decent work.**

Conclusions

Many nations have made public commitments to combat forced labour and trafficking. However, relatively few have gone so far as to ratify the Forced Labour Protocol and less have made financial commitments to assist the proper implementation of that Protocol. This means that, currently, too many countries lack the necessary social dialogue processes and resources to develop and implement national strategies to combat labour exploitation in all its forms.

Increasing the ratification and implementation of the 2014 Forced Labour Protocol by ILO member states therefore remains a priority if widespread meaningful action is to be obtained towards expanding access to decent work.

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Foreword

In 2021, workers are still living with Covid-19, but it is also a year when governments must implement serious plans for recovery.

In 2020, trade unions established the global call for a New Social Contract for recovery and resilience. One year on, even the [UN Secretary General](#) is making this call.

This year the ITUC is focusing on five key demands that workers want in their social contract.

- 1. Jobs:** Climate-friendly jobs with Just Transition and jobs in health and care.
- 2. Rights:** The promise of the ILO Centenary Declaration of rights and protections for all workers, irrespective of employment arrangements.
- 3. Universal Social Protection:** Social protection for all, with the fight for a global social protection fund for the poorest countries.
- 4. Equality:** Progress is stalled, and in some nations set back by the pandemic. Workers demand equality of incomes, equality of gender and race, and an end to discrimination.
- 5. Inclusion:** Working people want a peaceful world and a just, rights-based development model with the promise of the SDGs.

This recovery must be funded with tax, debt relief and targeted support for developing economies. It will not be achieved with austerity!

Monopoly power and exploitation of workers will only be eliminated if we end corporate impunity with mandated due diligence and the elimination of corruption.

Now that we have reached the goal of 50 in ratification of the ILO Forced Labour Protocol, this guide outlines how the national action plans, as mandated by the ILO Forced Labour Protocol, offer an opportunity to push for the five key demands for recovery and resilience.

The wrong policy responses to the economic crisis caused by the pandemic risk generating a new generation of contemporary slaves.

Indeed, the numbers of workers in forced labour are at risk of a further increase, and the forced labour protocol is particularly targeted to better protection of the most vulnerable and needs widespread ratification and effective implementation to avoid an era of working poor and modern slavery.

*This guide sets out why the urgent and widespread ratification and implementation of the “Protocol of 2014 to the Forced Labour Convention, 1930” (P29, the Forced Labour Protocol) is a priority for trade unions and labour rights activists across the world **as part of the International Trade Union Confederation’s call for a new social contract: the ratification and implementation of the Forced Labour Protocol will provide an international legal basis for advancing the ITUC campaigns to eliminate slavery and secure the rights of migrant workers and Sustainable Development Goal 8** – “Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.”*

Introduction

This guide aims to explain why ratification and implementation of P029, the “Protocol of 2014 to the Forced Labour Convention, 1930” (the Forced Labour Protocol) represents a vital opportunity for trade unions and their allies to obtain, through social dialogue and action, measures to end exploitative labour practices and advance opportunities for decent work.

It sets out the challenges to obtaining decent work posed by the laws, policies and practices that facilitate forced labour and trafficking in the contemporary world. It explains key elements that the Forced Labour Protocol enshrines in law when ratified. If properly implemented, these measures, and those in the associated Recommendation, can contribute to the transformation of the aspects of the *political economy*¹ that give rise to forced labour and trafficking, and so advance access to decent work.

The guide also aims to explain some of the key opportunities to build pressure for ratification of the Forced Labour Protocol and looks at some specific obstacles to that ratification.

¹ Throughout this paper the term “*political economy*” is defined as the set of laws, policies and practices that govern how business, trade and employment are conducted.

Ratification

The importance of broad ratification

Ratification is a commitment by a state to be bound to a treaty or international convention. “[The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.](#)”² Ratification of the Protocol also means that states accept [the ILO supervisory system in which social partners, such as trade unions, can intervene.](#)

The Protocol ensures that the dialogue it entails does not occur in national isolation, but rather is something that may be scrutinised by international actors. Thus, it opens the possibility of formal engagement by international allies in advancing changes in law, policy and practice necessary to transform the political economy of forced labour in any given nation state to one that enables decent work.

The Protocol emphasises that addressing trafficking for forced labour is not simply a law enforcement issue, but one that also requires the engagement of businesses and trade unions to ensure that the human rights of workers are properly protected and respected and that remedy is available.

Advocating ratification with governments

As is discussed below, many governments have made commitments to action towards eradicating forced labour, child labour and trafficking through, for example, their involvement in Alliance 8.7 or their support for the Global Year to End Child Labour. In advocating with governments for the ratification of the Forced Labour Protocol, it is important to remind governments of these commitments and how the Protocol will help advance them. It is also important to emphasise the wider national advantages that ratification and implementation of the Protocol entail.

If a breadth of support for ratification can be demonstrated, then it is likely that governments will be more inclined to prioritise the ratification. For example, in 2016, [when the Trade Union Congress \(TUC\) was advocating with the British government for the ratification, they did so jointly with the Confederation of British Industry \(CBI\).](#) Given that so much trafficking for forced labour in Paraguay affects the indigenous population of that country, joint advocacy by trade unions with indigenous civil society on the urgency of the Protocol may influence the government towards a more speedy ratification.

The ILO maintains a list of countries that have ratified the Forced Labour Protocol, which can be found [here](#). Once it has ratified the Protocol, a member state must negotiate an action plan in accordance with the Protocol within two years.

Appendix 1 (a) shows a model letter which may be used as a basis to begin dialogue with government on the ratification of the Forced Labour Protocol.

² See also Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969

Background

The Forced Labour Convention (No. 29) was adopted by the International Labour Organization (ILO) in 1930. *“It was directed specifically against the conscription of workers by the colonial powers for public and private enterprises for the development of communications and economic infrastructure, mining, and the forced production of crops on plantations and other export goods. As such, the convention’s primary purpose was to protect ‘native labour’ from exploitation.”*³

Convention 29 defines “Forced or compulsory labour” as “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”⁴.

The Convention allows certain forms of work or service, including compulsory military service, prison labour, and work in emergencies. But governments are specifically prohibited from imposing or permitting imposition of forced or compulsory labour for the benefit of “private” individuals, companies, or associations⁵.

However, in spite of its ratification by over 160 countries, the Forced Labour Convention, and related international Conventions, such as the 1956 Supplementary Convention on Slavery, have not eliminated forced labour and other forms of slavery. Rather, the 2017 estimates of slavery by the ILO and the Walk Free Foundation indicate over [40 million](#) people still enslaved. This includes 25 million people in forced labour and 15 million in forced marriage. Of these, an estimated one in four, or 25%, are children, and 71% are women and girls. Debt bondage is a principal mechanism of enslavement, affecting half of all victims of forced labour by private actors.

Forced labour continues to be prevalent because the systems practiced in the first half of the 21st Century are more varied than the state-sponsored forced labour in the first half of the 20th Century to which the original 1930 Convention responded.

The Forced Labour Protocol and its associated Recommendation brings “ILO standards against forced labour into the modern era. [The new Protocol establishes the obligations to prevent forced labour, protect victims and provide them with access to remedies, and emphasises the link between forced labour and trafficking in persons.](#)”

In addition, and perhaps most importantly, it aims to establish national social dialogues to develop national action plans to combat forced labour and trafficking.

Nevertheless, at time of writing (March 2021), and in spite of numerous international initiatives on trafficking and forced labour, [only 50 states have ratified the Protocol](#). This hampers the necessary global efforts, not least in terms of international cooperation, towards ending forced labour and advancing decent work.

³ 5 Forced or Compulsory Labor.” National Research Council. 2004. *Monitoring International Labor Standards: Techniques and Sources of Information*. Washington, DC: The National Academies Press. doi: 10.17226/10937.

⁴ ILO Convention No. 29, Article 2, para. 1

⁵ ILO Convention No. 29, Article 4

Contemporary forms of forced labour and the ILO 2014 Forced Labour Protocol

Enabling decent work



Figure 1: [The Continuum of Exploitation](#)

Forced labour does not occur in isolation. Rather, it is one extreme of a continuum, as illustrated in Figure 1.

The OECD report [Ending child labour, forced labour and human trafficking in global supply chains](#) identifies a series of risk factors that undermine decent work and instead facilitate exploitation up to and including forced labour and trafficking. These risk factors include:

- Gaps in statutory labour legislation, enforcement and access to justice
- Socio-economic factors facing workers
- Informal economic practices
- Discrimination
- Precarious migration
- Abusive and fraudulent recruitment practices
- Debt and its manipulation
- Lack of business awareness and capacity
- Economic and commercial pressures, including downward pressure on wages, pressures around delivery time, overtime, outsourcing of production, production quotas and labour subcontracting

Globally, some of these risk factors may be more dominant than others. For example, as debt and its manipulation are a principal mechanism of enslavement for half of all victims of forced labour by private actors, this is plainly a cause that requires prioritised action in many places. Many risk factors, such as discrimination based on caste prejudices in South Asia, will be more regionally specific than others. However, taken overall, the elimination of forced labour can be conceived as obtaining its transformation into decent work through the elimination of risk factors.

The success or failure of such a process depends on the nature of the political economy that gives rise to the risks. That is, the elimination of the risk factors may require a fundamental transformation of the laws, policies and practices that govern business, employment and trade. It is therefore important to understand the nature of the **political economies** in which forced labour and trafficking occur.

The political economies of forced labour⁶

The OECD report “[Ending child labour, forced labour and human trafficking in global supply chains](#)” notes that these abuses, “need to be understood as structural phenomena that require comprehensive policy responses. A narrow focus on eliminating [them]... within the production settings that form part of global supply chains – without addressing the common set of legal gaps and socio-economic pressures at their root – risks simply displacing the abuses into sectors of the local economy... meaning in turn that the ultimate goal of ending [child and forced labour] ... would be no closer.”

In other words, child and forced labour are products of the “*political economy*” – they arise from the set of laws, policies and practices that govern how business, trade and employment are conducted. Understanding the nature of the political economy of forced labour can enable trade unions to adapt their advocacy strategies to advance the cause of decent work through appropriate national and international channels.

There are at least five political economies of forced labour in the contemporary world.

The first of these is “**state-sponsored**” forced labour. This is still practiced in parts of the world such as [North Korea, which, as well as domestic forced labour, trafficks its citizens to other countries for hard currency to maintain the dictatorship.](#)

⁶ Adapted from “Modern slavery in global context: ending the political economy of forced labour and slavery”, by Aidan McQuade, in *The Modern Slavery Agenda: Policy, Politics and Practice in the UK*, edited by Gary Craig, Alex Balch, Hanna Lewis, and Louise Waite, 2019, Policy Press, Bristol

Some states may be said to adopt a second approach, which may be termed, “**state-facilitated**” **forced labour**. For example, the *kafala* system in Gulf states. This ties migrant workers in industries such as construction, hospitality and domestic work to their employers to such an extent that even in the most abusive employment relationships, up to and including forced labour, the workers cannot leave the country or even change jobs.

The plight of migrant labourers on *kafala* visas are often exacerbated by the manner of their recruitment, with workers often deceived with the promises of markedly different terms and conditions than they will actually obtain and with charged fees for the arrangement of their overseas employment. This can mean that before they even leave their home countries, they have become debt bonded.

Major reforms in Qatar, following international pressure, have now effectively eliminated the *kafala* system in that country.

The use of *kafala* is not confined to the Gulf states. Tied visas leading to exploitation and abuse of migrants and domestic workers have been a protracted problem in many industrialised countries. For example, until action by the International Transport Workers Federation (ITF), which took a case against the government, Ireland maintained a system of tied visas for migrant workers in the country’s fishing fleet, with the inevitable consequent cases of forced labour and trafficking.

Other states simply turn a blind eye. This leads to a third category that may be termed “**state-tolerated**” **forced labour**. For example, in large parts of India, Dalits enslaved in brick kilns or agricultural labour find it next to impossible to obtain legal remedy for the situations in which they find themselves. There is simply too much corruption, and caste-based prejudice, and too few police, labour inspectors and judges to administer the law. South Asia has the largest numbers of slaves in the world because for almost one third of the population, over 300 million Dalits, Adivasi and others from “lower” and “scheduled” castes, the most basic ideals of rule of law are completely meaningless, and successive south Asian governments have never made it a political priority to remedy this.

In spite of recommendations of the ILO Committee on the Application of Standards to reinforce labour administration, in Paraguay there is little state presence in the western *chaco* area of the country. So, this is an area in which there is considerable opportunity for unscrupulous ranchers to traffic vulnerable

workers into forced labour, particularly those from indigenous communities. This is an example of the fourth category: “**stateless**” **forced labour**. Likewise, in the Democratic Republic of Congo, forced labour flourishes as a result of a combination of absence of rule of law and the incapacity to the government to enforce labour regulation in a context of widespread poverty and conflict.

Another particularly problematic example of this “stateless” forced labour relates to the world’s oceans. Human trafficking on the high seas is generally practiced with impunity because labour inspection is negligible, particularly on fishing boats. As shipping companies register vessels under [flags of convenience](#), captains can get away with keeping discipline amongst their deceptively recruited and debt bonded crews with extreme violence, including murder.

Similar problems pertain in the informal economy, in domestic work and in export processing zones (EPZs), in which states may facilitate exploitation of workers by knowingly failing to protect their rights in these economic areas.

In other countries, policy on slavery and forced labour is incoherent. This brings us to the fifth political economy of forced labour which may be categorised as “**state-muddled**” **forced labour**. States in this category may often mean well. But they have not marshalled sufficient resources in terms of learning and training, coordination of law and policy, and implementation of strategy, to systematically reduce the opportunities for the unscrupulous to exploit and enslave the vulnerable.

Some countries may display several political economies of forced labour within their borders. For example, the Myanmar military practice a form of “state-sponsored” forced labour in Rakhine state. However, the systematic enslavement of the crews of the fishing rafts of Myanmar’s Gulf of Motama as a result of its lack of regulation and inspection of this sector, and a failure to address the indebtedness of poor communities, may be classified a “state-tolerated” forced labour. The 2021 military coup in Myanmar and the brutal suppression of all opposition is likely to lead to a major increase in forced labour, and indeed the system of violent military rule effectively places all workers under the control of the military.

In essence, there needs to be a strong regulatory framework with adequate enforcement to prevent forced labour from flourishing.

The importance of the 2014 Forced Labour Protocol

A fundamentally important aspect of the Protocol is that it requires ratifying states to establish a social dialogue to develop action plans with social partners, including trade unions, on how to combat forced labour and trafficking. In other words, it requires the establishment of a mechanism by which trade unions and employers can engage directly with government on the transformation of the laws, policies and practices of their countries that inhibit access to decent work. Such processes can, in particular, help eliminate policy *muddle* relating to forced labour and trafficking and establish state systems to combat trafficking where it has flourished in absence.

In addition, the Protocol provides an opportunity for unions to bring into wider labour law reform into the discussion of the national action to combat forced labour.

Furthermore, whether or not countries do this in accordance with the Protocol can be monitored, by workers' organisations, including trade union organisations at national and international level, business organisations and by other governments, and brought to the attention of the treaty mechanisms of the ILO.

Key elements of the Protocol

This section summarises the key elements of the Forced Labour Protocol that would become law in ratifying countries. The Recommendation to the Protocol, which is summarised below, may then be viewed as policy and practice areas that should be considered for implementation through the social dialogue that the Protocol mandates.

Article 1 of the Protocol commits states that ratify it ("Members") to taking effective measures to prevent and eliminate the use of forced labour, "*to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour*". Towards this end, as noted above, Members are required to develop and implement a national policy and plan of action in consultation with employers' and workers' organisations.

The Protocol also reaffirms the definition of forced labour from the Convention and therefore recognises that "*the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour*". In doing so, the Protocol recognises that combatting trafficking is not solely a criminal justice issue but also one of labour rights.

Articles (2-4) elucidate measures expected of signatories to combat forced labour and trafficking, including

- educating and informing employers and those considered to be particularly vulnerable on the risks of forced labour;
- ensuring that law and policy protects all workers, irrespective of legal status, and that all necessary assistance and support is provided;
- "*protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process*";
- "*supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour*";
- "*addressing the root causes and factors that heighten the risks of forced or compulsory labour*" (these must include, most urgently, debt, discrimination, and lack of access to decent work for adults and quality education for children, particularly girls);
- upholding the non-punishment principle for people compelled to commit unlawful activities as a consequence of their forced labour: that is, if a worker is coerced into committing a crime, typically such as petty theft, prostitution or drug cultivation, by his or her traffickers, then that person should be treated not as a perpetrator of crime, but rather as a victim of trafficking for forced labour.

Article 5 of the Protocol commits ratifying member states to cooperate with each other in the elimination of forced labour.

Negotiation of national action plan

As noted above, the Protocol is supplemented by a Recommendation (No. 203), which sets out measures required to prevent forced labour, protect and provide remedy to its victims, and increase cooperation to combat forced labour and trafficking.

The measures set out in the Recommendation echo those advocated in the report [Ending child labour, forced labour and human trafficking in global supply chains](#). Measures proposed in that report include:

- Ensuring an adequate legal labour protection framework
- Strengthening the labour inspectorate
- Building criminal law enforcement capacity
- Ensuring access to quality education
- Strengthening social protection systems
- Micro-finance
- Ensuring freedom of association and collective bargaining
- Addressing migrant vulnerability
- Promoting fair recruitment and decent work
- Overarching policies to promote responsible business conduct, including due diligence on supply chains and access to remedy
- Promoting anti-forced labour measures in trade policy

Like the guidance offered by the Recommendation, these measures must be adapted to suit the realities of the country for which an Action Plan is being prepared. Also given that trafficking and forced labour are human practices, they may adapt and evolve in response to any measures instituted to combat them. Hence, the importance of a dynamic social dialogue to respond to the realities of forced labour and trafficking in specific national territories.

For example, a country with a large fisheries sector may have significant issues of forced labour in that sector because of inadequate legal protections for fishers. An action plan may therefore need to prioritise ratification and implementation of ILO Convention 188 – the Work in Fishing Convention. In countries

with large populations of migrant domestic workers, ratification of ILO Convention 189 on domestic work may be a priority. In countries with large informal sectors, establishment of effective labour inspectorates to ensure labour protections in sectors such as agriculture, catering and cleaning, as well as domestic work, is likely to be extremely important, as outlined, for example, in C129 on Labour Inspection in Agriculture.

Alternatively, measures to reduce the risks of debt bondage for workers from a particular country must be proportionate to the scale of the financial needs of those vulnerable workers. That is, if a family need US\$500 per year to survive and there is no decent work available, and the micro-finance is only offers US\$50, then that family is likely to still have to resort to usurious money lenders or corrupt labour brokers for survival. Consequently, they will become ensnared in debt bondage. So anti-debt bondage measures, such as social protection, minimum living wages, public works, micro-finance initiatives, and direct cash transfers, must be adapted to local circumstances if they are to have any measurable impact on reducing vulnerability to forced labour. Minimum living wage fixing mechanisms based on evidence of the cost of living and with the full involvement of social partners are a key demand.

Prevention

The Recommendation recognises as measures that prevent forced labour “...*fundamental principles and rights at work... the promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations; programmes to combat the discrimination that heightens vulnerability to forced or compulsory labour; [and] initiatives to address child labour and promote educational opportunities for children, both boys and girls...*”

In referencing fundamental principles and rights at work, the Recommendation references other international Conventions and draws attention to the fact, noted above, that as part of a national action plan, these Conventions may also need to be ratified and effectively resourced and implemented.

The Recommendation also advises that *“Taking into account their national circumstances, Members should take the most effective preventive measures, such as”*:

- addressing the root causes of workers’ vulnerability to forced or compulsory labour
- targeted awareness-raising campaigns... skills training programmes for at-risk; population groups to increase their employability and income-earning opportunities and capacity;
- steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced...
- orientation and information for migrants;
- coherent *policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation;*
- *promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, **including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion;***
- *provide guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations and supply chains.*

Protection

On protection, the Recommendation advises member states to undertake targeted efforts to identify and release victims of forced labour and is explicit that protective measures should not be made conditional on the victim’s willingness to cooperate in criminal or other proceedings, and that the “non-punishment” principle be upheld for people compelled through trafficking into illegal activity. Specific provision should be made for migrants, including provision of a reflection and recovery period, provision of temporary or permanent permits and access to the labour market, and safe and preferably voluntary repatriation.

It should be remembered that identification is fundamental to protection. Simply put, if public officials, including labour inspectors, cannot properly identify victims of forced labour and trafficking, then they cannot act to protect their human rights. Hence, this section implies that there is likely a high need for the training of relevant public officials to be able to identify the risks and realities of forced labour.

It also recommends that *“Members should recognize the role and capacities of workers’ organizations and other organizations concerned to support and assist victims of forced or compulsory labour.”*

As with the section on “Prevention”, the Recommendation takes particular focus on eliminating *“abuses and fraudulent practices by labour recruiters and employment agencies, such as ... the charging of recruitment fees to workers,”* and sets out the need for transparent employment contracts, adequate and accessible complaints mechanisms, and proper regulation of recruitment agencies.

The Recommendation also sets out the need for protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, including *“access to educational and training opportunities and access to decent work”*. It also sets out the specific protections for child victims of forced labour, including appointment of a guardian, where appropriate, and presumption of minor status pending age verification.

Remedy

The Recommendation advises that *“Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by ... providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State...”*

Case example: an urgent justice mechanism for migrant workers

June 2020: Trade unions and civil society organisations call upon the governments of countries of origin and destination to urgently put in place a transitional justice mechanism for migrant workers with the following objectives:

1. The transitional justice mechanism will address grievances, claims and labour disputes of repatriated workers who have lost their jobs as a result of the Covid-19 pandemic. That the mechanism needs to be expedited, accessible, affordable, and efficient.
2. It should be a priority to guarantee that all repatriated workers with legitimate claims are able to access justice and some kind of compensation.
3. While it must be of the utmost importance to ensure that cases are resolved as soon as possible, without delay, especially in cases involving labour disputes, safeguards must be put in place to ensure that migrants are able to pursue their cases post return. Access to legal advice and support, facilitating power of attorney procedures, and easing requirements for in-person testimony and court appearance or appearance in front of a tribunal/grievance mechanism are paramount.
4. States should require employers and businesses to keep all employment records, including payroll, employee lists, and hours worked and allow workers to take copies of their records with them.

Public Services International, along with the International Trade Union Confederation and the Building and Woodworkers International and civil society allies, will be working with its unions in the migration corridors in the Middle East and Asia Pacific in putting this Justice Mechanism in place. The Justice Mechanism will put into work the rights-based approach to labour migration, based on the application of human rights norms and labour standards, with proper accountability mechanisms, and supported by workers, civil society and migrant workers themselves.

Victim identification is an intrinsic part of enforcement as well as protection. Furthermore, systems for effective coordination of stakeholders may also be necessary to ensure both proper protection and enforcement. Several European countries have established national referral mechanisms. It is important that trade unions are recognised in these.

Cooperation

The Recommendation emphasises the importance of international cooperation in achieving the suppression of forced labour and trafficking, including strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement; mobilising resources for national action programmes and international technical cooperation and assistance; mutual legal assistance; cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour..

Case example: international cooperation

“The South East Asia (SEA) Forum for Fishers include various government departments (the competent authorities on labour, migration, trafficking and fisheries), workers’ and employers’ organizations, industry associations, buyer groups, international organizations and research institutions. Leadership meetings will be convened, with participation from social partners, to identify regional coordination priorities. A secretariat for the SEA Forum for Fishers will also be incubated by the ILO.

“The project will coordinate strategies and to support the adoption of result-oriented and gender-responsive regional action plans that enhance the complementarity and efficiency of various initiatives ongoing to combat trafficking in the fisheries sector.”

Enforcement

The Recommendation sets out the imperative for Members to take action to ensure that resources are mobilised to translate commitments on the eradication of forced labour into concrete action on these commitments through ensuring labour inspectorates and other key stakeholders have the necessary mandate, resources and training, and that meaningful sanctions are available for perpetrators of forced labour, including “legal persons” such as corporations.

Implementation

Once ratified, the Protocol must be applied for it to have any meaning. As with obtaining ratification, achieving implementation may require sustained campaigning to ensure that action plans are developed and adequately resourced to obtain meaningful change. In other words, implementation of the Protocol should be viewed as a social dialogue process rather than as a specific goal.

Social dialogue

A requirement of social dialogue is set out in [1976 ILO Convention 144 on Tripartite Consultation](#). At the heart of the Forced Labour Protocol is a further specific requirement to establish a social dialogue on the subject of forced labour and human trafficking.

[Social dialogue is defined by the ILO as including](#) “*all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers’ organizations), with or without indirect government involvement. **Social dialogue processes can be informal or institutionalised, and often it is a combination of the two.***”

Social dialogue is important for obtaining systemic change in the laws, policies and practices governing employment, trade and business that constitute the wider political economy. But the ILO also notes that “*For social dialogue to work, the State cannot be passive even if it is not a direct actor in the process. It is responsible for creating a stable political and civil climate which enables autonomous employers’ and workers’ organizations to operate freely, without fear of reprisal.*”

Holding governments to account internationally

Social dialogue is a means to hold governments and businesses to account domestically. Should it prove problematic in a particular country, the ratification of international laws brings access to international mechanisms to complement ongoing national efforts.

The [Constitution of the ILO](#) sets out the obligations of member states to make “*an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party.*”⁷ The information in these reports is then, in accordance with Article 23 of the ILO Constitution, made available to the annual International Labour Conference, hence making this information open to international scrutiny.

Articles 24 and 25 of the ILO Constitution then allows for representations by “*industrial association[s] of employers or of workers*” regarding whether member states have actually properly implemented a Convention (or a Protocol). If the relevant government does not respond to such representations in a reasonable time or if the response is not “*deemed to be satisfactory*”, then the Governing Body has the right to publish the representation (and any response that may have been received). Again, this opens member states to further international scrutiny.

As noted above, ratification of the Forced Labour Protocol mandates the establishment of social dialogue on the issue of forced labour and trafficking. So, if participants in this dialogue feel that it is not undertaken in good faith, or its decisions are not properly implemented, then this can be raised in accordance with these articles of the ILO Constitution via the ITUC, with the Governing Body of the ILO.

The Constitution of the ILO sets out the more complex and time-consuming processes to be followed for more serious breaches of member-state obligations under the Conventions and Protocols that they have ratified:

- Article 26 sets out that Members have the right to file a complaint with the International Labour Office if they are not satisfied that other Members are giving proper effect to their obligations under the Conventions that they have ratified. This article empowers the Governing Body to establish a Commission of Inquiry to investigate the complaint.
- Article 27 sets out the expectations for Members to cooperate with any Commission of Inquiry.
- Article 28 sets out that the Commission of Inquiry will prepare a report on its findings with any appropriate recommendations as

⁷ Article 22

“to the steps which should be taken to meet the complaint and the time within which they should be taken.”

In the absence of ratification of the Forced Labour Protocol, other Conventions, such as the Convention on Tripartite Consultation (No. 144) or the [1981 Convention on Collective Bargaining \(No 154\)](#), may also provide avenues for international complaints and representations relating to the nature of the social dialogue in a ratifying country.

Case example: holding governments to account internationally

In 2014 the ITUC took an “Article 26” Complaint concerning non-observance by Qatar of the 1930 Forced Labour Convention and the 1947 Labour Inspection Convention. Consequent to this, since 2017 Qatar has engaged in a set of important reforms that culminated in January 2020 with the abolition by ministerial decree of the exit visa requirement and “No Objection Certificate” – key elements of the problematic “kafala” system.

This decision means that many workers vulnerable to exploitation and forced labour are free to leave the country, either temporarily or permanently, and to change employers, without having to obtain the permission of their employers. In addition, a new evidence-based minimum wage law that applies to all nationalities and all sectors will be implemented in 2020. Qatar has also now established labour courts for better access to justice and joint committees in enterprises for better representation of workers.

These reforms constitute a major milestone for migrant workers in Qatar and will set an example for other Gulf countries still applying the “kafala”.

Business engagement

Failure to address forced labour in business supply chains goes against the UN Guiding Principles on Business and Human Rights and the ILO Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration). In addition, failure to address forced labour in business supply chains can pose significant commercial risks. It may preclude businesses with tainted supply chains from access to the US market given the provisions of the 2014 Trade Enforcement and Trade Facilitation Act, which empowers the US Custom Service to exclude goods and commodities tainted by forced and child labour. Under this act, in July 2020 the US [banned imports](#) of personal protective equipment

(PPE) “[from two subsidiaries of Malaysia’s Top Glove, the world’s biggest manufacturer of \[surgical gloves\], over forced labour concerns, despite soaring demand during the coronavirus pandemic](#)”. Also in the US, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) has [campaigned for an act, passed in the US Congress on 22 Sept 2020, to exclude goods from US markets made with the forced labour of Uighurs in China](#).

[Following campaigns by the global trade union movement and allies, a growing group of countries are imposing mandatory due diligence legislation](#), including the UK Modern Slavery Act, France’s “vigilance” law, and the Dutch Child Labour Due Diligence Law. A recent initiative by a group of brokers and insurers in the London market means that cargoes tainted by forced and child labour may have their insurance claims voided.

Future European Union human rights due diligence laws may bring other sanctions.

Some businesses have also started to realise that so long as forced labour and labour exploitation is permitted anywhere, it threatens to undercut ethical business efforts everywhere. Hence, ethical businesses, for example with the supply chain transparency clause of the UK Modern Slavery Act, and the Bangladesh Fire Safety Accords, have proven important allies for civil society in advancing human rights protections for workers. Such businesses will prove important allies in advocacy for ethical standards in trade deals⁸ and ratification of international law such as the Forced Labour Protocol.

However, even amongst ethical business, there is also an important strain of thinking that regards the challenges of forced labour and trafficking in supply chains as being technical challenges that merely need better management practices. Similarly, and often under pressure from conditions to foreign investment, governments are still contributing to the global race to the bottom that has allowed exploitation and inequality to grow in the last decades, as reflected in the growing number of forced labourers around the world.

Hence, the campaign of unions across the world, demanding mandatory due diligence legislation at national level covering all internationally recognised human rights, including fundamental workers’ and trade union rights, is crucial. The failure of corporate social responsibility and other technocratic approaches to due diligence should be further exposed both at national and international level.

⁸ Appendix 1 includes a model letter to initiate dialogue with government on the importance of ratification of the Forced Labour Protocol in trade deals.

At international level the ITUC is advocating for a binding UN Treaty on Business and Human Rights and a Convention at ILO level to achieve inclusive mandatory due diligence legislation everywhere. Similar to the Forced Labour Protocol, these would be binding international regulations. To date, none of the national legislations are strong or inclusive enough. You can find an overview in [an ITUC guide from 2017](#).

As yet, none of the crucial binding regulation at international level has been adopted. Trade unions need to continue this crucial campaign. You can find a joint trade union statement on the binding treaty [here](#), and a model letter to initiate dialogue with government on supporting this treaty is contained in Appendix 1.

Business “technocratic” approaches to forced labour eradication

The process of ending forced labour is not a purely technocratic challenge. It is also a political one, as discussed above, a point that is recognised in the Forced Labour Protocol, with its mandate for social dialogue and a national action plan to combat forced labour.

Social dialogue needs business engagement. Without that, business insights on the ending of forced labour practices will be lost. Furthermore, a lack of business engagement in setting the wider political-economic framework for decent work may leave ethical businesses isolated, undermined and undercut by unscrupulous competitors taking advantage of any gaps in labour rights protections in national law, policy or practice. In other words, any technocratic approaches to eliminate slavery from supply chains that individual businesses may adopt will likely prove forlorn if the causes of forced labour remain pervasive in the wider political economy.

Nevertheless, some businesses feel they can manage the risks of slavery in isolation from the other social partners. It may therefore be necessary for trades unions to advocate for the social dialogue model with their negotiating partners in business, both at national as well as international level, as acknowledged in the [ILO MNE Declaration that calls for company-union dialogue](#).

There are additional possible routes to hold companies to account for (lack of) due diligence. Below three are discussed: OECD National Contact Points, global framework agreements, and, potentially, international financial institutions.

The Organisation for Economic Co-operation and Development (OECD)

The OECD is an international organisation that “works to build better policies... that foster prosperity, equality, opportunity and well-being for all.” It is a partner organisation to Alliance 8.7 and has produced the following reports/guidelines:

- Ending child labour, forced labour and human trafficking in global supply chains
- OECD Guidelines for Multinational Enterprises
- Due Diligence Guidelines for Responsible Business Conduct
- Child Labour in Mineral Supply Chains

The [Trade Union Advisory Committee \(TUAC\)](#) to the OECD is an interface for trade unions with the OECD. It is an international trade union organisation which has consultative status with the OECD and its various committees.

The OECD Guidelines for Multinational Enterprises “[require all OECD members and adhering governments to establish a functioning National Contact Point \(NCP\) – a government-supported office whose core duty is to advance the effectiveness](#)” of these guidelines, which include a human rights chapter that is consistent [with the UN Guiding Principles on Business and Human Rights and its “Protect, Respect and Remedy” Framework](#).

“NCPs advance the effectiveness of the Guidelines in two ways: by raising awareness among businesses and other stakeholders about the Guidelines’ standards and the NCP grievance mechanism, and by handling ‘specific instances’ (grievances) against companies who allegedly have failed to meet the Guidelines’ standards.”

The NCPs can handle complaints on breaches of the OECD guidelines inside the NCP’s country irrespective of where the multinational is headquartered, or it can handle breaches anywhere in the world by multinationals headquartered in the NCP’s country. The complaint processes focus on resolving alleged breaches through facilitating dialogue between the parties. A model letter setting out a complaint to an NCP is included in Appendix 1.

So, if all else fails, the NCP complaints process can itself be a mechanism for initiating social dialogue in relation to the countries where there are National Contact Points.

The effectiveness of the NCPs depends on their independence and capacity, and experiences so far have been mixed [with some successes, but more failures](#). In most countries, OECD NCPs need to be strengthened to be effective. In July 2020, TUAC and its business and NGO counterparts BIAC and OECD Watch issued a [Joint Statement Supporting the Capacity of the NCP in the Current COVID-19 Crisis](#). National unions and allies may consider campaigning for the strengthening of their NCP in accordance with this initiative.

Global framework agreements

The ILO defines a global framework agreement (GFA) as “[an instrument negotiated between a multinational enterprise and a Global Union Federation \(GUF\) in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all the countries where it operate](#)⁹”.

Global framework agreements can therefore be viewed as a basis to develop mature systems of industrial relations across an international business in spite of the diverse challenges that may emerge from local law or managerial culture. The agreements are negotiated between the management of a company and workers’ representatives and include the ILO core labour standards.

Global framework agreements may be something that arise from another form of engagement, such as informal contact between social partners or a more formal process, such as a complaint through the NCPs of the OECD. In other words, like the Forced Labour Protocol itself, global framework agreements are a formalised process of social dialogue derived from a social dialogue.

Where [GFAs already exist](#), they may also be regarded as a means of advocating the importance of further social dialogue, such as through the ratification and proper implementation of the Protocol. They may provide a basis for building coalitions for expansion of social dialogue to create an enabling environment for decent work

Case Example: [IndustriALL, H&M and Bangladesh](#) – a global framework agreement in action

20.07.2017 IndustriALL’s global framework agreement (GFA) with H&M paves the way for 986 workers in six factories to receive termination benefits, and for the disposal of cases filed against workers by suppliers following the crackdown on unions and workers earlier this year.

In December 2016, Bangladesh garment workers demanded an increase in minimum wages. Employers and the government responded with repression of trade union activities, incarceration, and terminations for thousands of workers.

IndustriALL and its affiliates launched a global campaign against the repression. Based on the GFA, IndustriALL called on the Swedish clothing giant H&M to intervene and urge its suppliers to reinstate terminated workers, withdraw criminal cases filed by its suppliers and take steps to create an environment conducive to well-functioning industrial relations. Subsequently, H&M issued three conditions to its suppliers from the Ashulia area:

- Withdrawal of the criminal cases filed by the six suppliers
- Reinstatement of the wrongfully dismissed workers
- Active commitment to engaging with the National Monitoring Committee in order to achieve well-functioning industrial relations

The National Monitoring Committee (NMC), set up to monitor the implementation of IndustriALL’s GFA with H&M in Bangladesh, worked together with brand representatives and held series of meetings starting in March, with its six suppliers.

Following hard negotiations, it was agreed by all attendee factory management that they will withdraw charges and call for the disposal of pending cases in accordance with legal procedure.

Out of 1,074 dismissed workers from the six suppliers, a total 984 workers (92 per cent) have received their compensation. Seventy-six workers who have not responded so far can visit the respective factory anytime within this year to claim termination benefits. On the criminal cases filed against workers, the court dismissed four out of seven cases. About 11 cases of reinstatement are expected to be resolved soon.

⁹ Hadwiger, F.: Global framework agreements: Achieving decent work in global supply chains, Background paper. ILO 2015

International financial institutions¹⁰

International financial institutions (IFIs) often finance construction and infrastructure, sectors in which significant numbers of vulnerable workers work. Hence, as described above, there can be particular issues for these workers with recruitment practices, bonded labour, and restrictions of movement. These can apply to national workers, for example internal migrants in India, as well as international migrants, such as in the case of the Gulf states. So, for example, [World Bank investments in Paraguay were directly linked to human rights violations and environmental harm](#). Elsewhere, businesses receiving IFI investments may source from supply chains such as bricks, cement and quarries where forced labour can be a major issue.

The standards and frameworks of the international financial institutions (IFIs) are meant to incorporate the fundamental conventions. As the Forced Labour Protocol is attached to a Convention, it forms part of fundamental conventions by which the IFIs are meant to abide.

However, ILO conventions are written to governments, and IFI standards are focused on project-level labour standards. Nevertheless, like anything else that relates to the use of labour, there is a need that IFIs pay attention to the risks of forced labour in the operations and supply chains of projects that they finance and that there be a credible response to the risks and realities of forced labour when these occur.

It is important that IFIs act in accordance with the core Conventions, including the Forced Labour Protocol, even if a country has not ratified ILO Conventions. IFI frameworks should incorporate the principles and practices of the core Conventions. Unfortunately, forced labour is most salient as an issue in the supply chains of development projects. Here, the requirements of IFI safeguards tend to relate only to primary level of supply chains. Even at this level all core labour standards may not be applied. Some IFI safeguards include the phrase “Contingent on level of control” regarding the responsibility of borrowers to address forced labour in supply chains, which weakens the requirements and undermines attempts to eliminate violations.

Hence, IFIs may become allies in advocating for more general social dialogue and for the ratification of the Forced Labour Protocol and the specific social dialogue that it mandates. **But**, particularly at national office level, they may also be targets of advocacy, both to use their convening power and influence to ensure that their partners adhere to the core Convention standards and to use their institutional weight to advance core labour standards nationally and regionally.

The ITUC has published a guide for national trade unions centres on how to make effective use of labour safeguards of IFIs in [English](#), [French](#), [Spanish](#), [Arabic](#) and [Russian](#).

¹⁰ Particular thanks to Leo Baunach for his input on this section.

International cooperation

Alliance 8.7

[Alliance 8.7](#) is “an inclusive global partnership committed to achieving Target 8.7 of the Sustainable Development Goals. This Target calls for States to: take immediate action and effective measures to eradicate forced labour, end modern slavery and human trafficking by 2030 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.”

Alliance 8.7 partners include “countries, UN agencies and entities, inter-governmental bodies, ... social partners (workers’ and employers’ organizations) ... Partner countries are invited to participate as ‘pathfinders’. Pathfinder countries demonstrate commitment to implement meaningful efforts, undertake innovative actions, and share good practices to accelerate progress in tackling Target 8.7”.

Alliance 8.7 is a coordinated UN effort for the implementation of Agenda 2030 and the framework of the SDGs. The ITUC is campaigning to demonstrate [the centrality of SDG 8](#) as part of the [call for a new social contract](#).

Currently [Alliance 8.7 lists 22 “pathfinder” countries](#)¹¹. Of these, only eight¹² have ratified the **Forced Labour Protocol**. In other words, in spite of the commitments to dialogue and action that Alliance 8.7 espouses, only a minority of its pathfinder countries have taken the step of legally institutionalising and internationally monitoring the social dialogue and action planning that is essential to eliminating forced labour and human trafficking. Stephen Cotton of the ITF observes that in part this may be due to the fact that, “unlike Target 8.8 on labour rights, the indicators associated with Target 8.7 make no reference to the relevant international law associated with that target.”

As explained above, ratification of the Protocol is crucial. It is therefore important that among governments’ diverse commitments under Alliance 8.7, work towards speedy ratification and effective implementation of the Protocol should be a priority,

particularly in the 17 pathfinder countries in which the Protocol is unratified. The work that countries do as pathfinder countries under Alliance 8.7 should be aligned with the national action plan required by the Protocol, which will allow unions to monitor and hold governments to account through the ILO and UN supervisory system.

In the implementation of Agenda 2030, and as part of the One UN reform process, the importance of UN Resident Coordinators has significantly increased, as they will be responsible for the coordination of all UN work at national level, including the work of the ILO. Resident Coordinators, however, are largely unfamiliar with labour and the role of social partners. To make sure that SDG 8, and 8.7 in particular, is prioritised and the role of unions is acknowledged in UN work in every country, it is important for unions to engage with national resident coordinators. The contact details for national resident coordinators can be found [here](#) and a model letter to start engagement can be found in Appendix 1.

Fair Recruitment Initiative

In 2014 the ILO launched a global “Fair Recruitment Initiative” to:

- help prevent human trafficking and forced labour;
- protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process; and
- reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination.

The initiative has published useful [operational guidance on fair recruitment](#) and promotes social dialogue as fundamental.

Engagement with this initiative, via national ILO offices, may assist in building a coalition to advance protections in migrant workers’ rights in line with the Protocol and Recommendation.

¹¹ At time of writing these are Albania, Cameroon, Chile, Costa Rica, Cote d’Ivoire, Ethiopia, Fiji, Ghana, Guatemala, Honduras, Madagascar, Malawi, Mauritania, Mexico, Morocco, Nepal, Nigeria, Peru, Sri Lanka, Tunisia, Uganda, and Vietnam.

¹² At time of writing these are Chile, Costa Rica, Cote d’Ivoire, Madagascar, Malawi, Mauritania, Namibia, and Sri Lanka.

The ITUC and its national affiliates in South and South East Asia have launched the [Migrant Worker Recruitment Advisor Platform](#) to assist unions to reach and organise migrant workers and to expose abusive recruitment. “*The platform allows workers to comment on their experiences, rate the recruitment agencies and learn about their rights. Initially available in English, Indonesian, Nepali and Tagalog, it will be further developed in more languages.*”

The ITUC stands ready to support other unions to expand the initiative to other countries. Unions can send an expression of interest to htur@ituc-csi.org.

Funding the end of human trafficking

As discussed above, the Forced Labour Protocol requires each ratifying country to develop a policy and plan of action to combat forced labour and human trafficking. While this provides each country the opportunity to customise these plans to meet the challenges of their national political economy, these plans and their implementation will have resource implications.

Article 5 of the Protocol commits ratifying member states to cooperate with each other in the elimination of forced labour. Hence, implicit in the Protocol is a requirement that the wealthier ratifying countries assist the poorer countries in obtaining their anti-trafficking policies and plans.

Towards this end then, **there is a clear and urgent need for the establishment of a new international fund to ensure that the development and implementation of all national policies and action plans are properly financed.** Proper funding of effective measures to combat slavery and forced and child labour would also make a crucial contribution to poverty reduction, not least by increasing access to decent work, and would help ensure that some progress towards Target 8.7 of the Sustainable Development Goals is actually achieved.

Conclusions

Many nations have made public commitments to combat forced labour and trafficking. However, relatively few have gone so far as to ratify the Forced Labour Protocol. This means that they lack the necessary sustained national processes to, through social dialogue, develop action plans, appropriate to their local political economies, that will combat forced labour and trafficking.

Increasing the ratification and implementation of the 2014 Forced Labour Protocol by ILO member states therefore remains a priority if widespread meaningful action is to be obtained towards expanding access to decent work.

Appendix 1: Model letters

a) Model letter to initiate dialogue with government to ratify the Forced Labour Protocol

To: Responsible Minister

Cc: Other relevant ministers/parliamentarians

From: National trade union congress and allied stakeholders

Date:

Dear [Minister],

Re: Appeal to ratify the 2014 Forced Labour Protocol

[First commend the government on their most recent significant initiatives against forced labour]

You will be aware that the International Labour Organization's [most recent] estimates identified [number] people in forced labour, including in [our country].

Given this, we believe that ratification of the 2014 Forced Labour Protocol by [our country] is imperative to establish an internationally recognised mechanism by which our country can coordinate social partners in a national effort against forced labour.

The Forced Labour Protocol complements and strengthens existing national law and policy by emphasising prevention and providing access to justice, respecting the rights of victims and ensuring that perpetrators are punished.

Ratification would also put our country at the forefront of the international struggle against human trafficking. At a time when increasing international and extraterritorial law, such as the 2014 US Trade Facilitation and Trade Enforcement Act and the forthcoming European law on human rights due diligence, is focussing on elimination of forced and child labour, ratification is vital to help ensure that our country maintains its access to international markets.

Hence, we would urge that this ratification goes ahead as soon as possible. If there is anything that we can do to help make this happen, do let us know. We would be grateful for an early indication of your thoughts on this matter.

Yours sincerely,

b) Model letter to call on the government to convene a meeting to negotiate a national action plan

To: Responsible Minister

Cc: Other relevant departments and parliamentarians

From: National trade union congress and allied stakeholders

Date:

Dear Minister,

Re: Appeal to convene social dialogue to negotiate national action plan as required under the terms of the 2014 Forced Labour Protocol

You will be aware that the International Labour Organization's [most recent] estimates identified [number] people in forced labour, including in [our country].

Given this, the ratification by [our country] of the 2014 Forced Labour Protocol is an inspiring declaration of the government's intent to bring this dreadful situation to an end.

We therefore write to ask you, in keeping with our country's commitments under the terms of this Protocol, to convene with the utmost urgency a meeting of government, employers' and workers' organizations to develop a national policy and plan of action for the eradication of forced labour and human trafficking in our country.

Development and implementation of this policy and plan of action will put us at the forefront of the international struggle against human trafficking. At a time when increasing international and extraterritorial law, such as the 2014 US Trade Facilitation and Trade Enforcement Act and the forthcoming European law on human rights due diligence, is focussing on elimination of forced and child labour, the development and implementation of this policy and plan of action is vital to help ensure that our country maintains its access to international markets.

If there is anything that we can do to help make this happen, do let us know. We would be grateful for an early indication of your thoughts on this matter.

Yours sincerely,

c) Model letter to initiate dialogue on making ratification of the Forced Labour Protocol a pre-requisite for trade agreements

To: Responsible Minister

Cc: other relevant departments and parliamentarians

From: National trade union congress and allied stakeholders

Date:

Dear Minister,

Re: Appeal to ensure ratification of the 2014 Forced Labour Protocol is prerequisite for any trade agreements

[First commend the government on their most recent significant initiatives against forced labour]

We note with interest that the government has opened trade negotiations with [name country]. This is an important opportunity for the mutual benefit of our two countries.

However, we are concerned that any trade deal must be obtained on a level playing field, and we note that the International Labour Organization's [most recent] estimates of slavery identified [number] people in forced labour, including in [potential trade partner]. We believe that in part this is because [potential trade partner] has not ratified the 2014 Forced Labour Protocol [and additional relevant Conventions of the ILO].

Given this, we believe that ratification of the 2014 Forced Labour Protocol by [potential trade partner] must be a condition of any trade deal with our country. To fail to demand this would be to penalise our own businesses – which are striving to provide decent work to the citizens and other residents of our country – by embarking on a trade deal on an uneven playing field.

If there is anything that we can do to help make this happen, do let us know. We would be grateful for an early indication of your thoughts on this matter.

Yours sincerely,

d) Model letter for initiating dialogue with IFI country office on social dialogue relating to their projects

To: Country Head of Office

Cc: Other relevant office holders in IFI, nationally and internationally

From: National trade union congress and allied stakeholders

Date:

Dear

We note that the 2014 Forced Labour Protocol mandates the establishment of a national social dialogue to develop action plans for the eradication of forced and compulsory labour and human trafficking.

In keeping with the spirit of this Protocol, we therefore request that [IFI] use its convening power to establish a similar working group composed of recipients of [IFI] funds in [our country], [IFI] implementing partners, [national umbrella body for trades unions] and [other relevant civil society organizations]. The principal purpose of this working group would be to ensure the highest possible human rights standards for workers in [IFI] projects.

If there is anything that we can do to help make this happen, do let us know. We would be grateful for an early indication of your thoughts on this matter.

Yours sincerely,

e) Model letter for initiating dialogue with governments on the issue of a binding convention on business and human rights

To: Responsible Minister

Cc: Other relevant ministers/parliamentarians

From: National trade union congress and allied stakeholders

Date:

Dear [Minister],

Re: Appeal to initiate discussions on the proposal for a binding international convention on business and human rights

[First commend the government on their most recent significant initiatives on labour rights]

You will be aware of the publication in 2019 of the revised Legally Binding Instrument by the Chairmanship of the Open-Ended Inter-Governmental Working Group (OEIGWG).

[National Trade Union Congress and allied stakeholders] welcome this revised draft, which has introduced further conceptual clarity and alignment with the UN Guiding Principles on Business and Human Rights and incorporates both requirements for preventative measures as well as access to remedy, which are critical components in ensuring effective respect for international human rights law by transnational corporations and other business enterprises.

Given this, we believe that the adoption of a binding Convention based on this text would be of immense importance to our working citizens, both at home and abroad, in advancing the opportunities for decent work and economic prosperity for workers' families and communities and for our country as a whole.

We, [national trade union congress and allied stakeholders], would welcome the opportunity to discuss the potential benefits of this Convention with you in greater detail and discuss ways in which we may support you, and the whole government, in efforts to bring this Convention into being with the greatest urgency.

We would be grateful for a meeting at the earliest opportunity to discuss this matter more fully.

Yours sincerely,

f) Model letter of complaint to an OECD National Contact Point

To: National Contact Point

Cc: Other relevant ministers/parliamentarians

From: National trade union congress and allied stakeholders

Date:

Dear [NCP]

Re: Violations of OECD Guidelines by [business enterprise]

We wish to lodge a formal complaint regarding the activities of [business enterprise], which has breached OECD Guidelines and is violating the human rights of workers and affected communities as a result.

[Itemise which of the guidelines the business enterprise has breached and describe how it has breached them]

The [business enterprise] has refused to meet with us to discuss effective remedy of these disputes. Hence, we formally request that you, in your role as National Contact Point, urgently convene a meeting between us [business enterprise] and other relevant stakeholders so that resolution of these matters can be found through constructive dialogue and cooperation aimed at assuring sustainable development, fostering jobs and prosperity, and promoting healthy workplaces and communities.

Given the seriousness of the issues we raise, we expect a meeting at the earliest opportunity and will be most grateful for your prompt action.

Yours faithfully,

g) Model letter of UN Resident Coordinator on Alliance 8.7

To: UN Resident Coordinator

Cc: Other relevant offices, including ILO

From: National trade union congress and allied stakeholders

Date:

Dear [Resident Coordinator]

Re: Alliance 8.7 in [our country]

As you are aware, Alliance 8.7 is an inclusive global partnership committed to achieving Target 8.7 of the Sustainable Development Goals. This Target calls for States to take immediate action and effective measures to eradicate forced labour, end modern slavery and human trafficking by 2030 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.

You will also be aware that the International Labour Organization's [most recent] estimates identified [number] of people in forced labour, including in [our country] and another [estimated number of children in child labour, including its worst forms].

[National Trades Union Congress and allied stakeholders] have identified a number of initiatives including [for example, ratification of the Forced Labour Protocol; expanding access to vocational education; addressing household debt; increasing girls' access to quality education; increasing capacity of national labour inspectorate] which we believe would advance the objectives of Alliance 8.7 in [our country] by contributing to an increased access to decent work and reducing the causes of modern slavery. This in turn would have a significant impact on the sustainable reduction of poverty here.

We would therefore be grateful for a meeting at your earliest convenience to discuss the role of trade unions in advancing SDG 8, and 8.7 in particular, discussing how the achievement of these goals can be prioritised in UN work in our country and how we can support such work to obtain a sustainable decrease in poverty here.

We look forward to hearing from you and to meeting in person soon.

Yours faithfully,

Publisher responsible in law:
Sharan Burrow, General Secretary

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