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▶ Lessons Learned

Work in Freedom Programme

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

June 2022

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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 in full swing, the jobs and trades of yesterday are receding, but 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 yet 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) is a ten-year development International Labour Organization (ILO) cooperation programme that started in 2013 and is funded by UK Aid. It adopts 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 has been implementing a series of interventions engaging migrants, trade unions, civil society organizations, businesses and regulators in a collaborative effort to begin 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 care work and manufacturing. Interventions and work of the programme include: (1) outreach to migrant women in areas where they come from; (2) worker empowerment interventions and employer advocacy; (3) improving 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 describes the lessons learned so far from the programme. The first two editions of Lessons Learned were published in October 2017 and [February 2019](#). In 2021, thematic editions of Lessons Learned were published on [Outreach to migrant workers in areas of origin](#) (Part 1), and [Recruitment of migrant workers](#) (Part 2). This new edition (Part 3) focuses on policy and programme responses to the unfree labour of migrant women workers in destination areas. It lists and describes the nature of both conventional and non-conventional interventions and reviews some of the assumptions behind the rationales for these interventions.

Each lesson is presented with the title of a general finding, followed by the description of that finding, a section describing how the finding was identified,

Format of lesson learned

► Title of main finding

Description of main finding

► How was the finding identified?

Description of how the finding was identified based on practice or research. Links to references

► Practical lessons for programming

Implications of the finding on specific areas of conventional programming

implications for future programming and suggestions for better practices. Each general lesson is based on feedback from the programme's practitioners as documented in progress reports, monitoring 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 not country specific.

Notes on interpreting the lessons

Throughout the implementation of the programme, the ILO and its partners have learned a wide array of lessons covering different thematic areas. The most significant ones are explained in this publication (Part 3) as well as the two preceding lessons learned (Parts 1 and 2). Each of these lessons is connected to specific interventions that were designed as a part of an overall framework of interventions. Therefore, none of these lessons should be read in isolation from the others.

Basic background on policy and programme responses to unfree labour

Responses to unfree work have varied throughout history depending on how work was defined and how struggles shaped the rules and norms of labour. For example, historically, extinguishing the debts related to bonded labour or abolishing slavery were but a few of the measures taken to address perceived forms of unfree labour. Similarly, in a contemporary context, recognizing women's unpaid work and the struggle for a living wage are but a few examples of policy measures addressing

specific angles of unfree labour.¹ Today, however, the most prominent reference to forms of unfree labour is articulated in the 2030 Agenda for Sustainable Development (UN General Assembly 2015), which refers to eradicating forced labour and ending modern slavery and human trafficking (Sustainable Development Goal Target 8.7).

The lessons learned contained in this edition deal primarily with anti-trafficking and forced labour responses, although some references to other types of past or present responses are mentioned for comparative purposes and are meant to enrich the analysis.

In the year 2000, the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#) (hereafter referred to as the Palermo Trafficking Protocol) articulated a criminal justice framework to address trafficking in persons by focusing particular attention on the access to work (for example, labour intermediation and migration), while mechanisms to address abuses in the context of work itself were left vague.

The international labour rights framework covers, at least in part, some of the policy and programme interventions that are meant to address some forms of unfree labour; however, it was only in 2014 that an

operational framework to specifically address forced labour was outlined by the ILO in the [Protocol of 2014 to the Forced Labour Convention, 1930 \(No. 29\)](#) and the [Forced Labour \(Supplementary Measures\) Recommendation, 2014 \(No. 203\)](#). An important characteristic of this operational framework is that it reaffirmed the definition of forced labour of the [Forced Labour Convention, 1930 \(No. 29\)](#), specifying that a worker's individual consent and by opposition his or her coercion are central to forced labour.

Conventional anti-trafficking interventions

The contours of conventional anti-trafficking interventions are described in the Palermo Trafficking Protocol, and a criminal justice lens frames the nature of most of these interventions. They are often described as consisting of four "Ps". They include activities meant to prevent, prosecute, protect and develop partnerships in responding to trafficking in persons.

1. **Prevention:** These activities usually consist of raising awareness in vulnerable persons who are likely to be victims of trafficking in persons. Such activities are often described as "safe migration programmes", and Part 1 of these Lessons Learned describes and analyses them. In addition, common interventions also include activities meant to improve recruitment processes, also referred to as "fair recruitment" (ILO

1 For a detailed discussion on the different concepts of free and unfree labour, please refer to Bosc (2021).

2019). Part 2 of these Lessons Learned reviews such interventions.

2. **Prosecution:** These activities usually consist of developing the capacity and motivation of public prosecutors, judges and other law enforcement officials to punish human trafficking offenders. In practice, they tend to focus on the incrimination and punishment of labour recruiters and informal employers.
3. **Protection:** These activities usually consist of the rescuing, sheltering, returning and reintegration² of the victims or survivors of human trafficking. Rescue and return may include repatriation assistance and the transfer of victims to shelters. Reintegration activities range from the provision of psychosocial support to financial services.
4. **Partnerships:** These interventions are meant to develop and institutionalize partnerships between different stakeholders to enable coordination and cooperation in the prevention of trafficking in persons, prosecution of offenders and protection of victims.

Note: WIF has worked on some of these interventions, particularly in relation to prevention. However, the programme also included other interventions that are described in the following section. The programme contained an important adaptive learning commitment,

leading it to include a mix of conventional anti-trafficking interventions, conventional labour centred intervention and non-conventional interventions.

Conventional interventions to prevent and eliminate forced labour

The main characteristics of conventional forced labour responses for conventional forced labour response interventions are described in Protocol No. 29 and in Recommendation No. 203. Article 1 of the Protocol calls for stakeholders to prevent forced labour and eliminate its use; to provide victims protection and access to appropriate and effective remedies, such as compensation; and to sanction the perpetrators of forced or compulsory labour. In some ways, the prevention, protection and enforcement features of anti-trafficking programmes also exist within Protocol No. 29, although the Palermo Protocol retains a criminal law lens, while Protocol No. 29 retains a labour rights lens (for example, remedies such as access to justice). The following points describe more specifically some of the most common policy and programme interventions that have been implemented.

1. **Reviewing laws and policies to improve working conditions:** Article 2 (c) of Protocol No. 29 states that “coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour,

2 While it may appear inappropriate to list return and reintegration as conventional interventions undertaken in states or countries of destination, the initial contact with victims starts at the destination. That is why these types of activities are listed here.

including labour law as appropriate, apply to all workers and all sectors of the economy". A common type of activity that organizations such as the ILO engage in is to review laws and policies governing the entry into work (for example, recruitment and migration) as well as labour issues in specific occupational sectors (for example, domestic work) in which labour abuses are common.

2. **Dismantling sponsorship systems:** While this may be seen as a subset of the previous point, it is highlighted separately given its importance in the region in which WIF was implemented. Many civil society organizations advocate for the dismantling of sponsorship systems binding migrant workers to their sponsors, especially in Gulf countries and the Levant. Such systems are also known as the kafala system. Allowing migrant workers to change jobs or removing exit visas are just a few of the many examples of the policy measures that are advocated to dismantle sponsorship systems (ILO 2017).
3. **Improving labour inspection:** As referenced in Article 2, subparagraph (c), clause (ii) of Protocol No. 29, labour inspection administrations can play an important role in addressing forced labour by monitoring the labour relationships in an industry/sector regularly and ensuring that relevant laws and policies are implemented. Developing the capacity of labour inspectors to carry out effective inspections is a common type of intervention.
4. **Auditing compliance with codes of conduct:** Article 2, subparagraph (e) of Protocol No. 29 highlights the importance of due diligence of labour constituents. Many brands and employers have adopted specific codes of conduct or corporate social responsibility commitments. In order to ensure that their staff or contractors comply with their commitments, they commission audits, usually undertaken by private third parties specializing in reviewing business processes and issuing observations and recommendations, to improve compliance.
5. **Sensitizing and building the capacity and commitment of employers or other contractors to respect fundamental principles and rights at work:** Employers and contractors are often not aware of practices that may undermine the rights of migrant workers, or they may be unaware of existing policies. In line with Article 2, point (b) of Protocol No. 29, awareness-raising and training workshops are organized to ensure that employers and contractors are fully aware of the rights of their workers, the existing policy environment and good practices.
6. **Capacity development of trade unions in reaching out to unrepresented workers:** The ILO and some other labour organizations are mandated to strengthen the capacity of trade unions in upholding the rights of their members. Considering that some trade unions do not traditionally organize migrant and other marginalized workers, these interventions are meant to support unions in accessing and organizing such workers.
7. **Providing support services for workers:** Article 3 of Protocol No. 29 stresses the importance of "effective

measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support”, and Article 4 of the same Protocol emphasizes the need for remedies for workers and protection from incrimination.

8. **Identification and collection of reliable data and information on forced labour:** Article 3 of Protocol No. 29 highlights the importance of identification of forced labour. To facilitate identification, the ILO has developed guidelines on the [measurement of forced labour](#) and [indicators of forced labour](#). Paragraph 2, subparagraph (2) of Recommendation No. 203 calls for the “regular collection, analysis and making available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made”.
9. **Cooperation for the prevention and elimination of all forms of forced labour:** Article 5 of Protocol No. 29 highlights the need to identifying allies to suppress forced labour. Paragraph 14 of Recommendation No. 203 emphasizes the importance of international cooperation. Alliance 8.7 is an example of a global partnership for the eradication of forced labour, modern slavery, human trafficking and child labour around the globe.

Examples of non-conventional interventions

1. **Adaptive learning on successes and failures in responding to forced labour:** Over the past 20 years, significant funding and efforts have been invested in supporting conventional anti-trafficking and forced labour interventions. Many of the practitioners and analysts involved in these efforts have noted that the conventional framing of issues and assumptions of challenges have been imperfect and even misleading. Adaptive learning interventions in these fields seek to document what has worked or not and rethink better ways to frame, conceptualize and design interventions that yield better results.
2. **Identifying and addressing root causes and factors that heighten the risks of forced labour:** While Article 2 (f) of Protocol No. 29 highlights the importance of addressing the root causes and factors that heighten the risks of forced or compulsory labour, very few initiatives have been undertaken to identify, let alone address, them.
3. **Strengthening the support base for marginalized workers:** This type of intervention consists of creating a support base of constituents, civil society organizations and academic institutions that can magnify the voices of marginalized workers to prevent further abuses. For example, workers’ centres are meant for vulnerable workers whose voices are marginalized and unrepresented (Bosc 2020).



**A. Lessons learned on the
relationship between job
markets and forced labour**



The scarcity of decent jobs and the absence of social protections are factors of market coercion for job seekers, and this affects their vulnerability to forced labour. Combined, they are important aggregate indicators of forced labour risks.

Policy responses to prevent human trafficking usually assume that abusive practices can be fixed by addressing the most obvious causes affecting individual victim trajectories: 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.

Context of how lesson was learned

In *A Glossary on Free and Unfree Work*, Bosc (2021) reviews classical labour historian perspectives depicting free wage labour as a central feature of free labour, demarking it from slavery. Over the past 30 years, labour historians have begun questioning the linear trend in the development away from coerced labour and towards free wage labour (Bellucci 2017; Muller 2019). For example,

Brass (1999) has demonstrated that workers are unfree if their job choices are limited or meaningless.

The programme was implemented in areas where women's low income outmigration was common and in areas where they converged for work. In the former, paid work options, if they existed, were scarce and highly stigmatized, while in the latter, they were paid below subsistence levels and the work involved very long hours under difficult conditions. Table 1 shows some characteristics of job options in places of origin and destination for migrant women workers as documented by the programme. It is important to note that during programme implementation, some of the issues listed in the table worsened due to a variety of factors including, but not limited to, coronavirus disease (COVID-19) lockdowns.



Table 1. Characteristics of job options for migrant women workers

In areas of origin	In areas of destination
Low and declining or stagnating female labour force participation (Mazumdar and Neetha 2020; Bidisha 2019)	Limited legal paid work options for women (Neetha 2018; Mitra and Roy 2018; Blanchet 2021; Kodoth 2020)
Scarce and highly stigmatized paid women's work (Blanchet 2022, 2021) despite increasing demand for jobs. Caste and class discrimination (Bosc et al 2022).	Declining numbers of jobs during the COVID-19 pandemic (ILO 2021a) despite increasing demand for such jobs
Decline of rural incomes related to agrarian crises (Hardikar 2019)	Poverty wages (Mathew et al 2022; Mezzadri et al 2022; Mani et al 2018; Nasri 2017; Dasgupta 2016)
Debt bondage (Agnihotri and Mazumdar 2019: 135)	Absence of labour law protections (Bosc et al 2022; Mathew et al 2022; Mazumdar and Neetha 2020)
Absence or decline of access to social protection (Ortiz et al 2015; Abraham 2018; GAATW 2019)	

Source: Authors.

The programme implemented numerous interventions including organizing workers, providing them with legal/paralegal support services and engaging with employers and officials to discuss recurrent worker grievances. This work was important for workers who received such support. In fact, put together, the sum of interventions appeared to be important. That said, the programme also concurrently observed the growing inability of some types of employers to pay wages and respect basic labour rights.

For example, in 2018, the programme estimated that in both Jordan and Lebanon, only a fourth of the local population could afford a domestic worker's wages. As

the economic situation in each country deteriorated, that proportion diminished further to less than 15 per cent. Direct programme interventions to influence immediate grievances were important, but put in context, such interventions were far from sufficient to prevent the worsening of working and living conditions. Tracking job market dynamics was very important in order to not to end up with an exaggerated and distorted account of the programme's progress.

Implications of lesson for future programming

Article 2 (f) of Protocol No. 29 highlights the importance of addressing the root causes and factors that heighten the risks of forced or compulsory labour.



The creation of decent jobs and robust social protection floors do not feature in conventional anti-trafficking and forced labour policies and programmes, yet they play a determining role in reducing the vulnerability to forced labour.

Considering the importance of decent job availability and effective social protection (see lesson 1), this lesson explores how the creation of decent jobs is an important lever in reducing the vulnerability to forced labour. The more people are able to find better jobs and/or are able to access meaningful social protection services, the less likely they will be to accept working in poor jobs that maybe unfree. While some programmes to prevent forced labour assume that decent work is an important contextual factor, job creation as such is not generally included as an integrated component of anti-trafficking interventions. At an aggregate level, decent work job creation can play a more determinant role in reducing vulnerability to forced labour.

Context of how lesson was learned

According to an anthology of research studies on the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) (Government of India 2012), after the start of the scheme, the average wage growth almost quadrupled to 9.7 per cent between 2006 and 2009. Between January 2010 and May 2011, the annual nominal wage growth averaged almost 18.8 per cent. In 2010,

agricultural wages rose 20.2 per cent over the year, while non-agricultural rural wages increased 16.7 per cent.

Although more recent studies show that the positive impact of MGNREGA in reducing distress migration diminished over time, a review of literature (Abraham 2018) commissioned by the WIF programme on the gender dimensions of MGNREGA found the participation of women in MGNREGA had increased over the years, with 53 per cent of all employment generated in 2017–18 going to women. Women workers' share of MGNREGA employment across the country increased from 41 per cent of the total MGNREGA person days in 2006–07 (367.9 million person days) to 49 per cent in 2010–11 (1,122.42 million person days).

Implications of lesson for future programming

Anti-trafficking and forced labour programmes should include serious measures to monitor how employment policies or their absence can influence vulnerability to forced labour. They should also include policy advocacy that demonstrates how consistent public employment policies reduce vulnerability to forced labour.

विभाग

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- आपकी योजना को लागू करने के लिए आपको अपने पता को भरना होगा।

कौशल विकास मिशन



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 areas of origin.

There is a tendency, especially in countries of origin for migration, for public discourse on the trafficking of women to focus on what happens to their women abroad while glossing over the paucity of decent jobs for them at home. Such discourse erects women as victims without agency who need to be protected. It strengthens support for patriarchal behaviours at the household level that restrict women's employment and mobility options and can foster an environment that inspires the justification of discriminatory migration and employment policy restrictions. It is, therefore, important that public discourse on the trafficking of women also refers to the scarcity of decent jobs in the country of origin.

Context of how lesson was learned

Mainstream media in countries of origin tends to cover sensational labour abuses abroad, while failing to report on either the benefits of migration or the reasons why migration takes place to begin with. For example, a media study commissioned by the Drishti Research Centre as part of the WIF programme in Bangladesh found that the overwhelming number of articles published in four selected newspapers from 2015 to 2021

contained mostly negative reporting about women's migration abroad. While the study did not review the media coverage of abuses against women worker in Bangladesh, widely circulated official reports depicting the situation on trafficking in persons generally provide limited reference to employment and labour dimensions in countries of origin, thus generating a narrative, by default, that labour abuses mostly take place in countries of destination.

Implications of lesson for future programming

In order to avoid the effects of biased media narratives on women's migration, it is advisable that journalists accurately report the reasons why women migrate, the lack of employment options and migrant women's own experiences of migration.

Anti-trafficking and forced labour programmes in countries of origin should not focus exclusively on the international dimension of labour migration but should also focus on what happens in the world of work in the home country, including on employment options and quality of jobs for those who would otherwise migrate.



Migrants in jobs paid below the poverty line will seek to move out as they can't make ends meet or to find additional informal income sources .

Policies and gendered social norms of restrictive mobility further entrap women workers, engender conditions of forced labour or cause social tension. Such policies are neither effective in really “empowering” them, nor in controlling migration, nor in improving the working environment, nor in improving industrial relations. A better way to deal with empowerment, migration, work environments and industrial relations is to ensure that wage, employment and migration policies enable migrants and local workers to build livelihoods with dignity.

Context of how lesson was learned

In the countries covered by the WIF programme, both domestic and garment work undertaken by migrants was characterized by wage practices below the poverty line and by restricted and gendered mobility regimes. As migrant workers struggled to make ends meet, different forms of legal and normative gendered restrictions made it difficult for them to exit such situations, triggering stressful environments, social tension and plans to move on.

The programme examined minimum wage determination and the calculation of the standard basket of commodities based on the expenditure patterns of

families of workers in the ready-made garment export industry of two large garment production regions. The minimum wage in both regions was only around 60 per cent of this expenditure. And yet, the minimum wage itself was not representative of the real needs of the workers as various parameters, such as the actual cost of rent, healthcare and education, were underestimated in the way the minimum wages were set (Mani et al 2018). The programme also examined the salaries paid by the employers of domestic workers. In one metropolis in the West Asia region, more than three quarters of employers paid workers wages significantly below the national minimum wage, even if the minimum wage did not apply to migrant workers.

Another trend that was observed consisted of restrictions on the mobility of migrant workers, especially women. Restrictions were both of a legal nature backed by laws and regulations (such as sponsorship systems and work or residence permits), and of a normative nature backed by gendered social norms and practices meant to “protect” workers. These included the confiscation of passports in cases of international migration, the confiscation of education certificates in cases of internal migration, and partial



or full restrictions on women migrants exiting homes, dormitories or hostels during non-work periods. Gendered stereotypes about “women’s safety”, “women’s work” and “free women”, combined with limited knowledge of the local language and culture, triggered both self-restraint over migrant women’s own mobility and the social legitimization of possible forms of control and in some cases, violence. The combination of all these factors – insufficient pay to make ends meet, unrecognized and unpaid work burdens affecting women, and gendered mobility restrictions – led to stressful work environments, social tension and strategizing to “break out” to something better. This lesson was originally documented in ILO (2019a).

Implications of lesson for future programming

Development programmes, including ones working with anti-trafficking, safe migration and forced labour, could highlight the combined effects of poverty wages and gendered mobility restrictions on ineffective empowerment outcomes, ineffective migration outcomes and failures to improve industrial relations. They could instead advocate for wages that ensure the dignity of workers and take measures to guarantee mobility rights for both women and men.



The growth of employment in domestic and garment work over the past decade is also an indicator of the growing incapacity of states to create meaningful formal employment opportunities for women. Rather than seeking to expand employment in precarious jobs, states could focus on preventing the deterioration of decent work conditions in areas of formal employment in which women are largely represented and expanding them in other sectors where women are less represented and where working conditions are more likely to be decent.

In contrast with other sectors of employment, over the past decade, the employment of women in domestic and garment work increased in most of the countries under the purview of the WIF programme. In countries of origin, women's employment in informal sectors dropped. Employment in formal sectors such as healthcare and education has not increased, and working conditions have allegedly deteriorated.

Context of how lesson was learned

Over the years, the WIF programme has amply documented working and living conditions in domestic work (Blanchet 2021; Kodoth 2020; Moghe 2019; Rustagi and Dewan 2018; Nasri 2017; Abdulrahim and Cherri 2017) and garment work (Warrier 2019; Chowdhury 2019; Dasgupta 2017; Nasri 2017). In addition, considering the importance of alternative employment options in women's empowerment programmes, the programme conducted literature reviews of the working conditions in other sectors of women's employment. It documented trends explaining the low female labour force participation and significant restrictions on women's employment options, including poor working conditions (Mitra and Roy 2019; Neetha 2019; Mazumdar 2019). Mazumdar and Neetha (2020) then clearly explain how employment patterns in domestic and garment work and other sectors.

Implications of lesson for future programming

Government policies should prioritize ensuring decent working conditions in areas of formal employment in which women are largely represented such as healthcare, nursing, teaching and sanitation work, and expand them in other sectors where women are less represented and working conditions are more likely to be decent.



Women's work in low-income sectors is not only characterized by one employment relationship or one occupational sector in which they appear to be employed.

Poverty wages and the need to make ends meet as well as care expectations for their own families means that many women concurrently and sequentially undertake other types of paid and unpaid care or other work. Programme interventions seeking to improve working conditions should also pay attention to these other realities of women's work. In all the countries covered by the WIF programme, domestic work was the sector that employed the most migrant women, while garment or textile-related work was second.

While each sector was regulated differently, the inability to guarantee decent work in one sector meant that the labour trajectories of migrant women could cut across multiple employment relationships and different sectors concurrently through the same day, if not sequentially for longer periods. The burden of unpaid women's work was a common denominator for most migrant women. The organizing strategies of trade unions tended to focus more exclusively on only one occupational sector, while cross-occupational strategies were less common.

Context of how lesson was learned

Multiple monitoring and evaluation reports highlighted the variable and unpredictable trajectories of migrant women, indicating the different sorts of paid and unpaid work that they performed in order to make a living.

These trajectories rarely ascribed to the "one-size fits all" occupational categories commonly referred to in labour regulation or in the organizing strategies of trade unions. Neither did they conform with the notion that migrant women workers would have only one type of employment relationship. Organizations that were able to acknowledge these realities, by working with migrant women across sectors, were better able to gain the trust of migrant women. This lesson was originally documented in ILO (2019a).

Implications of lesson for future programming

Programme interventions seeking to improve working conditions for migrant women should also consider supporting outreach across occupational sectors and addressing the needs of migrant working women regardless of each sector, such as alleviating care needs.



**B. Lessons learned on
shifting power dynamics in
labour relationships**



Recognizing how different forms of discrimination are perpetrated against migrant women workers is critical for better anti-trafficking and forced labour interventions. Such discrimination is a root factor of forced labour.

In general policy discourse, discrimination is often referred to in euphemisms that undermine the possibility of understanding how it takes place. However, it is varying forms of discrimination that actually explain why women and girls chose to migrate and the treatment they face during the different stages of the migration cycle. Discrimination is often based on gender, caste, class, age, occupation, language, race, religion and/or other factors. Varying combinations of discrimination generate visible and invisible barriers that compound women and girls' difficulty in accessing public entitlements, training opportunities, jobs, and fair and equal compensation and treatment through the migration cycle. Recognizing how these forms of discrimination are manifested and interact is critical for successful interventions.

Context of how lesson was learned

The programme has partnered with non-governmental organizations (NGOs) and trade unions to provide referral services for prospective migrants and actual migrant workers. These services vary depending on the local context – they may consist of access to health, education, civil services, employment, agriculture, legal support, language learning and other services. In spite of referrals, many prospective migrants are often unable to access entitlements unless they are accompanied by social workers who can assist them in overcoming the discriminatory behaviours of duty bearers. This becomes more difficult when discrimination is trivialized and legitimized in public political discourse. In such cases,

it is hardly possible for a young woman from a minority group to access her entitlements without the backing of civil groups.

A systemic form of discrimination is also manifested in labour compensation practices. Discrimination in wages against migrant women as compared with host community workers is common. Several studies commissioned by the programme point to the prevalence of women from Adivasi, Dalit or minority backgrounds in the lower rungs of supply chains where discriminatory abuses are more frequent. For a detailed analysis of structural patterns of discrimination of migrant workers, see Bosc et al (2022). This lesson was initially documented by the ILO (2019a) and has been updated.

Implications of lesson for future programming

Programming should include measures that deliberately tackle exclusion and facilitate the access to rights and entitlements for populations who are subject to multiple forms of discrimination. Working with organizations managed by those who are discriminated against is more likely to yield results (including sensitizing migrant women, advocating for policy changes and evaluating migration programmes). Leveraging international instruments such as the [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#) or the [UN Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#) is helpful.



While international cooperation to leverage commitments to eradicate forced labour is important, practical cooperation in locations where workers' voices are marginalized is lacking and yet crucial in the prevention of forced labour .

In areas and sectors where forced labour is common, a worker raising questions about labour issues can lead to her immediate eviction from the workforce. The asymmetrical nature of labour relations is such that workers have few or no safe avenues to voice complaints or issues of concern. In fact, if they do manage to find someone to speak to in seeking remedy, they often face retaliation for having complained. In addition, the individual who mediates on behalf of a worker can also face significant political pressure to cease any mediation. Practical cooperation is required to enable a worker's voice to be heard so that she can seek remedy.

Context of how lesson was learned

The programme supported the operation of workers' centres that allowed workers to voice their grievances and concerns. The centres' referrals of such complaints to formal grievance resolution mechanisms, including officials in labour inspection offices, unions or workers' committees, would result in retaliation against the complainant and pressure on social workers to back off.

Implications of lesson for future programming

Practical in-country and international cooperation to seek remedies for workers should be reinforced. Beyond the leveraging of commitments to eradicate forced labour, Alliance 8.7 could seek to establish practical remedy mechanisms for migrant workers that are insulated from political interference.



In the absence of an effective counterforce to uphold the rights of migrant workers, even basic rights that are taken for granted may be at the risk of being rolled down.

To prevent the deterioration of migrant workers' working and living conditions, there needs to be an effective counterforce able to express demands. In other words, policies, however supportive of workers' they are, may be reversible without a strong, influential constituency to defend them. New challenges that emerge, such as the COVID-19 pandemic, lead to the development of new terms of work. It is important for workers to organize in order to make sure that their rights are safeguarded.

Context of how lesson was learned

During the COVID crisis, many workers remained unpaid for several months, others were forced to work excessive hours and yet others were forced to take leave. When migrant workers eventually sought to return to work, some were asked to pay illegal fees for the early termination of their contracts. As they eventually left, new workers replaced the old ones, and practices that were infrequent before (such as demanding that workers pay illegal fees to terminate their contracts) became the norm. While the programme defended workers' rights through the pandemic, its advocacy was sometimes insufficient to prevent the normalization of poor employer practices.

The programme also observed that notwithstanding a few exceptions, old forms of discrimination building on stigmatized and underpaid work practiced by employers were supplanted by new restrictions such as reduced wages, increased work burdens, limiting live-out domestic workers from working in "too many" households or too many areas, restricting live-in domestic workers from interacting with other workers within the same and other households, etc. (Bhan et al 2021), without taking into account the obligations of employers and other contractors.

Implications of lesson for future programming

It is important for workers and their advocates not only to remain involved in defending migrant workers, but to support the collective voice and representation of migrant workers in defending their own rights and while advocating for better policies. It is equally important that new challenges that redefine the conditions of work, such as those that took place during the pandemic, are brought to the attention of employers and regulators to safeguard the interests of workers – in this case, in relation to occupational safety and health.



As long as employers have asymmetrical power to dominate labour relationships with no effective checks and balances, policy measures to dismantle sponsorship systems are insufficient. Political commitment and funding to improve labour inspection of migrant worker and employer relationships is important .

The domination of employers over workers is possible not only thanks to sponsorship laws and policies, but also because they have far more wealth, connections and reputation to influence the outcome of any dispute – they have more financial, social and cultural capital. Financial capital enables those who hold it to buy their defence; social capital grants them the social clout to leverage the trust of others; and cultural capital bestows the knowledge to effectively communicate and convince others. The kafala system cannot be dismantled simply through one policy decision. Also, as long as nationalism linked to xenophobia dominates public discourse, employers will count on public support to get away with impunity for discriminatory practices.

Context of how lesson was learned

Many countries in West Asia have ostentatiously taken measures to dismantle some sponsorship policies (ILO 2017). Such measures include banning the confiscation of passports, eliminating exit permits, the timely extensions of work permits, allowing the transfer of permits to other employers, etc. While some of these are commendable, they have often represented “baby steps”,

and enforcement has generally tended to be weak. For example, no country in the region has given full labour right protections comparable to host country workers, despite it being one of the most important measures to rebalance the asymmetry of power between migrant workers and employers.

Moreover, in a survey conducted by the programme (Sawsan and Cherri 2016), 91.3 per cent of employers in Lebanon admitted to retaining their domestic workers' passports despite it being illegal. Another study in 2020 found that migrant workers could hardly expect a fair trial in court (ILO 2021). This lesson was initially documented by the ILO (2019a, 17) and has been updated.

Implications of lesson for future programming

In addition to law and policy reforms to reduce the power that employers hold over migrant workers, law enforcement, and especially labour inspection, must be prioritized in close collaboration with labour attachés in countries of origin and civil society organizations specializing in migrant worker rights.



Alone, neither NGOs, trade unions nor women's rights groups can expect to be successful in empowering migrant women workers.

To address the interconnected challenges of patriarchy, mobility and work, communication, readiness to learn and cooperation between multiple networks of civil advocacy groups (including worker trade unions, migrant rights organizations, women's rights organizations and other relevant rights-based groups) is necessary so that they all converge in a common policy advocacy discourse tailored to multiple geographical contexts.

Context of how lesson was learned

The programme observed that there are women's rights organizations that focus on reducing violence but do not uphold women's right to mobility or advocate for their labour rights. There are anti-trafficking organizations that focus on incriminating labour recruiters or educating migrants but who gloss over systemic violations of women's rights at work. There are trade unions that work on labour issues but are unable to give space to women's voices and representation within their organizations.

Advocacy and empowerment are more effective when all networks are cognizant of their limitations, seek to address them and reach out to each other in support

while addressing the multiple root causes of vulnerability to forced labour. This lesson was initially documented in ILO (2019a).

Implications of lesson for future programming

Programmes that seek to empower migrant women workers should build on the complementary capacity of specialized organizations that are able to address patriarchy, mobility and labour rights and cooperate on common agendas.



Governments and employers of migrant workers are more amenable to support workers' rights during periods of labour shortage.

When labour supply is limited for a variety of circumstantial labour market reasons, employers are more receptive and willing to commit to the labour rights of the workers they hire. In the absence of migrant workers, they simply have no choice but to accept those who are already present. However, in some cases, the workloads of the migrant workers who are still employed can increase significantly, generating other risks.

Context of how lesson was learned

During the pandemic, some employers of domestic workers were so desperate that they were willing to consider concessions for workers that were unthinkable before. This created a temporary policy environment that was more favourable to these migrant workers. For example, after several years of failed efforts, in Jordan, the programme advocated for better protective provisions for migrant domestic workers on the payment of wages, complaint confidentiality, workers' rights to leave work immediately and seek justice if they were subject to abuse or any violations of fundamental rights, and the ability to penalize employers for filing false absconding reports.

In 2020, the government amended Regulation No. 90/2009 On Domestic Workers, Cooks, Gardeners And Similar Categories to include these protections.

Implications of lesson for future programming

It's important for programmes seeking to improve the working conditions of migrant workers to keep abreast of labour market trends and calibrate advocacy efforts during opportune moments.



Treating trade unions that do not represent migrant workers as constituents of migrant workers is deceptive and ultimately harmful to these workers. Capacity building for unions to represent migrant workers in the absence of an enabling legal framework is ineffective.

While trade unions' solidarity with the plight of migrant workers is welcome, it should not be an excuse to claim that they represent migrant workers unless migrant workers enjoy full freedom of association and collective bargaining rights within the union. To enable proper migrant worker representation in trade unions, the unions often have to overcome not only legal obstacles but also important class, language, gender and ethnic divides. It is important to establish a legal and policy framework that enables freedom of association and collective bargaining before capacity development interventions are undertaken.

Context of how lesson was learned

At the beginning of the programme, it was assumed that trade unions would be able to establish special branches or committees to enable migrant workers to be fully represented. Trade unions in all the destinations for migrant workers with whom the programme engaged ostentatiously claimed that they would represent the rights of migrant workers in both domestic and garment work, even when they still faced legal obstacles. Then, as migrant worker grievances were referred to the management of these unions, the programme began to

observe that the latter had difficulties understanding the workers' issues – they had more language and class affinities with employers than with migrant workers and sometimes ended up siding with employers.

The union staff spoke different languages from the migrant workers and would be in jobs that garnered greater social recognition than the workers. Many unions claimed that they could not give migrant workers full representational rights because of legal constraints. Nevertheless, unions were often able to leverage political influence thanks to their claims of supporting migrant workers. While the support of unions to migrant workers should not be discarded, it can turn into a relationship of patronage rather than one of rights and entitlements.

Implications of lesson for future programming

Trade unions can be allies of migrant workers; however, they should not be treated as constituents of migrant workers unless the workers enjoy full freedom of association and collective bargaining rights by being part of the union. It is important to build a legal environment that allows for migrant workers to be fully represented.



Social dialogue between employers and migrant workers in a context of domination by employers and restricted migrant worker representation can be disadvantageous for migrant workers and leads, at best, to concession bargaining.

Negotiating from a position of weakness is never advisable as it can result in migrant workers surrendering their rights to fair pay and working conditions in exchange for some form of job security, partial compensation or exit from coercive labour relationships. Government authorities don't necessarily play a neutral role if the main interlocutors with migrant workers are law enforcement officials with limited understandings of labour matters or labour department authorities who can't easily communicate intricate labour issues with migrant workers.

Since migrant workers are generally poorly represented, it is sometimes not migrant workers who negotiate to resolve their issues, but other individuals advocating on their behalf. Regardless of the goodwill of such individuals, their knowledge and understanding of migrant workers issues may be limited and hence, the risk that a compromise which ignores some migrant workers' realities may be reached is high. However, since migrant workers tend to be in a disadvantaged position, negotiations often lead to some form of concession in which they are forced to give up a claim in order to avoid further deterioration of their working and living conditions.

Context of how lesson was learned

Social dialogue is often erected as a solution to resolve recurrent challenges in the working and living conditions of workers and the employment challenges of employers. Workers' centres and unions dealing with migrant worker grievances observed that while dialogue is important to resolve individual cases, dialogue to resolve recurrent issues, and more broadly working and living conditions, could only be successful if it took place after careful preparations and creating an opportune moment in which to negotiate with employers (see Lesson 12). Otherwise, social dialogue resulted in different forms of concession bargaining.

Implications of lesson for future programming

Migrant workers and organizations supporting migrant workers should only seek social dialogue to improve working and living conditions if migrant workers are well prepared and can effectively represent their demands at the workplace and at the local and sectorial levels. Formal space for migrant workers to represent their views is important. Social dialogue should not be a goal in itself, but rather a tool to seek improvements provided workers are ready.



It is important to assess and mitigate the risk that technical assistance is instrumentalized in ways that undermine international labour standards.

While constituting policies protecting the rights of migrant workers may seem obvious to international organizations and civil rights organizations, identity politics may reduce the space for policymakers to uphold the rights of these workers. Strong advocacy is needed to ensure that laws, policies and procedures enforce the rights of migrant workers rather than the agendas of stakeholders to blame migrants for their woes. How a policy is shaped and implemented often depends on factors that are beyond the control of international organizations. This is why they should take precautionary measures to ensure that policy review processes are consistent with the organization's recommendations. The WIF programme has had to tread a fine line between engaging and providing principled policy inputs without legitimizing how constituents actually enact and implement those policies.

Context of how lesson was learned

The programme has reviewed anti-trafficking policies, recruitment policies and bilateral agreements which appeared to protect the rights of migrant workers, but subsequent drafts of such policies ended up diluting even existing protections. The involvement of the programme opened the door to the risk of

legitimizing the dilution of rights rather than ensuring an improvement. This lesson was initially documented in ILO (2019a, 27).

Implications of lesson for future programming

Before deciding to review a draft policy, it is important for organizations or programmes to assess the actual leverage of their technical inputs in a broader political context to judge whether the act of reviewing a policy may be instrumentalized for a different political purpose that undermines the very intent of the review.



Gender-based violence and harassment is closely connected with the gendered and social structures of employment hierarchies.

The gender and social structures of employment hierarchies play an important role in incentivizing or disincentivizing gender-based violence and harassment. There are usually important class and or ethnic differences between workers, their direct supervisors and others in the workspace. These differences tend to be inherently abused.

Context of how lesson was learned

The programme observed that shop floors in garment establishments often consist of women working as machine operators and men as line supervisors. If the gender difference is absent, there is often a significant ethnic or caste difference at play. In domestic work, class and caste differences between workers and employers play an important role in a context of a worker's isolation in the employer's household.

Without needing to deploy special measures, supervisors of the opposite gender or different social groups would exacerbate existing gender, caste and/or class markers by using racial and gendered slurs to discipline the workforce into meeting high production targets or performing a specific task. This generates an environment of fear and creates conditions conducive

to the systemic occurrence of gender-based violence or harassment.

Implications of lesson for future programming

Employers, unions and labour departments should be mindful of the gender and social structures in employment hierarchies in order to understand the possible triggers of gender-based violence and harassment. They can introduce counter-incentives through human resource practices, independent migrant worker committees and labour inspections to prevent such violence or harassment from taking place.



The households of migrant workers are more likely to be indebted. The practice of remunerating migrant workers with poverty wages and/ or imposing financial penalties on them, whatever be the reason, exposes them to the likelihood of exploitation.

Household debt is an important reason why people migrate for work. Migrant workers who have debts to pay are less likely to complain about abusive working and living conditions. Nevertheless, as wages in destination countries are insufficient to make ends meet, migrant workers often take on overtime or additional work. The workers' difficulties are compounded by penalties in countries of destination for overstaying or violating residency rules. The combined effect of all these factors, including cumulative compound interests on debts, increases the likelihood of exploitation. Economic coercion is an important factor that raises workers' vulnerability to forced labour.

Context of how lesson was learned

The changes in the labour market that occurred after the start of the COVID-19 pandemic in the countries covered by the programme triggered an abrupt decline of income, an erosion of savings and an increase of household debt. In India, the per capita average monthly real income fell by 30 per cent as compared to pre-pandemic levels, and by 42 per cent for the lowest decile (Dewan 2022, 10). Partner organizations working for the WIF programme reported a significant rise of indebtedness among migrant women, prompting them to accept precarious jobs in exchange for advance payments to their husbands or relatives. In an IOM study (2020b), it was reported that 55 per cent of migrant returnees in Bangladesh had contracted debts, while another study in Nepal (IOM 2020a) found that 63 per cent of aspirant migrants were already indebted.

Programme partners in both countries also reported increasing indebtedness among migrant women returnees.

Implications of lesson for future programming

Given the high rates of migrant indebtedness, governments and programmes should remunerate migrant workers at an amount that enables them to maintain their households and is not lower than the poverty line. They should consider various processes to identify indebtedness among migrant workers and establish mechanisms to extinguish workers' debts in an accelerated manner. The periodic implementation of amnesties waiving cumulated financial penalties on migrant workers for overstaying in destination countries are not sufficient.



In the context of garment work, legal and practical frameworks and practices of migrant worker representation are necessary at multiple levels, including at the employer's workplace, at the local district or economic zone where the employer is located, and at a sectorial level. Otherwise, the voice of migrant workers maybe misrepresented.

Regardless of whether workers' labour demands are justified or not, it is important that a mechanism exists through which they can raise and express their views on work-related issues without the risk of retaliation. That said, grievance referral mechanisms or standard operating procedures for trade unions are insufficient without a legal and policy framework enabling freedom of association and collective bargaining for migrant workers. In the absence of such guarantees, labour relations can rapidly deteriorate, giving rise to tension and even violence in the workplace or to forced labour practices. Industrial tensions are bad for businesses, and it is in the interest of employers and governments to listen and communicate with workers, regardless who they are or where they come from. Unfortunately, migrant workers, especially women, are usually unable to access formal positions or spaces that would allow them to freely express their views and demands regarding their workplace.

Context of how lesson was learned

Restrictions on the representation of foreign nationals in labour and business organizations are common. Many

countries tend to bar migrant workers from holding representative functions in trade unions, and these legal restrictions make it difficult for migrant workers to raise their grievances and demands. While some mechanisms exist to formalize complaints through online platforms, labour offices or labour attachés, such mechanisms are hard to access, often impersonal and don't allow migrant workers to explain their demands in the detail needed to be understood. Sometimes, labour unions in the host country, workers' centres or other non-government organizations provide the assistance to take up such demands on behalf of migrant workers; however, they do not represent migrant workers. Some organizations have tried fostering informal collectivization with relative success.

Implications of lesson for future programming

It is important to advocate for legal frameworks that enable migrant worker representation in the workplace and at regional and sectorial levels. In the meantime, informal collectivization can help structure representation until legal reforms are implemented to formalize it.



Without freedom of association and collective bargaining for migrant workers, reducing their vulnerability to forced labour is unsustainable in the long run. Fostering both these fundamental principles often runs counter to current policy environments and requires international organizations to be ready to stand by international labour standards and assume political risks.

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 space, ad-hoc measures creating physical safe spaces (such as workers' centres) or regulatory space (such as measures enabling freedom of association) are necessary, albeit subject and vulnerable to strong counter-pressure and political vicissitudes.

Collective bargaining rights for migrant workers are often denied and seen as a threat to competitiveness rather than a fundamental principle or even a boon to productivity. Upholding these two fundamental principles is difficult, yet possible through creative initiatives, such as working with different civil society organizations, establishing workers' centres of, by and for workers, and enabling migrants to create their own unions depending on the legal, social and labour contexts.

Context of how lesson was learned

Where migrants were able to join and form their own worker trade unions, organizing for justice in relation to common grievances and collective bargaining has been possible. In places where migrants did not have the freedom to associate or collectively bargain, support for organizing and provisions of services by and among migrant workers has been more challenging. Some constituents have even taken retaliatory measures against workers. In these contexts, working with other organizations or establishing physical space for workers to gather, and providing services through mobile phones have allowed breaking workers' isolation and creating a stronger basis of solidarity. This lesson was initially documented by the ILO (2019a, 51).

Implications of lesson for future programming

Freedom of association and collective bargaining are central to effective strategies to reduce the vulnerability to forced labour.



Special “worker committees” addressing migrant worker issues within unions, government bodies or enterprises are ineffective without proper migrant worker representation adhering to the principles of freedom of association and collective bargaining established by the ILO’s fundamental conventions.

Garment factories may create worker committees to address workers' issues, yet their independence in representing and voicing workers' concerns is often compromised. To address increasing migrant worker inflows, trade unions create migrant worker committees to represent their issues, and yet migrant workers' representation and voice tends to be subsumed by host country worker concerns.

Similarly, governments create bodies to address migrant issues without involving these workers in the design, implementation or monitoring of their work. Constituents often establish migrant committees to find solutions to emerging migrant worker challenges. However, migrant workers' presence or representation in these committees is often absent or symbolic. The principles of freedom of association and collective bargaining should be adhered to by all constituents in order to address migrants' rights issues.

In fact, addressing migrant workers' rights is more likely to be effective outside spaces that exclude or put migrant workers in unduly unrepresented, asymmetrical and disadvantageous bargaining positions. Considering that such committees are called "worker committees", migrant workers and other constituents are led to assume that they represent migrant workers' interests, even though in practice they don't. In that sense, such committees generate expectations that are not met, and which can be deceptive.

Context of how lesson was learned

The programme came across constituents in several countries who requested support to create migrant worker committees within enterprises, government institutions or trade unions. However, migrant workers were excluded from representation and decision-making responsibilities in these committees, reducing their role, if any, to token involvement. In most cases, these committees ultimately reinforced power asymmetries between workers and employers, achieving the opposite result than the one officially proclaimed. This lesson was initially documented in ILO (2019a, 21).

Implications of lesson for future programming

Review assumptions that migrant worker committees in enterprises, interdepartmental government committees on migrant workers, and trade union committees on migrant workers are a good practice for preventing abuses of migrant workers, unless these workers are duly represented in accordance with the fundamental principles of freedom of association and collective bargaining.



Successful outreach to migrant workers requires meaningfully involving them in the design, implementation and evaluation of interventions.

All the successful services for migrant workers developed by the WIF programme, such as pre-decision sessions, post-arrival cultural adaptation, language learning and legal counselling, required close affinity, proximity, dialogue and the involvement of migrant workers in the design, delivery and evaluation of these services. Findings indicate that social networks, including family, caste, friends and other migrants are strong influences in migration decisions and planning.

Context of how lesson was learned

Initially, the programme, especially in countries of origin, implemented awareness-raising interventions that were supply driven and meant to educate aspiring migrant workers about the realities of working abroad. However, community workers quickly realized that messages needed to be tailored to aspiring workers' needs if they were to be absorbed. In other words, learning and communication needed to take place for both workers and community workers. This lesson was initially documented in ILO (2019a, 53).

Implications of lesson for future programming

Outreach and awareness raising for prospective women migrants and current workers should involve them in the design, implementation and evaluation of outreach

activities. Trade unions working with women in areas of both origin and destination are more effective at encouraging workers or prospective migrants to raise their own concerns and interests and develop responses that reflect those concerns. Successful outreach to migrant workers depends on the effective use of existing networks to design, deliver and evaluate these services. The intervention should be cognizant of social networks and include mechanisms for adaptive development. The involvement of migrant workers and their families must be sustainable and, therefore, should be conceived from a participatory perspective.



The capacity of workers to communicate and negotiate with employers and officials should also be emphasized when focusing on the knowledge of workers' rights.

While understanding one's rights is, of course, a precondition to successful negotiation, overemphasizing the knowledge of rights without inculcating the capacity to negotiate in the migration process, or for better working conditions, can mislead migrants into risky confrontations where they are abused.

Context of how lesson was learned

The WIF programme is centred on a rights-based approach. Much of the pre-departure awareness raising that the programme supports focuses on imparting the knowledge of their rights to beneficiaries: rights as citizens, women, migrants and workers. In reality, many of these rights are not respected for reasons that are seldom discussed openly since such discussions directly challenge the various power structures in families, societies and institutions. Yet, understanding these challenges is important in order to impart a capacity to communicate and advocate for respect for one's rights.

The programme came across some cases of both domestic and garment workers who referred to their rights and were still deported as a result of doing so. Knowing one's rights is insufficient. Migrant workers should also understand the challenges involved in

demanding their rights and know how to effectively advocate for their respect. As a result of this realization, the programme is also focusing attention on successful communication and negotiation techniques that enable workers to gain the respect of their employers to preserve their worker rights. This lesson was initially documented by the ILO (2019a, 51) and has been updated.

Implications of lesson for future programming

Rights-based approaches are important in programming; however, in addition, soft skills enabling workers to translate those rights into their working realities are also important. This lesson should not be read in isolation from the next and other lessons.



Using trade union membership numbers as the sole indicator of effective worker organizing can be misleading and harmful.

Donors, governments, international organizations and trade unions sometimes set ambitious quantitative targets for worker memberships in unions to justify their institutional legitimacy. While keeping track of membership in a union is important, it is not necessarily an indicator of effective organizing. Qualitative indicators are equally important in assessing the effectiveness of worker organizing.

Context of how lesson was learned

The programme found that in the best-case scenario, organizing could be proactively understood as a comprehensive set of efforts to strengthen the collective voice and representation of its members. However, in the worst-case scenario, organizing could be mechanically understood as a perfunctory matter of enrolling members to sustain an institutional budget or a statutory target, enabling an institution to exist or project itself politically, while the voices of members regarding specific demands have secondary importance. In such cases, a high quantitative target for union membership could have a negative impact. For example, a membership fee would amount to fee extraction without any real representation, akin to institutionalized extortion.

Another related challenge with quantitative targets for union membership was that workers tended to organize around specific issues (such as wages, harassment, etc.). Yet, the indicators of union membership did not necessarily reflect how dynamic a workers' collective was around specific issues relevant to workers. Given the informality of both domestic and garment work, a significant proportion of worker organizing happens outside the scope of established unions, and even counting the numbers of workers is a somewhat spurious concept as the turnover of workers is usually high and their involvement in struggles can be variable and selective.

A complementary and perhaps better sense of the effectiveness of organizing could be gleaned from gender-sensitive assessments of industrial relations. This lesson was initially documented by the ILO (2019a, 55) and has been updated.

Implications of lesson for future programming

Policies and programmes should avoid prescriptive quantitative targets for union membership and instead rely on both quantitative and qualitative indicators of worker organizing.



The organization of relief for migrant workers during the COVID-19 pandemic enabled some worker organizations to enlarge their membership and outreach.

Crises can be an opportunity for worker organizations to extend their solidarity to migrant workers. During the COVID-19 pandemic, many workers' groups organized themselves to support workers who were facing different types of difficulties. This included supporting the resolution of workers' grievances related to contract terminations, overtime, income needs and more.

Context of how lesson was learned

Many migrant workers, especially daily wage workers or freelancers, lost their jobs and were stranded during the COVID lockdowns. Others had difficulties making ends meet. Despite the challenges of lockdowns, some unions and workers' centres turned the crisis into an opportunity by mobilizing different types of humanitarian relief and support for workers who were stranded or facing hunger. In fact, the programme was able to surpass several organizing targets despite the context of the pandemic. Such activities expanded migrant workers' trust in supporting organizations.

Implications of lesson for future programming

Programmes seeking to reduce vulnerability to forced labour should take into account the added vulnerability that crises generate for migrant workers. It is important to leverage such realities in order to overcome the challenges posed by crisis situations on the very organizations that work with migrant workers.

WORKERS' CENTER

مركز العمال



In contexts of highly restrictive mobility regulations applying to migrant workers, a workers' centre can become a target for the police and prosecutors to arrest workers and undermine the very functions of the centre.

Special measures are necessary to ensure that law enforcement personnel respect the freedom of association of migrant workers. Such measures depend on the context but can include maintaining regular contact with law enforcement officials, identifying premises that include neighbours who do not complain about migrant worker gatherings, etc.

Context of how lesson was learned

A migrant centre in one country covered by the programme had to change locations as a result of the presence of a police station nearby. This lesson was initially documented in ILO (2019a, 57).

Implications of lesson for future programming

Prior to establishing a workers' centre, a thorough assessment of the opportunities and risks for migrant workers to use the centre should be conducted. Law enforcement personnel can be sensitized and instructed to treat migrant workers through a non-racist lens.



The sustainability of workers' centres should not be judged based only on their financial situations but, more importantly, on whether the workers who come to the centre enjoy full freedom of association and collective bargaining rights or not. If such rights are granted, ordinary unions can establish workers' centres on their own and sustain them through membership fees.

Workers' centres often depend on outside funding to sustain their activities. An important question raised pertains to a workers' centre's financial sustainability. These centres usually operate in locations where labour relations are complicated. They require a strong capacity to withstand political pressure and financial independence. Unless legal reforms giving migrant workers full freedom of association and collective bargaining rights are implemented, the financial sustainability of workers' centres cannot be guaranteed without external independent donor support. That said, it is important for workers' centres to involve migrant workers in their daily management to improve workers' confidence, engagement and leadership in the activities of such centres and reduce their costs to a manageable minimum that still enables them to do their work.

Context of how lesson was learned

The programme supported several workers' centres, and a key legitimate concern of external

donors, including the ILO, focused on their financial sustainability. There was even a tacit expectation that, in time, the management of such centres could be devolved to migrant workers who would manage them independently. In practice, the applicable legal restrictions made it difficult to devolve such functions. Moreover, without some form of legal protection, migrant workers were not in a position to manage the provision of legal services that challenged powerful employers. The programme attempted different ways of devolving functions, however, none were successful in the absence of legal reforms on the freedom of association and collective bargaining.

Implications of lesson for future programming

In environments with difficult industrial relations, it is important not to expect that workers' centres will become financially sustainable until the legal environment for freedom of association and collective bargaining enables workers to formally self-organize.



Workers' centres are meant to be spaces for workers, of workers and ideally managed by workers. The inclusion of other parties in the governance structure of such centres is not recommended unless such a structure is strictly and formally restricted in playing an advisory role for the sole purpose of facilitating support for the centre, including for the resolution of worker grievances and demands.

Workers' centres are often established in locations where unions cannot function because of legal and other restrictions on the freedom of association of migrant and other informal workers. An important characteristic of workers' centres is that they need some sort of regular contact with employer representatives, labour department officials and other relevant stakeholders to resolve ongoing disputes. In other words, an institutional mechanism to convene other parties can help resolve specific grievances and the demands of workers. However, workers' centres should be cautious not to allow such an institutional mechanism to extend managerial authority over them. This may appear obvious, but some constituents in such circumstances already enjoy considerable economic, social and political influence, and these consultation mechanisms can easily become de facto authorities of workers' centres.

Context of how lesson was learned

In 2013, the ILO supported the establishment of a workers' centre in one of the WIF programme's country locations. In order to facilitate cooperation with other parties, a formal structure was established, regrouping other tripartite constituents. In the beginning, the structure played an advisory role, but over the years as the workers' centre's activities expanded, several members in the structure began exerting influence to limit the activities of the workers' centre to an exclusively recreational role, forcing it to assume a managerial

role, and the ILO soon had to clarify its role. A policy brief explaining the functions of workers' centres (Bosc 2020) and a literature review of workers' centres were prepared (Martinez et al 2021).

Implications of lesson for future programming

Workers' centres should be designed and structured to respond to workers' needs and demands as far as possible. Ideally, they should be run by the workers themselves. While it is important for workers' centres to engage with other constituents, they should not create governance structures that represent the interests of other constituents – otherwise, such centres can no longer be called workers' centres.



C. Lessons learned in the framing of labour unfreedoms in policymaking



Policymakers are far more likely to back anti-trafficking measures that don't disrupt prevailing power balances at home. This is a major reason why so many interventions fail to “walk the talk”.

The WIF programme has sought to review, test and document a variety of strategies and policies for their efficacy in areas with high migration outflows or inflows and in recruitment pathways, linking both. The programme has engaged interested policymakers and stakeholders in reviewing different policy solutions that could reduce workers' vulnerability to forced labour. These include but are not limited to policies, laws and administrative practices around anti-trafficking, migration, skills development, recruitment and labour.

Context of how lesson was learned

The programme found that policymakers show greater interest in tackling human trafficking and forced labour when it does not disrupt power relationships in which they have a direct stake. For example, policymakers in countries or cities of destination tend to support information campaigns designed to educate migrant workers about risks. This is especially true when the campaigns target prospective migrants before they leave their countries or places of origin. 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 countries of destination, even where systemic labour abuses were well documented. Their resistance became more pronounced when the implementation of

these laws would affect the balance of power between employers and migrant workers or contractors and migrant workers (such as support for freedom of association or collective bargaining as embodied in [the Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) and [the Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#) respectively).

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. The overall result of this political economy of migration and anti-trafficking policymaking is that forced labour, however well documented, is being selectively overlooked with the result that it is not being systematically or holistically addressed. This lesson was initially documented by the ILO (2019a, 5).

Implications of lesson for future programming

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 power relations in which different types of policymakers operate so that they “walk the talk”, especially with regard to ensuring decent work.



Anti-trafficking laws, policies and administrative practices (as they are) are not comprehensive ways of preventing human trafficking or forced labour.

Laws, policies 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 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 destination countries rather than over-emphasizing anti-trafficking prevention through pre-employment interventions. For more information, see the ILO policy brief titled "[Anti Trafficking Laws, Policies and Administrative Practices](#)".

Context of how lesson was learned

The programme reviewed anti-trafficking laws, policies and administrative practices in countries within its purview and provided technical inputs when solicited by constituents. During the design or review of anti-trafficking policies or processes, it was observed that while some actors tend to be fully involved in anti-trafficking policy design and implementation, such as law enforcement authorities, women and social affair departments, and NGOs specializing in anti-trafficking, the main stakeholders able to identify and address vulnerable labour relations, such as migrant worker collectives, trade unions, employers' associations, labour recruitment associations, and relevant government departments, are often excluded or not meaningfully involved.

Employers and labour officials tend to be reluctant to engage in processes that tacitly acknowledge the

prevalence of human trafficking and forced labour. They are also wary about such processes leading to actions that challenge influential players and disrupt existing labour relations, triggering a political cost for themselves. As for migrant worker collectives, they are often not recognized nor invited to such policy spaces. As a result of the political economy of labour in the destination country, anti-trafficking policies tend to focus on pre-employment interventions, such as providing information and training to workers, rather than on improving working conditions. This lesson was initially documented in ILO (2019a, 11).

Implications of lesson for future programming

It should not be taken for granted that the existence of an anti-trafficking law or policy constitutes a comprehensive way for governments to prevent human trafficking. Some states may have anti-trafficking laws and yet, they have sponsorship systems that increase migrant workers' vulnerability to human trafficking. Others may have institutionalized poverty wages for migrant workers which undermine their capacity to make a living.

Frameworks to approach policy reforms are important. Some frameworks, such as trafficking in persons, divert attention from labour matters that are important for effective improvements in addressing forced labour. Other frameworks such as "occupational safety and health" are more appealing to enlist support. It is important to calibrate advocacy frameworks carefully before approaching policymakers and advocating for policy changes.



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

Existing labour laws, many of which have been negotiated between employers, workers and governments as a result of long consultations and struggles, play an important role in establishing at least some, if not optimal, incentives for better performance. These can be sidelined by the stringent criminal provisions of anti-trafficking policies. For example, a criminal punitive system focusing on systematically sanctioning labour recruiters can drive recruitment and labour migration underground, exposing migrant workers to greater risks while decent work gaps remain unaddressed.

Similarly, sweeping criminal law provisions attaching workers to a premise where an offence has taken place or is likely to take place, or the closure of a business, can leave workers jobless. This can affect not just those who were “trafficked”, but others who worked there as well.

Context of how lesson was learned

Recent labour policy trends in most countries covered by the WIF programme were characterized by a push towards more formal yet flexible contracting and recruitment policies within a non-binding framework of fair and ethical recruitment or contracting. The unavailability of decent work on a significant scale

has contributed to the growth of anti-trafficking movements that tend to advocate criminalizing informal labour intermediation rather than improving working conditions, or barring women from migrating or seeking jobs in the name of protection rather than enabling an equal right to labour mobility. This lesson was initially documented in ILO (2019a, 7).

Implications of lesson for future programming

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 of 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 ([International Covenant on Economic, Social and Cultural Rights](#) and [the International Covenant on Civil and Political Rights](#)).



The concept of “modern slavery” in the regions covered by the WIF programme was not helpful in advocating for effective responses to forced labour and human trafficking.

The concept of slavery tends to evoke colonial histories of both indentured labour and chattel slavery. Mainstream historical narratives of colonial emancipation and development away from that regrettable past are 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 rights frameworks. However, as mentioned in the previous lessons, those frameworks of criminal action could also undermine human rights. For reference, there is no international legal standard defining modern slavery.

Context of how lesson was learned

The 2030 Agenda for Sustainable Development was designed during the same time as when the WIF programme was being implemented. One of the targets of one of the Sustainable Development Goals (SDGs) calls for the ending of “modern slavery” (Target 8.7 of SDG 8). As part of UN coordination efforts to develop and assess progress that could be achieved under such a goal, the programme had interactions with various stakeholders

now grouped under Alliance 8.7, the Global Alliance to Eradicate Forced Labour, Modern Slavery, Human Trafficking and Child Labour. While the SDG-reporting framework is voluntary, none of the countries covered by the programme committed to or reported on “modern slavery”. The term was not even mentioned in the SDG voluntary national reports. In some cases, governments even manifested strong reservations about using the framework of “modern slavery” as a way to address labour issues. This lesson was initially documented by the ILO (2019a, 13) and has been updated.

Implications of lesson for future programming

Donors, international organizations and advocacy groups should review the assumption that the term “modern slavery” is a helpful paradigm for efforts to either “end modern slavery and human trafficking” or “eradicate forced labour” in the regions covered by the programme.



Communication on anti-trafficking, forced labour and modern slavery can be misleading and special care should be taken not to strengthen misunderstandings.

Communicators tend to simplify messages to make them more accessible to the public. While this is important, public awareness on human trafficking and forced labour is significantly influenced by common myths that require careful deconstruction.

Context of how lesson was learned

For example, as part of an agenda to promote the work of the programme, several case stories were reviewed to showcase examples of good work, which was misunderstood as consisting of promoting safe migration. However, as explained earlier, promoting safe migration does not prevent the violation of women's rights. In patriarchal contexts, the concepts of safety and protection tend to exclude women's agency. Yet, many communication stories celebrate safe migration activities as a way of preventing human trafficking. This lesson was initially documented by the ILO (2019a, 101) and has been updated.

Implications of lesson for future programming

Unless these counter-intuitive myths are understood, communication will tend to strengthen the very myths that the programmes debunk, and the ILO policy brief titled "[Anti Trafficking Laws, Policies and Administrative Practices](#)" lists several. Sensitizing staff and partners on these issues is a prerequisite for good communication.



Compared to the criminal justice framework for trafficking in persons, the forced labour framework offers more leeway to address unfree labour issues. However, it is important to be aware of its limitations.

The forced labour framework assumes that abuses cannot happen with individual consent (Bosc 2021). By focusing on the narrow polarity between forced and voluntary labour, the framework ignores other systemic and variable factors behind labour abuses. The assumption that better, alternative employment choices exist, other than those in which forced labour tends to occur, is not always true. In such cases, the concept of consent is less meaningful. For example, a contract may appear to demonstrate consent even if the worker doesn't have a choice.

Context of how lesson was learned

As the programme conducted outreach to migrant workers and undertook research on their working and living conditions, there was a growing awareness of multiple cases of workers contracted on poverty wages who were visibly physically and mentally exhausted over sustained periods of time, and they felt compelled to stay in these jobs for fear of losing their only source of income. Sometimes, such cases clearly indicated forced labour practices; however, sometimes, such cases could not be classified as forced labour cases as the usual forced labour indicators were insufficient to address them. Considering that workers in such cases were more

vulnerable to forced labour practices, the programme offered support when it could, but such support had to be approached from other legal and procedural angles unrelated to the conventional legal understanding of forced labour.

Implications of lesson for future programming

Policies and programmes seeking to address modern slavery, forced labour and human trafficking should be mindful of the continuum of abusive labour practices that may or may not include forced labour (Lerche 2011). It is important to analyse unfree labour practices not exclusively from the angle of the forced labour indicators, as compliance audits sometimes do, but to review these practices within the wider continuum of unfree labour. The programme has developed a handbook to guide the use of different concepts related to labour freedoms and unfreedoms (Bosc 2021).



While migration may be profitable for employers who hire migrant workers because they are more affordable and amenable than local workers, such practices can generate labour market loopholes that erode decent work practices and the employment prospects of local workers. Migrant workers should not be blamed for taking the jobs of local workers. It is the practice of hiring migrant workers into substandard working conditions that is to blame.

In the context of a market economy, unequal terms of employment enable employers to hire those who are ready to work for lower pay and benefits. If effective checks and balances are not enforced, especially in sectors where labour abuses are recurrent, employment practices will tend towards substandard terms. There will also be an erosion of the acquired labour rights of other workers, regardless of whether they are migrants or not.

The introduction of a migrant workforce that is not covered by regular labour market protections (which would otherwise be applicable to all workers) may indeed help employers and recruiters to meet their labour needs while generating savings. However, such practices do not only generate conditions for substandard labour practices affecting migrant workers, but they also widen social and economic inequalities and disenfranchise local populations from regular jobs.

The notion that employers face a labour shortage should not be used as a pretext to justify legal loopholes, allowing migrant workers to be excluded from the labour protections that apply to all workers. Moreover, the argument that migrant workers do not expect the same working and living conditions as regular workers and hence it would be justified to exclude them from regular labour protections is an alibi to abuse their vulnerability. The ILO considers the abuse of vulnerability in the context of labour as an indicator of forced labour (ILO 2012, 5).

Context of how lesson was learned

The programme witnessed the hiring of migrant workers into jobs characterized by poverty wages, long work hours, restricted mobility and strenuous work. Such practices were common in all the countries under the purview of the programme. Employers facing difficulties tended to seek cheaper migrant labour and leverage their social capital to influence the officials involved in the regulation of migration and labour to hire migrants at a lower cost. Given that hiring migrants was likely to be politically sensitive, permissions to do so were usually concealed from public scrutiny.

Migrant workers, especially in the two occupational sectors covered by the programme (domestic and garment work), were often excluded from the labour law protections that applied to other workers (Bosc et al 2022). In all these locations, xenophobic discourses blaming migrant workers for taking the jobs of locals were common. In response, the programme prepared a policy brief on migrants and unemployment in times of crisis (ILOa 2020).

Implications of lesson for future programming

The benefits of migration for employers and migrant workers should not be used as an excuse to justify excluding migrant workers from labour law protections that are generally available to local host workers.



A number of countries across Asia have instituted various forms of bans and restrictions that, for example, prevent young women from migrating overseas for domestic work in order to protect them. However, when both the demand for migrant workers and the supply of workers are high, employers and workers will find ways to circumvent such bans at a greater cost for all, increasing migrant workers' vulnerability to trafficking.

Migration bans and restrictions on women are a manifestation of prevailing patriarchal sentiments in society. They are not grounded in economic or labour market realities that otherwise justify migration policies. Changing such practices not only means changing a few migration policies but also challenging deep-seated patriarchal habits and beliefs (Bosc and Wadhawan 2022).

Migration bans are always discriminatory on various grounds, such as gender, age, occupation, family status or nationality. For more information about migration bans and domestic work see the ILO policy brief titled [“Women’s mobility and domestic work”](#) (Bosc and Sharma 2016).

Context of how lesson was learned

Countries of origin and destination under the purview of the programme have enacted different forms of migration bans and restrictions particularly focused on women's migration for work. These bans take several forms, such as policies, administrative decisions and

even vigilance processes, and seek to prevent women from travelling abroad for jobs. The main motivation of these bans is to prevent women from being abused. Several anti-trafficking programmes have also actively promoted such interventions.

The ILO undertook studies to see how effective these bans were and found that they were not only ineffective, but they also increased women's vulnerability to trafficking as women were forced to take more circuitous and hazardous routes to find a job (ILO 2015; McCarthy 2021; Bosc and Wadhawan 2022). While the programme was successful in supporting at least the partial repeals of such bans, they tend to be reinstated as a result of political vicissitudes and upsurge of patriarchal viewpoints. This lesson was initially documented by the ILO (2019a, 19) and has been updated.

Implications of lesson for future programming

Anti-trafficking programming and policymakers should not seek to stop or prevent migration. Such measures usually include exit clearances or permits, border or railway vigilance committees, or policies restricting legal and feasible options for migration. Moreover, reversing migration bans and restrictions requires sustained advocacy even after the bans have been reversed, or they may be reintroduced and will undermine previous advocacy efforts. Strong and focused mobilization of women, migrant and workers' rights advocacy groups should also be sustained.



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

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.

In a country-of-origin context in which women’s employment is frowned upon and restricted (for example, in a country with very low female labour force participation and very few formal employment options), women’s labour migration abroad – despite its challenges – gives women significant economic agency. This agency is hard to realize upon the women’s return to their home communities where options are scarce. The term “reintegration” in a patriarchal context can, in fact, be a disempowering paradigm as it means that women

are then supposed to simply and easily adapt back to housework and family duties.

Context of how lesson was learned

After the spread of COVID-19, many governments restricted movement, closed borders, and took other measures that affected millions of workers whose lives depended on labour migration. This involved both international migration as well as internal labour migration within countries.

Some workers lost their jobs, many were stranded not knowing what to do, and still others saw work rhythms intensify as they became frontline workers or workers who were indispensable to their employers during the crisis. As those who could manage started returning, other logistical bottlenecks and challenges emerged.

Most often, governments were not prepared for the return migration or to reintegrate returnees. While ad-hoc reintegration programmes were put in place, which helped some migrant workers, these programmes were far from sufficient to address the general needs of



returning workers. The referral services characteristic of reintegration programmes remained symbolic. In the case of women, many would have preferred to stay in the destination countries rather than return to their home countries.

Implications of lesson for future programming

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. Such a discourse may serve to appease the unemployed and underemployed rather than provide them with real solutions. In the case of women, it is important to remove multiple obstacles to female labour force participation.



In some countries, advocacy efforts to improve working conditions for domestic workers focus on full-time or live-in domestic work. However, part-time and live-out domestic work often involves a significant number of workers, different types of work challenges, and may imply different policy responses.

The main emphasis of the ILO's norm setting and development cooperation on domestic workers is centred around the full-time employment of domestic workers (Bosc 2021, 21–22). While the issues of full-time domestic workers deserve attention, those of part-timers, including occasional and sporadic domestic workers, are also important. As seen in lessons 4, 5 and 6, women's work in sectors such as domestic work is not only characterized by one employment relationship or one occupational sector in which they appear to be employed. Domestic work is one of the largest forms of informal employment, especially for women (IIHS 2022). In some contexts, particularly in the Arab States, live-out migrant domestic workers are often former live-in workers and have more experience which is important to share with newcomers.

Context of how lesson was learned

Much of the literature on forced labour in connection with domestic workers focuses on live-in domestic workers (Abdulrahim and Cherri 2017), and attempts

to reach out to domestic workers, were undertaken through live-out or part-time domestic workers whose working and living conditions were somewhat different. While such outreach and organizing efforts proved very important in identifying and understanding the vulnerabilities of live-in workers, there was also a clear need to address the vulnerabilities to labour abuses among live-out and part-time workers.

Implications of lesson for future programming

It is important to also pay attention to the working and living conditions of part-time domestic workers and identify law and policy options to ensure decent work for them as well. Given the variable and unofficial nature of informal work, policy options usually involve some degree of formal accounting of part-time work followed by giving it recognition and connections to social security benefits. To organize live-in domestic workers in the Arab States, it is often important to build on the knowledge and experience of live-out migrant domestic workers.



The tendency to associate most women's work and skills with traditional, unpaid caregiving and subsistence roles at the family level underpins the poor formal recognition and valuation of their work, including their access to paid work options, and the expectation of having to fulfil caregiving functions both at work and home.

While the essentialisation of women's work as caregiving may appear as a truism, it remains pervasive across behaviours, norms and policies, including in the widely held notion that paid domestic work is an unskilled occupation, or in the exclusion of domestic work from labour law protections in many countries. Such norms and behaviours undermine access to fair employment and fair wages. For those who can access paid work, caregiving expectations at home and work force them to compete at a disadvantage (Folbre 2018). Caregiving expectations also create emotional and time constraints that undermine the possibilities for women to come together and organize collectively to defend their rights.

Context of how lesson was learned

During the implementation of the WIF programme, employers often mentioned that they considered and treated domestic workers in their households more as family members rather than as workers. In a separate study of Indian employers of domestic workers, Barua et al. (2017) analysed such discourse and showed how it shaped the hierarchies of power asserted by the employers of domestic workers. They described how

the discourse of employers can shift from maternal benevolence towards domestic workers to an extractive market logic with respect to their wages and worktime. Maternal benevolence nurtures an emotional bond rooted in the workers' experience of family obligations, and yet it also enables the employer's dominance over workers. Folbre (2018) demonstrates more generally how caregivers are held hostage through their emotional attachments.

Implications of lesson for future programming

The formal recognition of women's work in different fields and the elimination of exclusions of women-dominated occupational sectors from the enjoyment of full labour rights is important. In addition, specific policies to defamilialize care work (for example, the provision of creches and residential care facilities) can play an important role in preventing the essentialisation of women's work as caregiving and professionalizing care provision (Leitner 2003). Finally, public employment programmes that promote decent work for women outside the household are important.



The formalization of paid domestic work is an important step towards the recognition of women's work. While this helps define the rights of domestic workers, in the absence of better employment options, formalization also legitimizes unequal social hierarchies. It is therefore important that formalization prioritizes freedom of association and collective bargaining rights so that domestic workers can challenge abuses against them.

As documented in Lesson 5, the rise of domestic work is also an indicator of states' failures to create decent jobs in other sectors for women. The formalization of domestic work should therefore include safeguards that enable domestic workers to self-organize and defend their rights as per Conventions Nos 87 and 98.

Context of how lesson was learned

While some countries under the purview of the WIF programme issued regulations that recognized the work of domestic workers, they often fell short of recognizing the fundamental principles of rights at work, such as freedom of association and collective bargaining. Organizing in sectors such as domestic work, especially involving migrant workers, is particularly challenging as those who have the capability to organize were often deported or dismissed from their jobs, thus preventing effective organizing.

Implications of lesson for future programming

The recognition of domestic work should include provisions that grant full freedom of association and collective bargaining rights to domestic workers.



Privacy considerations should not take precedence over labour rights of domestic workers in households

Labour rights of domestic workers should prevail over household privacy concerns of employers. As soon as an employer in a household decides to employ someone as a domestic worker, the labour relationship should be subject to labour inspection. Otherwise, enforcement of domestic worker rights is very difficult and impractical.

Context of how lesson was learned

When asked about labour inspection, labour officials encountered by the programme often complained that they could not inspect the labour relationship between the employer and the domestic worker because the employers objected to the violation of their household privacy.

Implications of lesson for future programming

Labour rights advocates and policymakers should ensure that the rights of domestic workers prevail over household privacy protections.



Let's Celebrate

INTERNATIONAL DOMESTIC WORKERS' DAY 2019

فلنحتفل

العالم بالمنزليين



Advocacy to change the behaviours of employers should be particularly sensitive to social, economic and political contexts, otherwise it can trigger negative reactions from them.

Simple advocacy messages, no matter how correct they are, such as demanding that employers of migrant domestic workers respect their labour rights, can backfire by polarizing and strengthening majoritarian views against migrants. While employers should be confronted on poor practices, media campaigns alone cannot replace effective labour law enforcement, and the way media campaigns are undertaken should ultimately seek to build employers' empathy and support. Messages that are perceived, incorrectly, as derisory towards poor employers can antagonize them rather than build support. Messages which, on the other hand, portray the common interests of employers and workers are more likely to be accepted. Ultimately though, even the best media campaigns will be insufficient if labour law enforcement is weak.

Context of how lesson was learned

The programme supported information campaigns for the employers of domestic workers. Rather than develop simple messages highlighting the poor practices of employers, the programme commissioned a comprehensive study on the attitudes of employers and tailored messages responding to specific findings.

Video spots focusing on common interests, such as nurturing mutual trust among employers and workers, were developed. In spite of this, some constituents have reacted vehemently against migrant worker advocacy especially in relation to domestic workers, highlighting other more important concerns, such as their own economic plight in the light of economic stagnation and refugee crises. Moreover, a general environment of poor labour law enforcement against abusive employers generates a sense of impunity that undermines the messages behind media campaigns. This lesson was initially documented in ILO (2019a, 61).

Implications of lesson for future programming

Advocacy on the rights of migrant workers should seek to build empathy and support for causes common to both migrant and host workers. Caution is important in contexts where the criticism of migrant workers can trigger majoritarian counter-reactions that ultimately undermine migrants' rights further. Media campaigns for employers should be undertaken in conjunction with effective policy and administrative measures to improve labour law enforcement against abusive employers.



Recognizing how employers of domestic workers are affected by policies underpinning evolving care needs of households and shifting gender roles is important. Campaigns to influence employer attitudes should acknowledge this, or the attitudes of employers will continue to be shaped by those policies and traditional gender stereotypes and less so by information campaigns.

The care needs of households are influenced by a variety of policies, such as urban and rural planning, utility services, housing and real estate market regulation, healthcare services for elderly and disabled, childcare facilities, migration policies and demographic policies. Other macroeconomic and social policies contributing to the development of urban and rural economies also affect the environment of household care needs. Information campaigns seeking to influence the employers of domestic workers do not influence the cost dynamics of rent, utilities, health and childcare options, and access to local markets, yet the attitudes of the employers of domestic workers are also shaped by these cost and access variations. Gender stereotypes of women responding to shifting care needs through unpaid work further influence the undervaluation of paid domestic work.

Context of how lesson was learned

The programme witnessed that the high cost of real estate and the rollback of publicly subsidized services in most urban destinations affected the capacity of

households to manage care needs. Urban households were becoming smaller and the care functions that extended families traditionally performed were increasingly difficult to undertake in smaller spaces, despite cultural preferences. Moreover, as publicly subsidized services, such as childcare facilities, facilities for the elderly, and disabled care were scarce, the default option for households to manage care needs was to employ domestic workers. Since traditional options to perform care functions relied primarily on unpaid women's work, care work performed by domestic workers tended to be highly undervalued, resulting in a high prevalence of abusive working conditions for domestic workers.

Implications of lesson for future programming

While campaigns to influence the employers of domestic workers are important, they should be complemented by policies supporting care work and the deconstruction of traditional stereotypes about women's unpaid care work.



Garment supply chains are not rigid – they change and shift to enable individual players along the chain to remain competitive. Their changing, nature masks competing business practices, which tend to include poor labour practices and high sales margins.

Most analyses of supply chain transparency usually assume that supply chains are somewhat static. While regular supplier-and-producer relations may appear to be stable in large enterprises, making it easier to monitor labour relations, the terms, conditions and periods of ad-hoc subcontracting of smaller enterprises providing inputs to larger ones or filling out the production shortfalls of the latter depend on fast fashion trends. Keeping up with such trends is crucial for business sustainability.

Transparency in the labour practices of large enterprises is easier to ensure given the greater stability of producer-and-buyer relationships in such enterprises. However, the transparency of the contracting practices of large enterprises or the ones they subcontract to, and the transparency of labour practices within the smaller enterprises that would link them to buyers, is more difficult to monitor.

In the end, the changing and intangible nature of production enables those at the top of the supply chain to insulate themselves from liability for the poor labour practices of the contractors at the lower rungs of the supply chain. Changes in fast fashion also keep demand

for products high while ensuring a programmed scarcity that keeps prices up.

Context of how lesson was learned

The programme found that large factories that had regular relationships with their buyers had greater capacity to comply with labour standards regarding their own workforce. However, that was different for smaller factories that did not have such stable relationships with their buyers. In the smaller factories, the programme found that while it was possible to identify labour issues and the brands for which workers were producing, it was generally difficult to figure out who the intermediary that purchased the production and exported it to the buyer was.

Producer-and-supplier relations were subject to shifting trends that made it difficult to hold brands accountable. At the upper rungs of the supply chain, brands and department stores justify high prices due to the “limited production” or to “supply chain disruptions”. However, the production is programmed to be limited and hence, “disruptions” tend to be a managed outcome to keep product prices up.



Implications of lesson for future programming

It is very important to ensure the transparency of subcontracting in the lower rungs of supply chains. Such transparency can be easily regulated by governments. Contracting practices could be made public knowledge, and labour practices could be required to be regularly reported and scrutinized.



The poor enforcement of labour standards allowed those at the top of garment supply chains to avoid significant financial losses and having to deal with the human impact of the COVID-19 pandemic at the lower rungs of the supply chain. Regulatory accountability frameworks should be completely reviewed to respond to the interests of migrants and other workers.

The COVID-19 pandemic resulted in supply chain disruptions, making migrant and other workers more vulnerable than before. Some lost their jobs, while others were stranded. Border closures and travel bans further exacerbated their already vulnerable situations. Instead of responding to the situation and extending support to both employers and workers in their supply chains, many multinational buyers at the top of garment supply chains cancelled orders, renegotiated pricing and avoided financial losses, leaving the human consequences of predatory purchasing practices to the companies below them.

First-tier factories often reacted by not paying their workers' salaries, forcing workers to take leave, terminating their contracts and reducing their

increasingly angry workforce. Similarly, second- and third-tier factories shifted the responsibility of managing workers further on to their formal and informal contractors.

Context of how lesson was learned

During the pandemic, trade unions and workers' centres supported by the programme reported and documented rising numbers of migrant workers' grievances related to supply chain disruptions. The other studies referred to in table 2 indicate similar trends.



Table 2. Examples of supply chain disruptions

Survey of exporters by the Apparel Export Promotion Council of India (AEPC, Research Division 2020)	Penn State, Centre for Global Workers' Rights survey in Bangladesh (Anner 2020)
83% reported that orders had been wholly or partially cancelled.	Over one million garment workers were fired or furloughed.
For orders cancelled, 72% said that their buyers had not taken responsibility for materials already purchased.	Half of Bangladesh's suppliers had the bulk of their in-process, or already completed, production cancelled. This is despite the fact that buyers had a contractual obligation to pay for these orders.
Almost 50% indicated that buyers were asking for discounts on goods already shipped.	97.3% of buyers refused to contribute to severance pay expenses for dismissed workers, also a legal entitlement in Bangladesh.
72% said they were asked for more than a 20% discount.	98.1% of buyers refused to contribute to the cost of paying the partial wages to furloughed workers that is required by the law.
27% had been asked for discounts of above 40%.	72.4% of furloughed workers were sent home without pay. 80.4% of dismissed workers were sent home without severance pay. This is despite the fact that many brands have "responsible exit" policies, in which they commit to supporting factories in mitigating potential adverse impacts to workers should they decide to exit.
Brands often invoked the force majeure clause, but the pandemic was not specified in most agreements.	

Source: ILO 2021c, 21.

Implications of lesson for future programming

The pandemic has revealed significant gaps in labour policies and enforcement. It is important to document those gaps and bring them to the attention of regulators and advocacy groups in order to redesign and strengthen accountability frameworks, enabling them to

respond to the interests of migrant and other workers rather than only those of the people at the top of the supply chain.



Machine operators, also called multi-skilled sewers, were the most employed category of workers employed in the export apparel sector under the purview of the programme. Other categorizations of workers by skill were usually missing. This undermined the regulation of employment in the sector, in particular with regard to ensuring proper remuneration standards for different skill levels. As a result, the industry often only had only one minimum wage covering all employees.

The largest employment in the apparel industry is often in the category of multi-skilled machine operators, also sometimes called multi-skilled sewers. This hampers the regulation of employment in the sector, in particular with regard to ensuring proper remuneration standards for different skill levels (Mathew et al 2022).

Context of how lesson was learned

A study of the Jordanian apparel sector found that while the multi-skilled sewer category had the highest employment opportunities, it lacked proper occupational standards (ILO 2020b). During recruitment processes, representatives of factories often reported that they would take the experience and skills of recruits into account while deciding remuneration. However, many employers did not seek specific skill categories at the time of recruitment. Further, the absence of

proper classification of occupational standards could negatively impact the standardization of employment practices within enterprises and across the industry, consequently having a negative impact on worker morale. The absence of growth opportunities would also serve as a disincentive for most workers to support skill development programmes, including new forms of work structures under lean production systems (Mathew et al 2022).

Implications of lesson for future programming

Skill categorization and the planned skill upgradation of migrant and local workers linked to better pay for certified skills can benefit employers who wish to develop rational shop-floor skills and promote productivity increases through technology absorption.



Unstable industrial relations characterized by violence, wildcat strikes and low motivation of workers disrupt and undermine business productivity. It is in the interest of the businesses themselves to have an organized workforce with which they can negotiate and predictively resolve labour disputes.

The occurrence of mass unrest combined with low worker morale is bad for business. When the workforce is organized, issues can be discussed and resolved peacefully through social dialogue. It is important for all ILO constituents to allow migrant and other workers to be organized into trade unions that represent all members.

Context of how lesson was learned

The WIF programme witnessed several incidents of violence and tension in all garment production clusters under its purview. Many of those incidents occurred because of the absence of appropriate standards, failures to apply such standards, and misunderstandings that could have been easily resolved if the workforce were allowed to properly organize and represent their issues (Sehgal 2018; Mezzadri 2022; Mathew et al. 2022).

Implications of lesson for future programming

All ILO constituents can make a case that worker representation, especially that of migrants, should be allowed and encouraged in order to enable the peaceful resolution of grievances and safeguard employers' productivity.



The staff and financial resources allocated to labour inspectors in most countries covered by the WIF programme were insufficient for them to do their job properly.

The capacity to implement labour inspection is a cornerstone of decent work. The Labour Inspection Convention, 1947 (No. 81) on labour inspection outlines the necessary powers and capacities of labour inspectorates. Labour inspection systems are responsible for taking action when illegal labour practices, forced labour, discrimination practices or violations of the freedom of association are found. The provision of proper resources to labour inspectorates is thus very important.

Context of how lesson was learned

Labour inspectors usually had limited time, resources and incentives to monitor, identify and resolve labour issues. Inspectors often mentioned that their limited capacity to respond to specific cases was due to new processes, procedures and rules, such as automated inspection, self-compliance reporting and restrictions of inspection powers – all in the name of advancing labour flexibility.

In practice, such measures limited the actual interaction between labour inspectors and workers, especially with migrant workers. This left significant numbers of worker grievances unanswered, and the ILO has repeatedly

called for compliance with Convention No. 81. For more information, see ILO (2018, 68).

Implications of lesson for future programming

Labour inspection is the main pillar of labour law enforcement. Without a functional labour inspectorate, labour relations can rapidly deteriorate. It is important to develop the capacity of labour inspectorates to monitor labour relationships involving migrants, including migrant women, in order to respond to migrant workers' grievances.



Sponsorship systems generate vulnerability to forced labour by granting asymmetrical power to employers. Unless the freedom of association of migrant workers is enforced and there is political commitment and funding to improve labour inspections of migrant worker and employer relationships, quick fixes of sponsorship systems are unlikely to work.

Several trade unions and civil society organizations have strongly called for abolishment of the sponsorship system in the destination countries covered by the WIF programme. The ILO's Committee on the Application of Conventions and Recommendations (CEACR) has also highlighted the abusive nature of specific sponsorship systems. Abolishing sponsorship systems is not a simple task as it requires states to take on the responsibility of inspecting migrant worker and employer relationships instead of delegating the migrant's status to employers. Effective labour inspections come at a financial cost and require strong political commitment. Unless both fiscal and political constraints are tackled, sponsorship systems are difficult to effectively dismantle (ILO 2019a, 17). Orderly labour relations conditioned by freedom of association and collective bargaining rights can diminish the fiscal cost of labour inspection.

Context of how lesson was learned

The programme was asked to consider reviewing an insurance system that would compensate the employers of domestic workers if a domestic worker left her employment after a given period. Given that employers

paid high recruitment fees to bring in workers, it was theorized that such an insurance would remove the incentive for employers to confiscate the passports of their workers so that they did not lose their investment. However, these efforts were not accompanied by significant reforms to improve labour inspection.

In practice, the insurance became an incentive for employers who were unhappy with workers to abandon the worker and for workers to leave employers, triggering several cases of stranded workers. As the employer-worker relationship was not monitored through effective labour inspection, the employer remained responsible for the work permit of the worker and the same vulnerabilities of the sponsorship system persisted.

Implications of lesson for future programming

Governments interested in dismantling sponsorship systems should consider investing in the improvement of labour inspection of migrant worker and employer relationships and enabling the freedom of association and collective bargaining for migrant workers.



Law enforcement and labour inspection should be responsive to migrant workers' rights.

The political economy of law enforcement makes it difficult to enforce labour or anti-trafficking laws against abusive employers or recruiters of domestic and garment workers. The disparity of power and resources between women migrants and forced labour offenders compounded by the structural incentives of law enforcement agencies to meet performance targets (for example, to address irregular migration) means that litigation is likely to result in the migrants themselves being incriminated under other alleged offences, such as theft of property, trespassing, illegal migrant status, document fraud, prostitution, etc.

This is further aggravated by behavioural stereotypes among law enforcement personnel related to power, gender, race and social status. Addressing these challenges requires genuine commitment from authorities to be responsive to women's and migrant workers' rights and for mechanisms for accountability and enforcement to be instituted. Labour inspection departments are more likely to be responsive, but they are often underfunded, understaffed, poorly trained and face administrative and procedural obstacles in undertaking inspections.

Context of how lesson was learned

Partners involved in the programme in several countries have come across multiple cases where migrant women

workers who filed complaints were themselves accused of some abuse. As a result, they were detained and or deported and unable to seek justice. Even other migrant workers who extended support to such workers were criminalized in one way or another. It is important that law enforcement, labour inspection and anti-trafficking departments protect migrant workers during disputes so that they can conduct full and meaningful inspections and enable access to justice. This lesson was initially documented in ILO (2019a, 25).

Implications of lesson for future programming

Without effective organizational and administrative provisions that counteract the asymmetrical power relations between employers and migrant workers, it is naïve to expect that law enforcement institutions will deliver justice for migrant workers. Strengthening the capacity of workers to uphold their rights and ensuring that administrative measures allow them to seek justice is important.



D. Lessons learned on understanding unfree labour



In the context of the scarcity of decent work, most labour relationships – however abusive they may be – are consensual even if they are unfree. In such contexts, forced labour frameworks, including forced labour surveys, are not always helpful in identifying abusive labour relationships.

When decent jobs are scarce, jobseekers are desperate to earn something and will lower their expectations of working and living conditions. Even when they know that the working conditions may be abusive, they consent to them. Forced labour assumes that workers must be forced into poor working and living conditions under some sort of threat. Unless economic coercion is recognized as a threat, such jobseekers cannot claim that they were forced.

Context of how lesson was learned

The programme found that many migrant workers were accepting salaries below national minimum wages or working overtime in order to earn an income. Since the workers had accepted these conditions, “forced labour” was often not a helpful framework to define the issues they were facing. Even when it was possible for social workers or union staff to identify forced labour criteria in the cases they were dealing with, in practice, it was very difficult to get authorities to acknowledge these problems.

Implications of lesson for future programming

While monitoring consent in labour relationships is important, in context, where decent jobs are scarce, it is more important to monitor and call out employment practices that frame and establish substandard working conditions.



Most frameworks to address unfree labour, such as the frameworks of modern slavery, anti-trafficking or forced labour, propose solutions that are meant to fix specific angles of unfree labour related to extreme abuses, deceptive recruitment or labour coercion. While these are important, such angles may leave limited space to address other dimensions of unfree labour common in labour relations. These angles also fail to conceptualize what full labour freedoms mean when they are realized in practice. Addressing wider labour unfreedoms is important in ensuring that policy responses are comprehensive, durable and realistic.

Modern slavery frameworks tend to focus on extreme exploitation, making it easy for most individual stakeholders involved or complicit in systemic labour abuses to claim that the concept is too distant or extreme to apply to themselves (Bosc 2021, 40). The human trafficking framework overemphasizes the labour intermediation and migratory dimensions of labour migration while glossing over the labour aspects (Bosc 2021, 32). Although better than the human trafficking framework, the forced labour framework assumes

that abuses cannot happen with individual consent (Bosc 2021, 29). Issues such as the recognition of work including the valuation of work, autonomy in work including voice and representation, or occupational safety and health tend to be left out of modern slavery, human trafficking and forced labour frameworks even though the latter offers some space to address such matters through forced labour indicators. In other words, official language to describe unfree work tends to be imperfect and even misleading.



Context of how lesson was learned

The programme supported worker outreach activities, enabling regular feedback from migrant and other women workers on their working and living conditions. Managing worker grievances was an important angle of the programme's work (ILO 2020d). Many grievances that were brought to the attention of the programme were clearly abusive even they rarely fell within the legal scope of human trafficking or forced labour offenses. For example, occupational health issues that went untreated often led to deteriorating health conditions that increased vulnerability to forced labour. Beyond addressing such cases at a practical level, at a more conceptual level, the programme developed a glossary (Bosc 2021) and several myth deconstruction briefs (ILO 2020a; 2017a; 2017c) to help its constituents and partners unpack how certain frameworks of free and unfree labour could be more useful or not.

Implications of lesson for future programming

Narrow interpretations of modern slavery, human trafficking or forced labour, such as those that are often used in human trafficking incidence reports, compliance audits or forced labour questionnaires, are insufficient for the understanding and addressing of labour relations, especially labour unfreedoms. Unfree labour should be seen as a continuum of precarious labour relations for which comprehensive and not symptomatic solutions are necessary. A new normative vocabulary

to accurately represent the realities of working people today is also necessary. For example, good practices in which workers enjoy an abundance of freedoms can be reviewed. The programme documented how domestic workers in very specific contexts, with the support of programme partners, were able to establish workers' collectives that ran as quasi-cooperatives for workers. Democracy at work is an important pillar of free labour (Wolff 2012).



One should not have to be a victim or survivor of trafficking or forced labour to deserve attention and remedies related to labour grievances.

In precarious contexts of work, including migrant domestic and garment work, it is usually challenging to leverage a formal acknowledgement of a trafficking or forced labour case from formal constituents, even if the indicators of the latter are discernible to union staff or social workers. Moreover, many workers are not necessarily victims of trafficking or forced labour, and yet they face egregious abuses. It is, therefore, important to focus attention on labour grievances regardless of whether they may or not include a forced labour or trafficking angle.

Context of how lesson was learned

During the course of programme implementation, the WIF programme supported the provision of advisory services to migrant workers who brought up labour grievances to be resolved. While many cases included angles of forced labour or human trafficking, formal constituents would often fail to acknowledge the occurrence of a violation. For example, if an employer failed to pay a wage for one month, they would explain that they simply didn't have the money, and the

labour department or union official would accept the explanation leaving the case unresolved. In other cases, the grievances did not include a forced labour or human trafficking angle, but the grievances themselves were of significant concern. For example, migrant workers were denied social security entitlements and were seeking assistance to claim their dues.

Implications of lesson for future programming

It is important not to limit the scope of remedies or protection for workers who have raised a grievance only to workers who are acknowledged as victims of trafficking or forced labour by relevant authorities. Workers should be able to access remedies regardless of whether they were subjected to forced labour or human trafficking.



Conditions of dignity in work are meant to be universal and should apply to all workers regardless of their race, colour, sex, religion, political opinion, national extraction or social origin. There are no hierarchies of dignity in law or practice that justify lower human rights, labour standards and lower living wages for some workers compared to others.

While this lesson may appear to be obvious, in law and practice, varying conditions of work that exempt certain types of workers from international labour standards also apply. Being a migrant or a woman does not justify derogations from international labour standards.

Context of how lesson was learned

The programme reviewed laws and policies that recognized important labour standards for local workers while leaving migrant workers or certain categories of workers with no protections. This involved minimum wages, the right to freedom of association and collective bargaining, maternity leave and other issues. It was important to highlight that such omissions or exclusions were not only detrimental and unjust to those who were excluded, but they also created the conditions for a segmentation of the labour market that ultimately undermined local workers as well.

Implications of lesson for future programming

The exclusion of migrant workers from labour standards applicable to local workers undermines the universality of international labour standards and relativizes the notion of dignity. It is important to strive towards the elimination of such exclusions in law and practice. This particularly applies to the rights to freedom of association and collective bargaining, minimum wages and other social security entitlements. None of these rights are elastic, applying more to certain types of workers than others.



Policymakers tend to favour quantitative research methods to assess incidences of forced labour. Such methods are far from sufficient in gathering the perspectives of workers, or in gathering accurate representations of labour relations and undertaking effective root-cause analyses.

Governments rely on large quantitative surveys to assess incidences of forced labour or labour violations pertaining to working and living conditions. While such methods may be useful in verifying information that can already be inferred from micro-studies and empirical observation, the framing of predetermined questions within surveys limits the possibilities of fully reflecting workers' perspectives in the context of asymmetrical labour relationships involving significant language and cultural differences. It is, therefore, important to apply qualitative methods to discern workers' perspectives on the work they do. Since differences in language and culture are important in the context of migrant labour, it is particularly important to apply ethnographic methods that enable migrant workers to communicate their perspectives in their own language.

Context of how lesson was learned

Questionnaires in large surveys (for example, labour force surveys or others) include a few questions in which a worker is supposed to respond whether s/he experienced forced labour or a particular labour right violation. As pointed out in Lesson 52, in environments of

scarcity of decent work, workers usually consent to their working and living conditions even if they are abusive. Since consent is a key angle that frames the questions related to forced labour, the information gathered is unlikely to reflect other forms of unfreedom that a worker may have experienced. In contrast, ethnographic methods or feminist participatory action research enabled the programme to access important insights on labour relationships.

Implications of lesson for future programming

Qualitative ethnographic methods, longitudinal assessments of labour trajectories, and feminist participatory action research are important methods to bring out workers' perspectives more effectively. Multidisciplinary research methods combining legal and social sciences and the study of the political economy of labour and industrial relations can also help. These are important for root-cause analyses to develop effective baselines for both policy and programming purposes.



In contrast to randomized control trial methods of evaluation, iterative formative evaluation processes are a more preferable method for the evaluation of multi-scalar anti-trafficking interventions across multiple geographies. This is especially important when the multiple geographies of migration are characterized by fluctuating social, economic and political transformations affecting livelihood and labour options and variable patterns of people's mobility.

It has been assumed that randomized control trials to evaluate anti-trafficking interventions may represent a reliable way to assess their impact across migration corridors in preventing incidences of human trafficking. However, multiple structural factors beyond the control of an anti-trafficking intervention significantly influence the social, economic and political environments of the places where people migrate from, of the places where they migrate to, and the patterns of mobility in between. In many cases, information, skills, organizing, training for recruiters and policy recommendations on labour migration were helpful in reducing some individual vulnerabilities to forced labour, but they were far from sufficient in influencing the structural trends that were more important determinants of vulnerability to forced labour.

It is questionable whether the parameters of comparison in randomized control trials are sufficiently constant to enable reliable comparisons to evaluate anti-trafficking programmes across migration pathways. It is also questionable whether the programme's interventions would alter the more important determinants affecting vulnerability to forced labour, making comparisons of randomized control trials superfluous.

Context of how lesson was learned

In the context of the WIF programme, the geographies from which women were migrating were in full transmutation as many traditional livelihoods were no longer sustainable. Local economies were changing, and varying patterns of distress and opportunity triggered different forms of mobility to various destinations. The

programme's capacity to address the multiple triggers of mobility was understandably limited. Its capacity to follow migrants to multiple and variable destinations, aside from a few selected ones, was also understandably limited. In areas of destination, the capacity of the programme to address the macroeconomic and other policies enabling greater labour flexibility and affecting decent work options was also limited.

Finally, the programme's ability to improve labour intermediation in the absence of sufficient decent work options for women was also a challenge as greater intermediation of labour was linked to limited decent work options. Randomized control trials in such environments of flux were not able to prove what they sought. As an alternative, after the second year of implementation, the programme increasingly relied on iterative learning processes and feedback loops, enabling it to acknowledge the shifting nature of contexts and people's mobility more effectively. It was also able to identify practices that could offer elements of empowerment and contribute to longer-term transformative resilience in spite of adversity. This lesson was initially documented by the ILO (2019a, 95).

Implications of lesson for future programming

When designing multi-scalar anti-trafficking programme interventions across different geographies, donors and implementing partners should consider iterative evaluation processes that can contribute to adaptive programming rather than randomized control trial methods of evaluation.



Confusion around the root causes of forced labour is common. Policies that can make a difference are often glossed over, while contextual factors are erected and essentialized as root causes. The accurate identification and diagnostics of policy determinants of forced labour are important, or policy and programming efforts are in vain.

The root causes of forced labour are complex. To understand them, it is important to distinguish the causes from the effects and contextual contributing factors. For example, the exclusion of domestic workers from labour laws exempts the application of labour standards for migrant workers and is a direct cause of forced labour as compared to poverty or inequality, which are contextual factors. Pandemics, climate change, natural disasters and conflict are other examples of contextual factors. They may influence vulnerability to forced labour, but they are not a direct cause of it. This is important because contextual factors are often presented as the root causes of forced labour, while the policies that directly affect it remain unquestioned. Such framing absolves direct policy determinants from critique while directing effort towards addressing broader development challenges.

Root cause solutions to forced labour should also not be confused with addressing indicators of forced labour. While addressing such indicators can be helpful, these actions provide temporary relief to victims of forced

labour. However, sustainable responses need to focus on the root causes rather than the symptoms.

Context of how lesson was learned

Table 3 lists common contextual factors versus policy determinants documented by the programme.

Table 3. Common contextual factors vs policy determinants

Contextual factors	Policy determinants
Poverty and extreme poverty create conditions for people to accept abusive working conditions (Mazumdar 2019).	The non-recognition of work covers the exclusion of certain types of workers from labour law protections and discrimination in the word of work in laws and practices (Bosc et al 2022).
Inequality in social and economic terms prevents people from accessing education and work (Bosc et al 2022).	Sponsorship systems give employers quasi absolute powers over migrant workers (ILO 2017).



Contextual factors

Climate change is often described as a factor forcing climate refugees to migrate (IOM 2010; OHCHR 2018).

Natural disasters and other environmental developments are also referred to as important reason why people are trafficked (McCarthy 2021:56).

The COVID-19 pandemic has been inaccurately described as a driver of human trafficking (Pattanaik 2020).

Conflict is commonly referred to as an important factor affecting vulnerability to forced labour (Bosc et al 2022).

Source: Authors.

Policy determinants

Labour outsourcing policies enable recruiters, contractors or gig sector workers to set working conditions in a kind of bubble that is isolated from state regulations (ILO 2021).

Poor employment and social protection policies denote the absence or dilution of policies meant to guarantee employment and social protection especially for women (Mazumdar 2019).

Debt bondage: The absence or ineffective policy measures to address debt bondage are important (Bosc 2021: 17-18).

Mobility restrictions on women and marginalized groups are characterized by policies restricting women's labour mobility (ILO 2017; McCarthy 2021; ILO 2021b; Bosc & Wadhawan 2022).

Implications of lesson for future programming

It is important to distinguish the contextual factors influencing vulnerability to forced labour from policy determinants that more directly underpin unfree labour, and table 3 identifies some of those differences. More generally, in order to respond to Article 2 (f) of Protocol No. 29, some principles and operational parameters to identify the root causes and factors of heightened forced labour would be helpful to avoid confusion. The principles should start by focusing on the roots causes that can be acted upon and on the organizations describing such root factors, which have a clear mandate to respond (for example, promoting freedom of association, addressing discrimination in the world of work, etc).

Contextual factors describing a state of affairs such as poverty or climate change should be described as such and distinguished from policy determinants. It is also important to highlight the need to define collective indicators of forced labour that describe the common features of labour and industrial relations in sectors and localities where forced labour has been identified. Workers who are marginalized, such as migrant workers or informal women workers, should be able to share their perspectives on forced labour risks. Finally, it is important not to ignore the structure of the economy that underpins the scarcity of decent jobs.



The presentation of evidence to policymakers on the patterns of migrants' right violations is not enough to improve those policies.

Addressing the inaction and status quo on advancing the application of international labour standards is better through partnership strategies in which proactive advocacy is undertaken by a wide range of government and civil society actors, and technical evidence is presented for consideration to policymakers by international organizations (ILO 2019, 91). While government constituents, such as labour departments, may have the power to advance international labour standards, decision-making on such matters is often effectively happening elsewhere, and constituents are unable to challenge those decisions.

Context of how lesson was learned

The programme has presented research to government officials that points to better policies in relation to mobility bans against workers, recruitment and anti-trafficking policies. However, in spite of evidence, policy changes did not necessarily occur. The programme witnessed the influence of recruitment agencies and other players on regulators. In order to overcome policy inaction, the programme had to present evidence and convince civil society actors or government departments for them to become advocates of labour standards.

Implications of lesson for future programming

Reports and evidence on forced labour are insufficient as long as a constituency to advocate for international labour standards does not exist. It is important to map out where decisions are being made and provide the various decision-makers with the technical evidence to support international labour standards.



The assumptions behind the policies and programmes meant to respond to unfree labour in areas of destination for migrant women workers need to be reviewed.

Anti-trafficking and modern slavery programmes as well as programmes meant to eliminate forced labour tend to be excessively ambitious and be underpinned by incorrect assumptions. Not only do they overestimate the impact of such programming, but they also underestimate the impact of unemployment and underemployment on unfree labour and the asymmetry of the power that frames migrant worker and employer relationships, including the legal architecture of labour hierarchies and other discriminatory laws and policies affecting workers. Programming is also distorted by the blind spots in anti-trafficking policies which direct excessive attention on recruitment processes, away from labour relationships, and the criminal justice responses that undermine labour rights frameworks.

Context of how lesson was learned

The excessive ambition of anti-trafficking, modern slavery and forced labour programmes is documented in Lesson 33 of the WIF's Lessons Learned 2019 edition

(ILO 2019, 77). The underestimation of the impact of unemployment and underemployment on unfree labour is also illustrated in Section A of this document. The failure to grasp the realities of power asymmetries that frame migrant worker and employer relationships is documented in Section B. The blind spots of anti-trafficking in persons, modern slavery and forced labour frameworks are documented in Bosc (2021) and ILO (2016a).

Implications of lesson for future programming

Table 4 illustrates how conventional interventions can be improved if common assumptions are questioned.

Table 4. Summary of characteristics of conventional practices versus better emerging practices

Characteristics of conventional practices	Characteristics of better practices
Outreach to beneficiaries	
<ul style="list-style-type: none"> Assistance to victims 	<ul style="list-style-type: none"> Provision of services to all workers based on and tailored to their demands
<ul style="list-style-type: none"> Support to migrant workers exclusively through unions, specialized NGOs 	<ul style="list-style-type: none"> Support for the freedom of association and self-organizing of workers, including migrant workers, through workers' centres in cooperation with different organizations including unions and NGOs
<ul style="list-style-type: none"> Establishment of worker committees 	<ul style="list-style-type: none"> Ensuring democratic means of migrant worker representation in all spaces meant to collect constituents' views
<ul style="list-style-type: none"> Social dialogue to address workers' grievances in an ad-hoc manner 	<ul style="list-style-type: none"> Social dialogue when workers, especially migrant workers, are in a position to negotiate without risk of facing retaliation
Outreach to employers	
<ul style="list-style-type: none"> Promoting codes of conduct and ethical business practices 	<ul style="list-style-type: none"> Advocacy with employers to address recurrent worker grievances
<ul style="list-style-type: none"> Supporting compliance auditing through third parties 	<ul style="list-style-type: none"> Fully involving workers' feedback in both compliance audits and labour inspection processes
Policy advocacy	
<ul style="list-style-type: none"> Framing policy responses through a criminal justice angle focusing on anti-trafficking prevention, prosecution and protection, as well as on modern slavery focusing on extreme cases of abuse. 	<ul style="list-style-type: none"> Framing policy responses through labour rights approaches tailored to respective occupational sectors, reviews of migrant worker policies, including sponsorship systems, and careful monitoring of employment and unemployment dynamics
<ul style="list-style-type: none"> Workers' consent used as a key framework to address forced labour 	<ul style="list-style-type: none"> Unfree labour used as a framework to analyse different types of vulnerability to forced labour
<ul style="list-style-type: none"> Technical advice to governments and constituents based on available evidence base 	<ul style="list-style-type: none"> Technical advice to constituents complimented by networks of advocacy supported by a wide array of civil groups representing workers, migrants and women

<ul style="list-style-type: none"> • Rallying multi-stakeholder cooperation for eradicating modern slavery, trafficking in persons and/or forced labour 	<ul style="list-style-type: none"> • Rallying support to sustainably address common and recurrent grievances of workers and especially migrant workers
<ul style="list-style-type: none"> • Capacity building on victim protections for relevant parties/ constituents 	<ul style="list-style-type: none"> • Capacity building preceded by legal guarantees enabling different labour constituents to enforce fundamental principles and rights at work
Research	
<ul style="list-style-type: none"> • Studies based on trafficking victim narratives collected through shelters and based on one-time migration experiences. 	<ul style="list-style-type: none"> • Longitudinal research focusing on labouring trajectories encompassing experiences of multiple migration cycles and the broader political economy context of industrial and labour relations.
<ul style="list-style-type: none"> • Quantitative research methods to assess incidences of forced labour or labour violations regarding working and living conditions of domestic and garment workers 	<ul style="list-style-type: none"> • Qualitative ethnographic methods, feminist participatory action research, and other multidisciplinary research methods combining legal and social sciences.
<ul style="list-style-type: none"> • Use of forced labour indicators 	<ul style="list-style-type: none"> • Forced labour indicators complemented by an analysis of root causes and factors of heightened forced labour including contextual factors and policy determinants

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Work in Freedom

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

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