

Addressing the demand side in and through supply chains: Mapping the field of initiatives around human trafficking, forced labour and slavery

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About the project

Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in it or protecting the human rights of victims. However, European countries are increasingly exploring ways in which to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights on regulating demand from related areas.

DemandAT takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, in order to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, in order to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

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Table of Contents

1 INTRODUCTION.....	2
2 ADDRESSING HUMAN TRAFFICKING AND FORCED LABOUR IN AND THROUGH SUPPLY CHAINS.....	2
3 UNDERSTANDING DEMAND: LABOUR, SUPPLY CHAINS AND TFLS	4
3.1 DEMAND FOR LABOUR.....	4
3.2 SUPPLY CHAIN RELATIONS	5
3.3 LABOUR WITHIN SUPPLY CHAINS	7
3.4 ADDRESSING TFLS IN AND THROUGH SUPPLY CHAINS.....	10
4 METHODS	13
4.1 CONCEPTUALISING AND IDENTIFYING INITIATIVES.....	13
4.2 CLASSIFICATION AND INVENTORY CONSTRUCTION	15
5 ANALYSIS AND DISCUSSION	19
5.1 ANALYSIS.....	19
5.2 DISCUSSION.....	24
6 FUTURE DIRECTIONS	26
7 REFERENCES.....	28

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Abstract

This working paper presents the first piece of data collection and analysis from WP9 'Globalised Production of Goods,' part of the overall DemandAT project. The paper offers a preliminary analysis of an inventory of initiatives around human trafficking and supply chains. We first consider how demand may be understood in the context of supply chains in relation to concerns around trafficking, forced labour and/or slavery (TFLS). We further begin to map the field of interventions at the TFLS-supply chain nexus. We analyse the range of actors involved, the forms that the initiatives take in terms of the mechanisms by which they would operate, and the scope of initiatives both in terms of industry and geography. The field of initiatives at the TFLS-supply chain nexus is seen to be growing quickly, and exhibits a high degree of variegation.

1 Introduction

This working paper presents our initial step in data collection and analysis on initiatives which (claim to) address trafficking, forced labour and/or slavery (TFLS) in and through supply chains.¹ We first situate this within the literature on labour markets and labour relations in the context of fragmented and dispersed production (i.e., 'global supply chains'). We then present the inventory of initiatives at the TFLS-supply chain nexus. We document the increased interest by a myriad of stakeholders in addressing TFLS in and through supply chains, and further map the field of initiatives in this area. This mapping considers the range of actors involved, the range of mechanisms through which these initiatives would operate, and the scope of the initiatives (e.g., whether they operate in a specific region or industry).

We find that much of the activity in this area involves incorporating an understanding of TFLS into existing Corporate Social Responsibility (CSR) schemes (i.e., written guidance, training, standard-setting, inserting additional language to existing policy). However, attempts to address these issues have also highlighted the importance of regulating labour recruitment within supply chains. Further, there are some unique initiatives which operate to address TFLS within supply chains. Among these, some initiatives are premised on collective worker organizing – and in at least one case a model of Worker Driven Social Responsibility.

In the following section (section 2), we briefly explain how supply chains might matter for anti-trafficking efforts within the European Union (EU). In section 3, we take a step back to consider how the concept of demand may (or may not) help us understand: labour relations, supply chains relations, labour within supply chains, and TFLS within supply chains. In light of this, we (re-)consider the potential of supply chain interventions around TFLS. In Section 4, we present the steps we took in constructing the inventory of initiatives. In Section 5, we include initial observations on the inventory. Section 6 concludes with a brief discussion of our plans for continuing the research and our thoughts on further issues to be considered for research and policy on this topic.

2 Addressing human trafficking and forced labour in and through supply chains

Member states of the EU are committed to establishing and/or strengthening policies to prevent trafficking in human beings, including demand-side measures (Council of Europe Convention on Action against Trafficking in Human Beings and Directive 2011/36/EU) and the importance of engagement with 'third countries' has been noted in the Action Oriented Paper on Strengthening the EU External Dimension on Action Against Trafficking in Human Beings. A genuine commitment to tackle trafficking, however, would logically extend beyond

¹ The authors would like to thank Albert Kraller, Suzanne Hoff, Dita Vogel, and Ruth Pojman for constructive and helpful feedback.

borders, to include workers elsewhere producing goods, services, and profits that flow into the EU. The EU has yet to develop a robust policy response around the use of labour exploitation in supply chains.

Thus, there are two potential reasons to consider labour exploitation in supply chains. First, a range of legal responsibilities apply to both firms and businesses (see OSCE 2014). Corporations also face reputational risks if they become associated with TFLS or are seen as failing to respond to (the risk of) TFLS. In using the term responsibility, however, we do not only imply culpability. These legal responsibilities may be understood more broadly as rooted in the fact that goods, services and profits produced outside EU may benefit those of us residing and working inside the EU. This includes consumers, in terms of the types of goods and services they buy, and businesses, in the form of profits made. Government agencies and other institutions may also benefit directly in their capacity as consumers through public or institutional procurement. Governments may further benefit indirectly through taxes received from these businesses that have profited from trafficking. All of these actors may benefit as shareholders of the aforementioned companies. Therefore, while our understanding here includes liability and other forms of culpability, the receipt of benefits from the use of trafficked labour may be understood to encompass an ethical responsibility -- even if these benefits were unintentionally and/or unknowingly received. Understood this way, responsibility includes but may go beyond the current reach of liability. This is an aspect which we will explore in greater depth in future outputs from the Workpackage research.

There is a second reason, however, for considering the intersection of trafficking and supply chains. Interventions in supply chains may also represent an opportunity. Shareholders, consumers, institutions engaged in procurement, buyers within supply chains, regulatory bodies and other government agencies (e.g., export promotion agencies, local development agencies, etc.) as well as multi-lateral bodies may be in a position to influence the terms and conditions under which workers labour – not only within the EU but beyond. There are therefore prospects for having an impact on labour exploitation in supply chains in ways which potentially complement other prevention efforts (i.e., efforts which do not operate in and through supply chains). This is particularly true with relation to labour which occurs outside of the immediate regulatory reach of the EU. As Parella argues, where ‘public actors ... cannot incentivize a target actor (such as a factory manager located overseas), they should identify an intermediate actor who possesses leverage over the target actor and exercise their leverage over that intermediary actor’ (2014:751).

In exploring how TFLS is being addressed in and through supply chains, we open a global analysis extending beyond the borders of the EU. This presents a challenge in that we encounter a range of terminology being employed. Many of the efforts in this arena frame themselves as addressing not (only) trafficking but forced labour or modern/contemporary/new ‘slavery.’ Other efforts may address regional and local manifestations such as bonded labour, *trabalho escravo* (slave labour), *restavek*, etc. Yet we cannot exclude these initiatives. For in innumerable cases, the phenomena being addressed would frequently meet the criteria of trafficking. The global nature of the research undertaken by this working paper means that we do not limit our research to initiatives on ‘trafficking’ but include those using other terminology such as forced labour and/or slavery. This is based on an understanding that there is significant overlap in these concepts – particularly as they are interpreted and implemented by the variety of actors implementing supply chain initiatives –

and that in many cases the phenomena being addressed would also qualify as trafficking. Thus we use the acronym TFLS to refer to human trafficking, forced labour and/or (new, contemporary or modern) 'slavery.'

3 Understanding demand: labour, supply chains and TFLS

3.1 Demand for labour

The DemandAT project sets out to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking. For the purposes of the project, this covers both demand for goods and services produced with the use of trafficked labour, and demand for this labour itself². This working paper aims to analyse whether and how such approaches are applied to supply chains. Thus they reflect understandings of, and potentially impact, labour relations in supply chains. While TFLS can be legally and ethically distinguished from a number of other violations (of labour and employment rights), the analysis of labour relations bears upon the analysis of TFLS, particularly when the focus is on labour exploitation (rather than, for example, organ trafficking). As Barrientos et. al. (2013) argue, forms of unfree labour should not be analysed in isolation from the wider field of labour relations and labour standards. Thus our analysis of demand and demand-side measures in relation to TFLS in supply chains is situated within a wider context of labour relations and labour standards.

Our discussion in this section proceeds as follows: first, we consider what is meant by demand and 'demand side' in relation to *labour*, then we consider how demand might be understood within *supply chains*, after which we consider *labour standards and TFLS within supply chains*; finally we consider *demand-side measures to address TFLS within supply chains*. While we raise some theoretical concerns in regard to the understanding of *demand*, we should state at the outset that we believe attending to the *demand side* is crucial. We return to this point below.

As discussed in Vogel (2015), economists theorise demand and supply as the core dynamics of markets, in which higher prices of product will presumably lead to *lower demand* while on the other hand, they would also presumably lead to *greater supply*. Thus the equilibrium price - at which equal amounts of the product are both supplied and demanded - in principle determines how much of a product is sold (and at what price). Labour markets are understood to operate in a similar way, with workers 'supplying' labour and employers 'demanding' labour (with wages representing the price of labour). Thus recruiters, search firms, temporary employment agencies, placement agencies and labour subcontractors are considered labour market 'intermediaries' which bring together the demand-side (employers) with the supply-side (workers); they work 'both to improve the operation of the labour market and to profit from its imperfections' (Autor 2009:2). For certain sectors and occupations (such as domestic work or prostitution), the worker may also be the service provider; in this case,

² The concept of demand in relation to the DemandAT project is discussed more extensively in Vogel (2015) and Cyrus and Vogel (2015). Cyrus (2015) further notes that concerns around demand in relation to trafficking were initially framed in terms of demand (for commercial sex) by advocates who consider all prostitution to be a form of trafficking.

demand for labour and demand for goods or services are very much co-constituted. But more broadly, demand for labour and demand for product are linked. In order to make a profit, a firm would be expected to supply products at a price that at least covers their cost of production, with labour accounting part of this cost.³

While orthodox economics does account for numerous complications to the dynamics of supply and demand in 'real' markets, there are also a number of perspectives from heterodox economists and from disciplines outside of economics which offer alternatives to this understanding of market dynamics. In particular, the way that *production and exchange* are represented as primarily resulting from the dynamics of *supply and demand* within markets is questioned, as is the methodological individualism and the purportedly universalizing, market-centric nature of orthodox economic theory (see Peck 2012). We do not have space in this paper to elaborate on these overarching critiques of the discipline. Yet we wish to briefly note the difficulties of applying a market framework to labour relations and discuss (further below) how this is further complicated in the context of globalised supply chains.

Fundamentally, labour is unlike other goods and services, because labour is always embodied in a human being. Indeed, concerns around TFLS demonstrate this difference: the treatment of labour cannot be separated from the treatment of the rights-bearing human beings who provide it. Labour has therefore been referred to as a 'pseudo-commodity' in that it is not produced for the sake of sale (Castree et. al. 2004). Smith also points out that hiring workers involves greater uncertainty than purchasing other goods or services due to the 'double indeterminacy' of labour: neither the effort which workers will provide (or more generally the quality of labour) nor the length of contract can be determined in advance (2006). A supply and demand framework may therefore be particularly inadequate for understanding labour recruitment and labour relations.

There are also theoretical questions about the extent to which supply and demand truly operate as independent forces – especially in relation to labour. Ruhs and Anderson argue that on the contrary, there is a '*mutually conditioning* relation between labour demand and supply' (2010:8). This is relevant for our understanding of TFLS. One illustration of this is the way that discrimination is often treated as an exogenous factor in TFLS which contributes to workers' vulnerability on the supply side. Yet many scholars point out the ways in which, on the demand side, employers contribute to processes of racialisation (e.g., Nakano Glenn 2002; Roediger and Esch 2012; see also Maldonado 2009; Bonacich et. al. 2008; Sanmiguel-Valderrama 2007; Thomas 2010; Terry 2014; Han 2010).⁴

3.2 Supply chain relations

The difficulties of disentangling supply and demand are only exacerbated when accounting for the realities of contemporary supply chains. The question of who is demanding what

³ This is in a simple model in which the seller of a product is also the producer, i.e., we do not yet account for long and complex supply chains.

⁴ The literature on labour market segmentation is also useful. Labour markets are understood as segmented, with various segments offering greater or lesser opportunities and security (or precarity), compensation levels, etc. While supply and demand may operate within these labour market segments, race, gender and other characteristics largely determine who is able to participate in each. Such segmentation is conceived of as endogenous to the 'economic system' (Reich et. al. 1973).

within supply chains, and therefore what counts as a demand-side approach, is surprisingly complicated, even for orthodox economists. While companies have long been involved in managing supply chains as a means of sourcing the materials and goods they need, production has in recent decades become far more organizationally fragmented and geographically dispersed. Today, it can often be difficult to identify a firm which ‘produces’ a final product (whether a tangible good or a service); rather, different aspects of production tend to be carried out across a number of companies (and this frequently involves increased contracting-out of labour at various points along the supply chain). In other words, production is *fragmented*. Additionally, it is possible for the firms carrying out these tasks to be far away from each other, often in a number of different countries. In other words, production is *dispersed*. One indication of these trends is the growth of trade in intermediate products: according to one estimate, ‘intermediate inputs represent(ed) 56% of goods trade and 73% of services trade’ by the mid-2000s (Miroudot et. al. 2009). The Law and Global Production Working Group (2016) from the Institute for Global Law and Policy (IGLP) further cites an estimate from UNCTAD (2013) indicating that global value chains account for 80% of global trade.

Between labour markets and markets for final products lie the sale and purchase of intermediate inputs. Yet it is critical to recognise that characterising sales among buyers and suppliers as market transactions may not be an accurate reflection of the power dynamics involved in such transactions. Interactions among buyers and suppliers are rarely depersonalised, one of the key characteristics of market relationships. Instead, relationships vary enormously and they also change over time; they can involve close connections and intricate interactions. Rainnie, Herod and McGrath-Champ (2013) provide the example of General Motors (GM) and Delphi, the latter a former subsidiary of the former which was ‘spun off’ from GM in 1999. They explain:

‘... after GM spun off Delphi, both companies purchased stakes in each other and continued to do business with one another, and GM remained Delphi’s largest customer. Furthermore, in the aftermath of the US government’s bailout of GM and Delphi’s problems with bankruptcy, GM provided Delphi with financial support, paid billions of dollars in reorganisation-related charges to Delphi, lowered its prices for Delphi-made parts, provided funding for labour and pension costs, and bought Delphi’s steering division in 2009. This is but one of many such examples (179-180).’

The various relationships among buyers and suppliers, and the different power dynamics which characterize them, mean that a market framework would fail to capture the central dynamics of supply chains. Relations among firms within supply chains frequently involve degrees of control even in the absence of ownership. An extensive literature addressing the questions of coordination and control of these activities has emerged using the terminology of global commodity chains (GCCs), global value chains (GVCs) or global production networks (GPNs) rather than simply supply chains (see Coe, Dicken and Hess 2008; Bair 2009).⁵ These terms attempt to capture the fact that in the context of fragmented and

⁵ The different terminologies reflect in part different intellectual origins and theoretical commitments (see Bair 2009) but they all refer to the fragmentation and dispersion of production and how this is coordinated. We use the term GPN in this paper for simplicity, but it can be taken to refer to the broader body of literature analyzing the fragmentation and dispersion of production.

dispersed production, it is no longer simply one firm that must be studied to understand how a good or service is produced, but rather a group of firms (and other actors).

Gereffi's work is seminal in demonstrating that the relations among firms therefore matter. He initially posited that barriers to entry in production or in (brand-name) merchandising and retailing means that some firms are, respectively 'buyer-driven' while others are 'producer-driven' (1994, 1995). While the buyer-driven / producer-driven typology now appears rather simplistic, the basic idea that lead firms exercise governance over other firms has remained the core premise of this body of literature.

The question here is how to understand 'demand' and 'demand-side' when production now involves transactions among distinct actors (often located in various jurisdictions) but these may not be best understood as governed by market forces. Understanding the power relations among firms and the degrees of control exercised by various firms and other economic actors within supply chains (as well as the complex geographies of regulation they are enmeshed in) thus matters immensely. In one widely cited analysis, five types of governance are identified – among which 'market' relations among suppliers and buyers is only one possibility, with the remaining four types exhibiting higher levels of explicit coordination and greater power asymmetries (Gereffi, Humphrey and Sturgeon 2005).

Gereffi, Humphrey and Sturgeon's analysis of governance, however, is based on questions of technical standards and knowledge; while many other dynamics (regulation, labour movements, and culture to name a few) are relegated to the category of 'institutional context.' Some scholars have therefore advanced the concept of 'embeddedness' to signify the dynamic and reciprocal nature of the myriad relations within GPNs (Hess 2004). Embeddedness can be used to refer to the ways in which supply chains influence the places within which they operate and vice versa, suggesting the complex and evolving realities involved in the shifting geographies of production. In addition to the fragmentation and dispersion of production *per se*, a number of other aspects which make production possible and/or set the terms and conditions of production – such as financing (loans, start-up capital, shareholding, etc.) and standards (such as quality or social and environmental impacts)⁶ – may also be fragmented and dispersed. This further increases the socio-economic and geographic complexity of production. We see then that supply and demand are important but insufficient concepts for understanding production within contemporary supply chains.

3.3 Labour within supply chains

In the context of globalised supply chains, then, any analysis of the demand for labour must recognize the way that it is mediated through the relations of firms (and other actors who impact production). Decisions made by firms and other economic actors within supply chains / GPNs matter for workers employed by other firms (see: Smith et. al. 2002; Cumbers et. al. 2008; Posthuma and Nathan 2010; Barrientos et. al. 2011b; Rainie et. al. 2011; Lund-Thomsen et. al. 2012; Coe and Hess 2013; Wad 2013; Stringer et. al. 2014; Azmeh 2014; McGrath-Champ et. al. 2015; Pegler 2015). Lakhani, Kuruvilla and Avgar (2013) argue that

⁶ Nadvi (2008) gives examples of 'company specific codes of conduct, sector specific standards and labels, as well as generic international standards that apply to product specifications, safety concerns, as well as to issues of process organization covering social, environmental and ethical concerns.'

each type of the five types of governance regime identified by Gereffi, Humphrey and Sturgeon is associated with a particular employment relations system at the supplier level. They also note that lead firms may engage in 'global labour arbitrage' in their decisions around where to produce, outsource and/or recruit labour (2013:449). Thus while early concerns about globalization representing a 'race to the bottom' now appear overly simplistic, it remains the case that

'organising global production through networks of independent firms that coordinate exchanges via contract rather than ownership might have as much to do with mitigating tort or other legal liability risks, and the degree of enforcement in a particular locale, as it does with economic productivity' (Ferrando 2016:9).

The creation of export-processing zones (EPZs - also called Free Trade Zones or Special Economic Zones), is testimony to the fact that governments respond to such 'arbitrage' by seeking to create 'competitive' environments for businesses to locate and/or source from. These regulatory spaces (now frequently legal spaces rather than physically cordoned off areas) offer concessions on taxes and tariffs to attract export-oriented companies. There are an estimated 3,500 EPZs in 130 countries employing 66 million people. While wages tend to be relatively high in EPZs, the relaxed regulatory environment they offer, in which labour rights and standards are usually not enforced, means that jobs in EPZs also tend to be characterised by relatively poor health and safety conditions, excessive overtime and violations of freedom of association (Milberg and Amengual 2008).

While it is true that buyers search for lower prices, 'global labour arbitrage' is not a simple matter of finding 'cheap' (low-skilled and low-wage) labour. First of all, 'cheapness' must always be understood in the context of productivity. In the garment sector and in many segments of agricultural work, piece rates are common, so that calculating hourly wages would not give a true picture of the cost of labour. Further, it is not only costs that buyers are interested in, but quality and flexibility. Buyers looking for 'cheap labour' cannot necessarily afford to sacrifice quality; on the contrary, quality standards are increasingly important in the global marketplace. The imposition of increasing quality standards imposed on suppliers in the context of unequal power relations within supply chains can, like piece rates, result in labour intensification. But perhaps more significant is the search for flexibility. Competitiveness in a range of sectors now depends on customization and/or a 'just-in-time' model. Lead firms would therefore like stock to be available whenever consumers are willing and able to buy, but are increasingly unwilling to keep stock on hand when this is not the case. Facilitated by technological advances, logistics and retailing have therefore become 'lean' - and this has only been accelerated by the rise of online commerce. New fashions, seasonal factors, and macroeconomic factors can all trigger sudden demands for production. Having labour available when needed, and shedding such labour when orders dry up, is as much of a challenge for suppliers as keeping wages and compensation levels low.

Many practices associated with TFLS – tied accommodation, restrictions on workers' movements, use of debt to prevent workers from leaving – are effectively means of having a labour supply available when needed (including working excessive hours) without having to meet the costs usually associated with this (overtime rates of pay, costs of new hires, costs involved in short-term hiring, etc.). Indeed, TFLS have been identified within many different

supply chains (ILO 2009). Having recognised the way that supply chain relations matter for labour, we contend that this relates centrally to concerns around TFLS.

In the context of competition among suppliers, the search for ever-cheaper and ever more flexible labour (even while insisting on quality standards) can therefore result in labour violations, including practices associated with TFLS. While such practices are generally attributed to powerful buyers exercising oligopsonistic power over competing suppliers (with multiple levels of subcontracting and labour contracting), it is also important to consider the specificities and complexities of supply chain relations. The above discussion has shown that supply chain relations matter for labour outcomes, and thus should be accounted for by those concerned with TFLS.

Two recent reports make unique contributions to our understanding of how supply chain dynamics operate in relation to concerns around TFLS. The first, by Allain, Crane and LeBaron, draws on three UK-based case studies (construction, food and cannabis) to posit four different 'business models of forced labour' (2013). The report distinguishes between the roles played by producers and by intermediaries as well as between strategies of minimizing costs versus maximizing revenues. (In many cases, however, the latter strategy is dependent on charging workers for accommodation, transportation and other services, thus may be understood as centred on worker indebtedness rather than revenue generation per se.) The authors further argue that firms make use of labour market intermediaries in large part to reduce the costs of 'flexibility' and point to the relatively high incidence of agency labour in the UK and the 'self-regulation' of these intermediaries within some sectors as a factor contributing to forced labour. The report includes a series of policy recommendations specific to the UK (such as regulation of social audit firms), but the framework of analysis might be applied more broadly - and elaborated on for more complex global supply chains / GPNs.

The second report is by non-profit monitoring organization Verité, and was commissioned by the United States Department of State 'to investigate and map out the risk of trafficking in ... federal supply chains' (Verité 2015:6). In order to identify sectors with both significant levels of federal procurement and significant risk of human trafficking⁷, Verité distinguishes among risks related to the place of production, risks related to the countries 'supplying' labour, and 'sector-specific' risks. While the latter category include risks relating to the 'characteristics of the workforce,' more relevant to an understanding of the 'demand side' in supply chains are 'characteristics of the product or industry' and 'business processes involved in the production and/or supply of the product.' Within these two categories, the following factors are, according to Verité's analysis, associated with (and therefore indicate a risk of) TFLS:

- Low-skilled labour and dirty, dangerous, or difficult work
- Seasonal or short product lifecycles
- Highly competitive industries with low barriers to entry
- Offshore manufacturing
- Reliance on labour recruiting
- Long, complex, or non-transparent supply chains

⁷ The following 11 sectors are identified in the report: agriculture; construction; electronics and electrical products; extractives/mining and basic metal production; fishing and aquaculture; forestry; healthcare; hospitality; housekeeping / facilities operation; textile and apparel; and transportation and warehousing.

- Lack of participation in multi-stakeholder CSR initiatives

In sum, demand for goods and services is not only intricately linked to demand for labour but within the context of fragmented and dispersed production it is also centrally linked to demand for intermediate goods. Another way of looking at this is that labour recruitment and labour relations are intimately tied up with supply chain relations. And therefore, supply chain relations may contribute to practices associated with TFLS.

For the purposes of this paper, we therefore include supply chain interventions as ‘demand side’ measure in as much as they a) target ‘demand’ for intermediate inputs and b) acknowledge that ‘demand’ for labour is frequently shaped by and mediated through supply chain relations.

3.4 Addressing TFLS in and through supply chains

Just as supply chain relations may contribute to practices associated with TFLS, they may also offer a means through which to combat such practices (see McGrath 2013). Thus in spite of our concerns around how demand is understood theoretically, we are interested in how *efforts to influence the demand-side* are being undertaken in relation to concerns around TFLS. It is worth noting again that there are valid concerns around the distinctions between trafficking, forced labour and slavery, and the way that each and all of these are interpreted. However, we proceed from the observation that in practice, all of these terms are used in overlapping ways; therefore, concerns around TFLS (and more specifically around TFLS in supply chains) constitute a field of intervention. Our aim here is to explore how demand is understood in this field and what type of measures are being implemented in relation to these understandings.

Much policy work to address TFLS to date has focused on: reducing vulnerability of migrants and workers to TFLS; criminal justice approaches seeking to punish those directly involved in TFLS; and (arguably to a lesser extent) assisting ‘victims’ of TFLS. We consider ‘demand side’ measures to be those which focus on the actors who, in a market framework, would be the ones demanding labour and/or products: broadly speaking, this means employers and consumers (rather than workers and their communities). Demand-side measures therefore represent a different entry point for combatting (situations understood to constitute) TFLS. They potentially draw our attention to those who ultimately benefit from the exploitation of trafficked workers. As an emerging area of activity in anti-TFLS efforts, demand side measures should be documented and analysed in order to identify innovative approaches, best practices and/or poorly designed policies and programmes which might even do more harm than good.

TFLS has been established as a risk, or challenge, for supply chain management (e.g., Gold Trautrim and Trodd 2015). Increased awareness is a welcome trend. However, framing the issue as a ‘risk’ to be avoided locates the source of the problem firmly outside of the structure and operations of supply chains. Thus Crane conceptualises ‘modern slavery’ as a management practice, locating the problem at the level of the firm which uses TFLS directly (2013). Other analyses which employ the notion of supply and demand similarly focus on those *immediately* using or profiting from TFLS (e.g., Kara 2011; Bales 2005). Indeed the

ILO's estimate of profits from forced labour (\$150.2 billion per year in the private economy, or \$51 billion excluding forced sexual exploitation) does exactly this: it does not address whether intermediate inputs are *underpriced*, thereby generating increased revenue for other actors in the supply chain.

Crane begins to raise this issue by identifying value distribution along the supply chain as one *factor* contributing to the problem (2013). More generally, however, these works tend to make only brief reference to the wider context of 'globalisation.' We believe that this is a key area for further inquiry. TFLS has been identified at certain points within supply chains (involving specific sectors, occupations, places and firms or labour market intermediaries). As noted above, our proposition is that, the dynamics of supply chains themselves may facilitate (or inhibit) practices associated with TFLS. This suggests that lead firms and other actors may be held accountable (and/or liable) for TFLS in their supply chains.

From a supply chain perspective, a key problem in addressing TFLS is how to reach further than first-tier suppliers (ILO 2009:80) when conducting audits and monitoring. Lead firms are challenged in managing all aspects of their complex supply chains, and frequently blame 'unauthorised sub-contracting' when TFLS (or sweatshop conditions) are identified. Yet while the individuals charged with these tasks are indeed faced with a legitimate challenge, LeBaron argues that the businesses they work for should be held to account. She contends that 'the question of *why* supply chains have become so long and complex' is overlooked (2014:238, emphasis added). She identifies subcontracting (and labour contracting) as a *strategy*, one which forms a core part of the business model of successful lead firms. She is thus able to identify the decision to subcontract as a key moment in which the 'risk' of 'highly exploitative labour conditions' is introduced (2014:238). It should be noted that these developments have not occurred in a political-economic vacuum. Liberalisation of trade, deregulation of labour markets and privatisation – policies that tend to be promoted by (would-be) lead firms - have been enacted through trade negotiations as well as by development institutions through structural adjustment programmes and their successors. This lends support to Phillips and Mieres' theorisation of TFLS as a form of adverse incorporation within GPNs. They describe a vicious cycle in which poverty generates vulnerability to exploitation, including forced labour, in turn creating further impoverishment. They point to 'the ability of lead firms to create and mobilize significant asymmetries of market and political power in the interests of generating profit' as the key mechanism sustaining this vicious circle (2015: 8; see also Phillips and Sakamoto 2012). Thus corporate purchasing practices themselves can be understood as driving poor working conditions within supply chains (Barrientos 2013) and this may manifest as TFLS in particular contexts.

Yet while these scholars see lead firms as bearing a significant degree of responsibility (or even culpability) for working conditions and/or TFLS within supply chains, the fragmentation and dispersion of production creates a dilemma for regulation. To take a simple example: the country where a company is based, and perhaps where also sells many of its products, may have a legal minimum wage. The purpose of a minimum wage is to 'take wages out of competition' and to ensure a minimum standard of living. But if production is carried out in another country with a lower minimum wage (or no minimum wage, or one which is not enforced), a conflict is set up. Citizens (who are also workers, consumers and businesspeople) in the company's home country find that the legal requirement to pay a minimum wage is ineffective, since companies are able to 'escape' jurisdictional boundaries

by globalizing production. Citizens (workers, consumers and businesspeople) in the country where production (potentially) takes place may view concerns over 'low wages' as protectionist (or even as attempting to interfere in their country's sovereignty) - regardless of whether they would like the minimum wage to be strengthened. The IGLP Law and Global Production Working Group refers to these types of dilemmas as emerging from the 'incongruity between the apparent territoriality of the law and the transnational logic of capital' (2016). As Barrientos et. al. point out, territorial-based systems of public and private regulation aiming to ensure decent work are challenged by the complex and transnational scope of GPNs (2011).

There is therefore a strong argument that CSR initiatives are welcome as voluntary measures, but that it is also valid and important to reconstruct accountability and liability within supply chains. With reference to sweatshop conditions in the apparel industry, Anner et. al. (2013) make this argument forcefully. They argue that 'sourcing strategies of powerful buyers are the root cause' of labour violations. They point out an historical parallel from the early twentieth century, when increased outsourcing of production by clothing 'precipitated a dramatic deterioration in the wages and working conditions of New York's garment workers.' They identify the response by the International Ladies Garment Workers Union (ILGWU) to negotiate 'jobbers agreements' in which these companies 'were held contractually "jointly liable" for wages and working conditions in their contractors' shops' (2013:3-4) as a useful precedent. And they see the Accord on Building and Fire Safety in Bangladesh signed in the wake of the 2013 Rana Plaza disaster as a contemporary example of imposing accountability measures on buyers in supply chains.

While Anner et. al. focus on negotiated and collectively bargained agreements, differences in law and the interpretation of the laws are also important. Within the US, for example, jurisprudence has developed around cases such as workers employed by staffing agencies or classified as independent contractors to consider whether companies may be identified as joint employers and/or held liable for workers' rights violations through tort law even if they have not employed the workers directly (Wears and Fisher 2012; Rogers 2010). Legal scholarship has considered how this might apply for workplace harms committed abroad (Farrell 2012) including human trafficking (Bang 2012). Cases brought to date as well as future prospects for holding corporations liable for human trafficking in their supply chains is considered in a recent report by Human Rights Watch (2016). There is also variability across countries in terms of legal frameworks around supply chain liability which would apply in cases of TFLS. In Brazil, for example, a Supreme Court 'binding decision outlaws companies from outsourcing their core businesses' so that in effect the firm holds proportional legal responsibility for remedying any labour violations (including 'slave labour') at their subcontractors, although current proposed legislation would change this (Theuws et. al. 2015:31-33). It is beyond the scope of this paper to undertake comparative legal research, but such research would be valuable.

We see our research as forming a specific part of this wider agenda through a focus on how various actors seek to harness and/or challenge existing supply chain relations in order to combat practices associated with TFLS. We therefore document and analyse initiatives which seek to combat TFLS by intervening in supply chain dynamics. We hope that by documenting the logics behind these initiatives, and beginning to analyse how these relate to the logics of the industries within which they are applied, we may contribute to the broader

agenda of understanding the links between supply chain relations and practices associated with TFLS, and what this means for the emerging field of governance of the TFLS-supply chain nexus.

4 Methods

4.1 Conceptualising and identifying initiatives

As mentioned above, there is much being done already to address TFLS in and through supply chains. And the activity is fast increasing and developing. We see this as resulting from the intersection of two trends: the first is that a range of actors engaged in CSR, ethical trade and allied fields have begun to understand TFLS as an important issue, and one which must be addressed explicitly. The second is that those engaged in policy and advocacy around TFLS have begun to recognize the significance of supply chains. Given the rapid growth in this field of activity, one of the main tasks of this research has been to document existing initiatives to combat TFLS in supply chains.

Since the International Labour Organisation (ILO) adopted the Declaration on Fundamental Principles and Rights at Work in 1998⁸, awareness of the four Core Labour Standards (CLS) has increased. These encompass: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation. The attention to TFLS in supply chains, in large part via reference to Core Labour Standards, is becoming a standard feature of three key instruments⁹: i) individual companies' Codes of Conduct (see Hassel 2008); ii) International Framework Agreements negotiated between Global Union Federations and Transnational Corporations (see Helfen and Fichter 2013); and iii) bilateral or multilateral trade agreements (see Ebert and Posthuma 2011)^{10,11, 12}. These sets of instruments represent three clearly delineated categories which deserve analysis in their own right.

However, beyond this we find that there are a number of proposed, new and evolving initiatives around TFLS in supply chains which are not as simple to group together. How can we understand this new area of activity? What do these initiatives have in common, and what distinguishes them? Our research seeks begin answering these questions. Our first step

⁸ See <http://www.ilo.org/declaration/lang--en/index.htm>

⁹ And we expect to see more activity around this in particular after the 105th International Labour Conference held in 2016 in which one of the key issues on the agenda was 'decent work in global supply chains'. See http://www.ilo.org/ilc/ILCSessions/105/reports/reports-to-the-conference/WCMS_468097/lang--en/index.htm

¹⁰ According to Hassel 2008, there are hundreds of Codes of Conduct; there are over one hundred IFAs listed at <http://www.global-unions.org/+framework-agreements-.html> (accessed 30 March 2016); the World Trade Organisation has received notification of hundreds of regional trade agreements, tallied at https://www.wto.org/english/tratop_e/region_e/regfac_e.htm (accessed 30 March 2016).

¹¹ See also Mückenberger 2015 on the prospects for incorporating labour standards into International Investment Agreements.

¹² Many 'social certificates' or seals which focus on other sustainability criteria (e.g., environmental sustainability) make reference to CLS. As explained above, we have not generally included these in the inventory of initiatives. However, some of the initiatives which have been included in the inventory include a certification component; in these instances, we have coded the initiatives as 'consumer information/awareness' when they aim to address consumers, while some are part of 'supply chain monitoring'.

towards this has been to identify initiatives which address TFLS in or through supply chains, creating an 'inventory' of initiatives (excluding the above three sets of instruments). We then classify them according to a number of criteria, and we hope to build on this to create a typology. In identifying relevant initiatives, we relied on existing research by Verité, the Joseph Rowntree Foundation, Center for Research on Multinational Corporations (SOMO), La Strada International, the Global Alliance against Trafficking in Women, and the Business and Human Rights Resource Centre. These were key sources within our desk-based research, on which we solicited feedback from members of the workpackage International Advisory Board (representing non-governmental organisations and trade unions working on these issues¹³) as well as three additional experts in the field.

Identifying the initiatives to be included and excluded, creating and assigning qualitative variables as a means of classification, and constructing a typology based on these are not tasks which are easily replicable.¹⁴ We therefore attempt to make our inclusion and exclusion criteria explicit in this section, and in the following section discuss the preliminary classification through the coding.

There were three criteria for inclusion in our inventory. We included 1) initiatives 2) which articulate a specific concern around TFLS and 3) which explicitly focus on supply chains. Inclusion / exclusion decisions involved judgment about whether the criteria were sufficiently met, and involved in-depth discussion among ourselves, as well as feedback from scholars and practitioners. For each initiative, TFLS may be addressed through supply chains only or it may be addressed through supply chains and additional angles (e.g., increasing prosecutions of traffickers); similarly it may address TFLS only or cover TFLS and additional issues (e.g., workplace health and safety). The key is that *both* TFLS and supply chains are significant foci of the initiative.

We define an *initiative* as an act or strategy which is claimed to be a means of addressing a problem. We therefore exclude from our analysis *statements* and *declarations* if they did not announce any new action(s). In practice, an initiative typically refers to a *law, policy or programme* carried out by firms / industry groups, advocacy groups / NGOs, worker organisations, government agencies, inter-governmental bodies, other institutions, or a combination of these types of actors.

In reference to TFLS, we recognise that various policies, campaigns, programs and services *may have an impact* on practices associated with TFLS. Our focus on *explicit concerns with TFLS* is narrower than this. Again, our aim is to document and analyse what is being done around the TFLS-supply chain nexus. Thus in constructing the inventory we relied on the *stated aims* of initiatives, that is, those initiatives which claim to address some form of TFLS in the context of supply chains.

¹³ Members of the International Advisory Board include: Anannya Bhattacharjee, International Coordinator for Asia Wage Alliance (India), Fathallah Omrani from The General Trade Union of Workers in Textile Garment and Clothing Industries Jordan, Jin-Sook Lee from Building and Wood Worker's International (Geneva, Switzerland), Leonardo Sakamoto from Repórter Brasil (Brazil), Laura Germino, Greg Asbed, and Steve Hitov from the Coalition of Immokalee Workers (CIW, US), and Andrews Tagoe from the General Agricultural Workers Union (GAWU) in Ghana.

¹⁴ For the purpose of this working paper, we show preliminary descriptive statistics based on the inventory of the initiatives (n=97). In case of interest, please contact the authors for further inquiries on methodology beyond the scope of this paper.

To illustrate the complexities of applying our criteria, we can share some of the decisions made. First, we decided to include initiatives which made explicit reference to Core Labour Standards as these include freedom from forced labour. Second, we decided to exclude initiatives focused on child labour unless there was a clear and explicit focus on forced labour because not all harmful child labour can be considered forced. The first decision erred on the side of inclusiveness while the second erred on the side of exclusiveness.

The final criterion, a focus on supply chains, was possibly the most challenging. Identifying initiatives which might fit this criterion and subsequently deciding upon whether the criterion was sufficiently met was not a simple task. While some initiatives are described as supply chain monitoring (SCM) or as addressing supply chain risks, many are couched in alternative language such as ethical trade, responsible purchasing, industry challenges, etc. In particular, we have chosen to include initiatives around labour recruitment *in supply chains* but not on initiatives which focus solely on intermediaries (and/or employers) rather than the supply chain these intermediaries feed into. We also decided to include a range of consumer awareness campaigns, institutional procurement policies and boycotts in as much as they are targeted at TFLS in supply chains. Finally, while the issue of demand in relation to prostitution and sex work is being analysed by our colleagues through research in another workpackage, supply chain interventions do not appear to characterise initiatives in this field.¹⁵ The remaining of this section presents the construction of the inventory, and the criteria for classification.

4.2 Classification and inventory construction

Our aim is to map this emerging field of action around the TFLS-supply chain nexus, in order to identify commonalities, divergences and trends. In doing so, our aim is to create a basis for further analysis which considers, on the one hand, the details of the initiatives and how they are being implemented and on the other, how they fit into wider political-economic and social contexts. The exercise yielded 97 initiatives which claim to address TFLS in or through supply chains.

We conducted desk-based research between November 2014 and May 2015, with a second round of revisions in the period April-May 2016.¹⁶ We formulated descriptive variables as the basis for the coding. The first step was an iterative process through which initial classifications were expanded as we became familiar with the range of initiatives. In classifying the initiatives, we considered the following questions:

- Does the initiative address only TFLS or is this one significant issue among others?
- Is the initiative focused on a particular scale – i.e., does it apply at a sub-national, national, regional or global level?

¹⁵ With the exception of the Global Business Coalition against Trafficking (gBCAT) which recognises sex trafficking together with forced labour in their work on supply chains. See: <http://www.gbcat.org/#about>

¹⁶ We acknowledge that in spite of efforts to create an exhaustive inventory of initiatives, and in spite of feedback from experts, we may have overlooked some initiatives, in part due to inherent biases of language and geography.

- Is the initiative focused on a particular industry or can it be applied in any industry?
- Which actors initiated (designed or launched) the initiative? An NGO, a trade union, a government, a business or group of businesses? Did the initiative evolve to include other actors in its implementation phase?
- What is the mechanism (or mechanisms) through which the initiative is meant to impact the problem?

This last question is worthy of reflection. In considering the question of *mechanisms*, we are exploring, *how* each initiative is meant to work. Given the diversity of approaches, this is a key area of analysis. The mechanisms necessarily depend on assumptions about the causes of the problem and/or about the power of different actors to intervene. In considering why one action, and not another, is taken in order to address the perceived problem, these assumptions begin to be revealed. The mechanisms therefore constitute part of an *intervention logic* or *logic of change* (see Vogel 2015).

Each initiative may involve *more than* one mechanism. Through our case studies, we plan to consider the *appropriateness* of these initiatives and their proposed mechanisms in the context of particular supply chains and particular places. It is important to keep in mind, however, that each mechanism relates to a single initiative – a law, policy, program, etc. But organisations, coalitions, governments, firms and other actors may see an initiative on TFLS in supply chains as fitting into a wider strategy. They may link the initiative to other work they carry out around, for example, responsible sourcing, economic justice, or work advancing the rights of women, migrants, and racialised peoples. The descriptive classifications we apply to the initiatives on TFLS in supply chains *do not* capture the ways in which they might form part of a larger campaign, plan, strategy or action plans. Thus any claims about *effectiveness* would depend in part upon the ways in which the initiative does or does not articulate with related efforts through campaigns, plans, strategies, etc., alongside the development of indicators to measure effectiveness of these.

With these caveats in mind, we identified the following underlying mechanisms:

- *Legal instruments (LI)*: sub-national and national laws as well as international conventions and protocols. We refer to instruments that aim to make the environment less favourable for forced labour to flourish through the establishment of laws, and at times, sanctioning elements. Examples here are the Protocol of 2014 to the Forced Labour Convention, and the UK Modern Slavery Act 2015 among others.
- *Supply chain monitoring (SCM)*: Under the rubric of ‘supply chain monitoring’ we are including corporate actions focused on identifying and responding to instances of TFLS in their supply chains. We include here steps towards the training of managers and line-managers and supervisors in issues of TFLS; auditing mechanisms (in their variegated forms); education; and due diligence activities, which are lately being framed as ‘risk management’ and ‘mitigation.’ Some of these initiatives emerge from companies themselves but others are being conducted under the auspices of programmes such as Better Work¹⁷.

¹⁷ See for example, the case of training supervisors in Haiti: <http://betterwork.org/global/?p=7124>

We note the high number of activities included under ‘supply chain monitoring.’ We group them here in as much as, like corporate codes of conduct, they operate through corporations and are largely voluntary. Thus they should be analysed in relation to other ‘private forms of regulation’ (Locke 2014 and others).

- *Employer guidance (EG)*: handbooks, guidelines, and principles produced to inform companies/management about their obligations and/or offer best practices. Employer guidance aims to assist employers in spotting TFLS (or risks of TFLS) in their supply chains as well as to become aware of and understand relevant international instruments.
- *Recruitment (RI)*: interventions focused on regularising or eliminating labour recruiters and/or addressing aspects of the recruitment process that could lead to situations of forced labour, in particular, vulnerabilities faced by migrant workers such as fees paid by workers to recruiters, and the potential of passport retention which restrict workers’ mobility. .
- *Consumer information/awareness (CI)*: Initiatives targeted to raise awareness in consumers of different products. These mechanisms try to raise awareness of and provide data to everyday consumers. They include software tools being developed such as the Walk-Free Slavery Footprint to allow consumers to engage with their ‘contribution’ to the problem by their purchases. There are also web-based platforms where consumers share information and are informed (or trained) about ethical consumption (for example, Buy Responsibly and the Ethical Shopping App).
- *Boycotts (BO)*: Actions aimed at boycotting specific products as a strategic step towards addressing TFLS. Boycotts typically target companies and/or products until a specific demand is met or change is implemented. For example, the Better Cotton Campaign aims to stop the use of child labour and forced labour in Uzbekistan. Boycotts may be stand-alone initiatives or may form part of a wider suite of tactics (e.g., protests, legal action) by which relevant actors such as companies and governments are targeted.¹⁸
- *Institutional Procurement (PR)*: policies on purchasing by government agencies, universities, international organizations, and other institutions or initiatives aiming to influence these practices. These mechanisms aims to influence the process by which public institutions and/or governments purchase goods or services from a third source. Although companies may refer to ‘procurement’ in reference to sourcing materials for their supply chains, we use institutional procurement here to refer to purchasing practices, mainly where organizations are acting as final consumers. Institutional procurement around TFLS is part of ‘socially responsible institutional procurement’ assuring that procurement rules address social issues in a more consistent way. In the case of the European Union, social procurement took on greater force after 2011 with the publication of ‘Buying Social’, a guide to include social

¹⁸ We address CI and BO as different strategies even though they relate to each other. Consumer information may enable individuals to make purchasing decisions. This may drive ethical consumption in which it is presumed that ethical production practices are rewarded (e.g., through ‘boycotting’) and/or unethical ones sanctioned through the workings of the market. Consumer information may also be used to start or spread boycotts. Boycotts, in turn, are *organized* campaigns targeting particular actors (e.g., specific companies). Boycotts typically *demand a particular condition or action*, with the boycott continuing (only) until this is *agreed to*.

considerations in public procurement.¹⁹ In the US, the Executive Order 13627 Protections against Trafficking in Persons in Federal Contracts is the prime example.

- *Disclosure (DI)*: mandates or policies to make information publicly available in relation to purchasing, supply chains and/or CSR. Here we have also included, where applicable, disclosure of those found responsible for TFLS. This mechanism requires companies to disclose public information in relation to suppliers. The California Transparency in Supply Chains Act²⁰ is currently acting as a model which other governments seem to be looking into. An associated tool is 'Know the Chain', a resource to promote greater transparency and dialogue around the issue of slavery in supply chains towards improving compliance with the California Transparency in Supply Chains Act. In the UK, the Modern Slavery Act includes a section on 'transparency in supply chains' (TISC clause). Under the Brazilian National Pact, the 'Dirty List' functions as a mechanism to 'name and shame' companies where forced labour was found in their supply chains.
- *Financial support from public bodies (FI)*: policies and programmes relating to subsidies, tax relief, etc. provided to businesses. Under certain circumstances, the provision of funds or subsidies to companies could be withdrawn if companies are found to fail in addressing TFLS in their supply chains. In Brazil, public and private banks have committed to suspending financial dealings with companies and individuals appearing on the 'Dirty List.'²¹
- *Alternative business models (AB)*²²: businesses/social enterprises within which concerns around sustainability or ethics forms part of the *raison d'être*. For example, Fair Trade standards include the prevention and elimination of forced labour, child labour and human trafficking as part of a wider set of sustainability criteria.
- *Investor/shareholder (IS)*: action using shareholding and investments as an instrument for influencing businesses and other economic actors. The socially responsible investing, shareholder advocacy either seeks to influence the actions of the companies that shareholders have ownership in and/or it seeks to influence companies through divestment.
- *Trade-related (TR)*: while we do not include general social clauses in bilateral and multilateral trade agreements in the inventory, specific policies related to import and export policies are here, e.g., bans of imports of goods made with TFLS.
- *Worker organising (WO)*: initiatives which include a focus on workers' collective action. The aim here is to enable workers themselves to participate in identifying and addressing forced labour.

In the next section, we present a preliminary analysis of the inventory.

¹⁹ See 'Buying social' at <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=978>

²⁰ See <http://www.state.gov/documents/organization/164934.pdf>

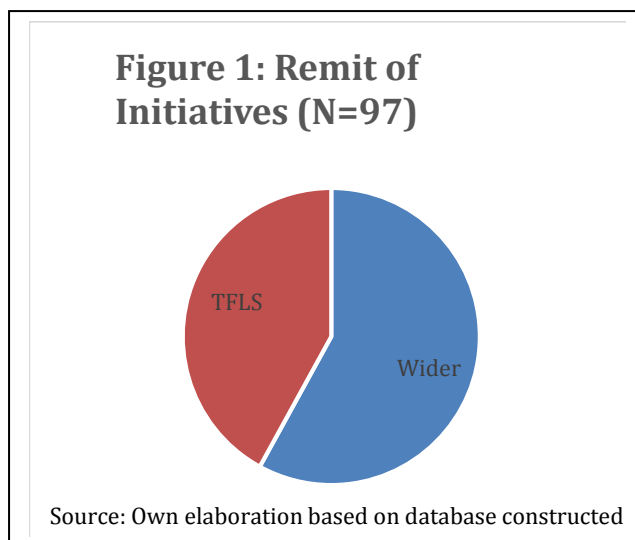
²¹ For example, see: <http://reporterbrasil.org.br/2013/07/brazils-dirty-list-names-and-shames-companies-involved-in-slave-labour/>

²² Note that we have generally excluded sale of products made by victims or potential victims of TFLS (see, for example, Shannon 2015), as they do not, in our view, meet the 'supply chain' criterion. The exception is one initiative which targets institutional buyers.

5 Analysis and Discussion

5.1 Analysis

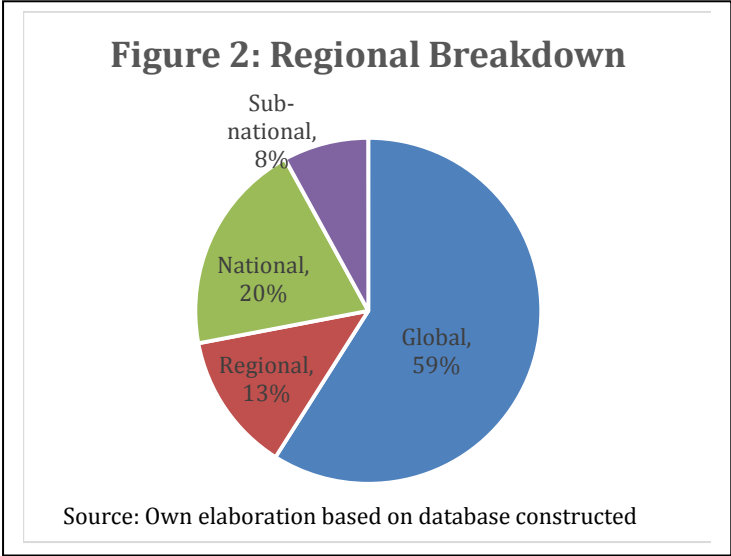
In this section, we present the preliminary analysis of the inventory of initiatives. We see TFLS establishing itself as a particular issue area in the more general domain of supply chain governance: 42% of initiatives (n=41) define their remit as 'TFLS' while 58% include it among a 'wider' set of issues (n=56), covering labour conditions and labour rights that go beyond TFLS (see Figure 1).



When it comes to the scale of the initiatives, 59% claim to be 'global' in scope. This does not come as a surprise taking into consideration the issues discussed above regarding dispersion and fragmentation of supply chains. In turn, 20% of initiatives are national, many associated with national government initiatives, such as those around procurement. There are also some notable initiatives such as the National Pact to Eradicate Slave Labour in Brazil. Regional initiatives account for 13% out of the total. These regional

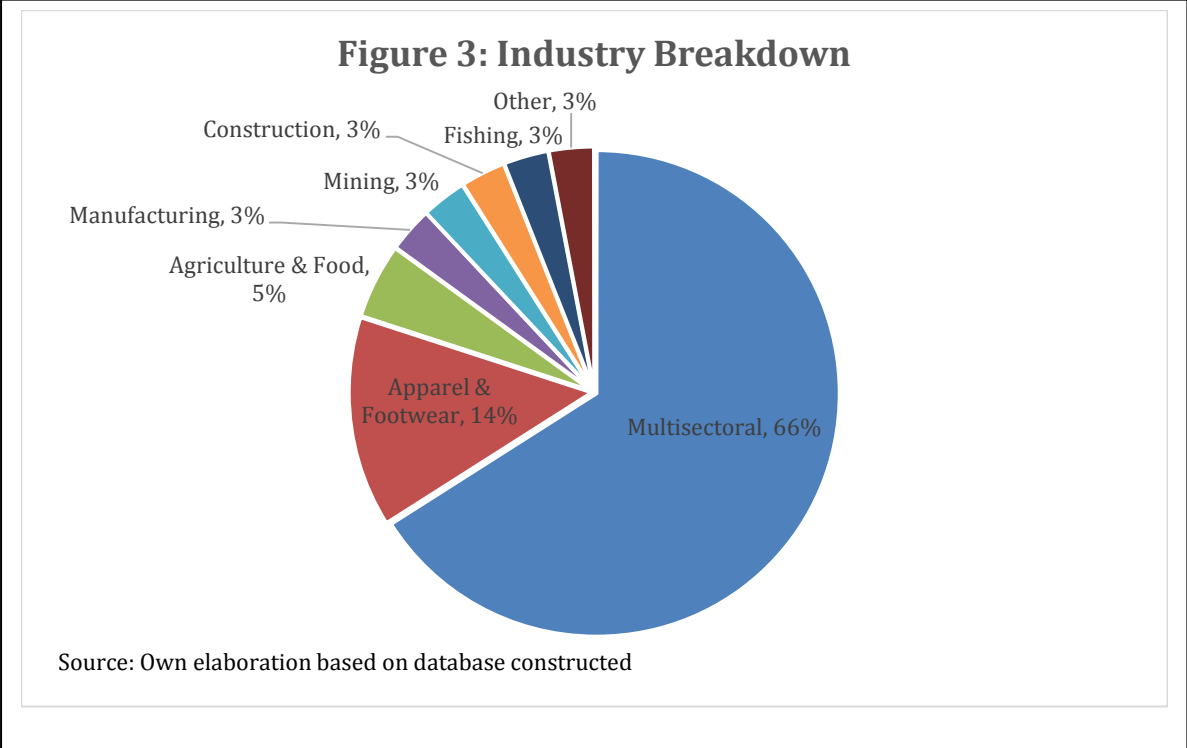
initiatives are particularly clustered in Asia and some are associated with the inclusion of CLS in the loan strategies of Regional Development Banks (see Ebert and Posthuma 2010). Sub-national cases represent those carried out in particular locations of countries, such as the Tamil Nadu Project conducted by the Ethical Trading Initiative (see Figure 2).

The industrial scope of the initiatives show that the wide majority (66%) cover various sectors, and this is linked to the important number of multistakeholder initiatives that span different industries and sectors. Apparel and footwear account for 14%, showing a slight predominance over the other sectors. We see the predominance of these industries as a legacy of the anti-sweatshop movement of the 1990s which began to challenge the logic of global sourcing by seeking to attribute responsibility for labour abuses in supply chains to the lead firms which exercise governance and sustain relatively high profits (Hale and Wills 2007).

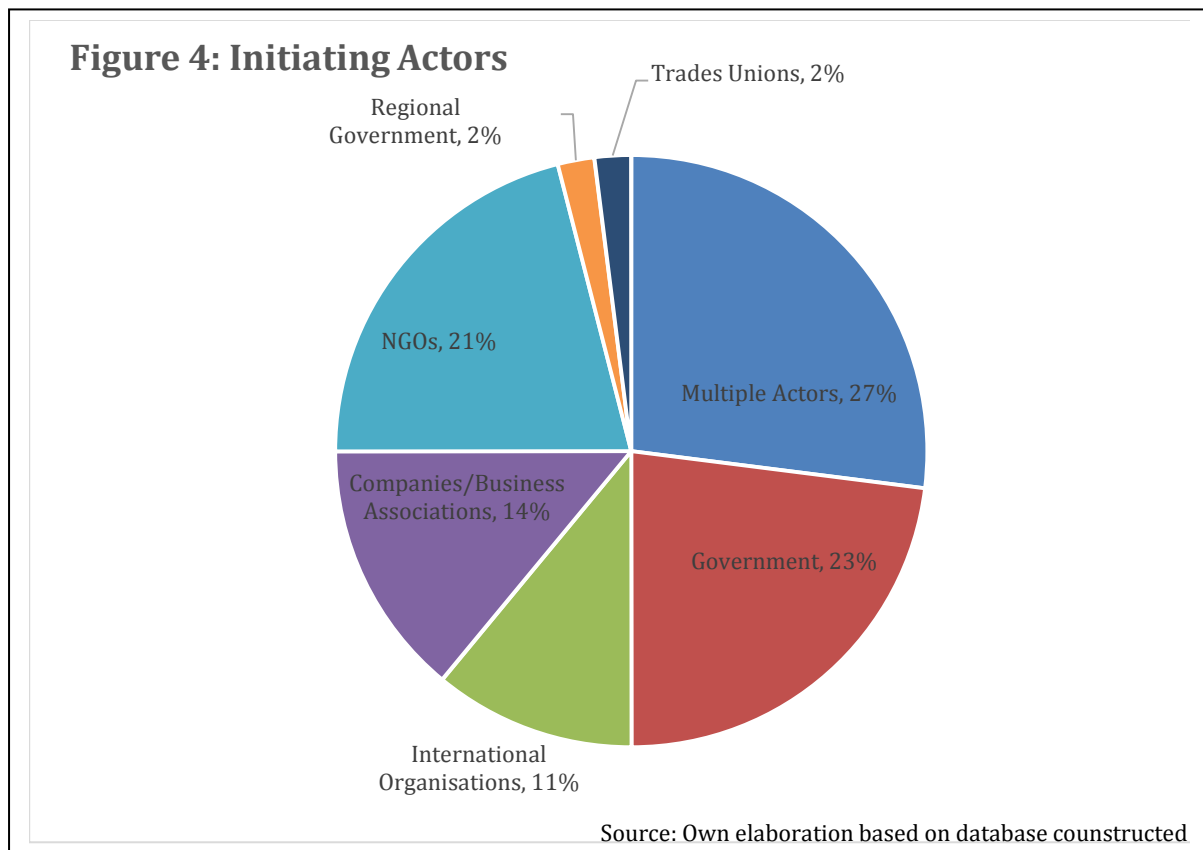


In order to understand the nature and the rationale of the actors behind these initiatives, we turn the analysis to those actors who initiate the initiatives and those who implement them. These are not the same in many instances. We find that the majority of initiatives (27%) have been initiated by more than one actor, that is a combination of companies, civil society (either NGOs and/or trade unions) and/or government actors. For example, the Cotton Campaign addressing forced

labour in Uzbekistan’s cotton industry includes union federations, industrial associations, NGOs and responsible investment companies. Our analysis further shows that 23% of initiatives have been started by governments. These include national and regional banks that have included CLS in their loan strategies (for example, the German DEG, the Netherlands Development Finance Company (FMO), the Danish Industrialisation Fund for Developing Countries (IFU), the NorFund from Norway, the Swiss SIFEM and the Swedish SwedFund to name a few). Government-initiated initiatives also include procurement and disclosure mechanisms, which have been a recent focus of legislation and policy in both the US and the UK.



NGOs initiated 21% of the initiatives in the database, and examples of these include Stop the Traffik Consumer Campaigns, the development of technological applications to trace ethical shopping such as Ethical Shopping App and Slavery Footprint (Made in a Free World Initiative). In addition, we see the US Labour-NGO Verité developing a Fair Hiring Website and Toolkit as well as a Supply Chain Accountability program. The Fair Food Programme and Anti-Slavery Campaign as developed and run by the Coalition of Immokalee Workers – a worker-based human rights organisation – are further examples.



As far as companies and business associations are concerned, 14% of the initiatives in our inventory found their origins within these set of actors. The most well-known example in the field of business and human rights is the Global Compact, whose labour principles 3, 4, 5, and 6 are based on the CLS. Further examples include the Global Business Coalition Against Trafficking (gBCAT) and sectoral approaches such as the Pharmaceutical Supply Chain Initiative and Responsible Jewellery.

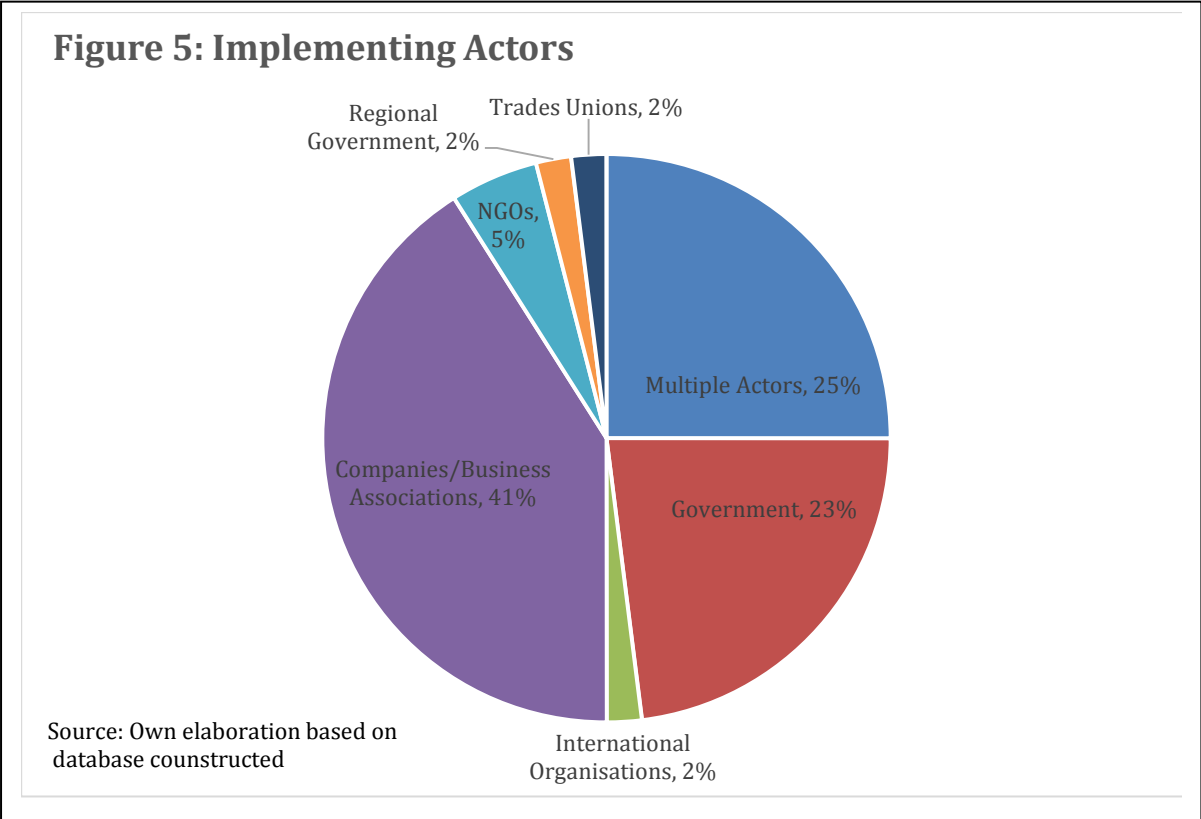
Other emerging business-led initiatives are beginning to address the issue of labour recruitment more closely such as the Hewlett Packard Migrant Worker Standard, and the Patagonia Migrant Worker Standards. Despite differences in application, both of these standards ban the payment of fees on behalf of workers to access employment in factories part of their supply chain. These initiatives are of particular note as the response to concerns

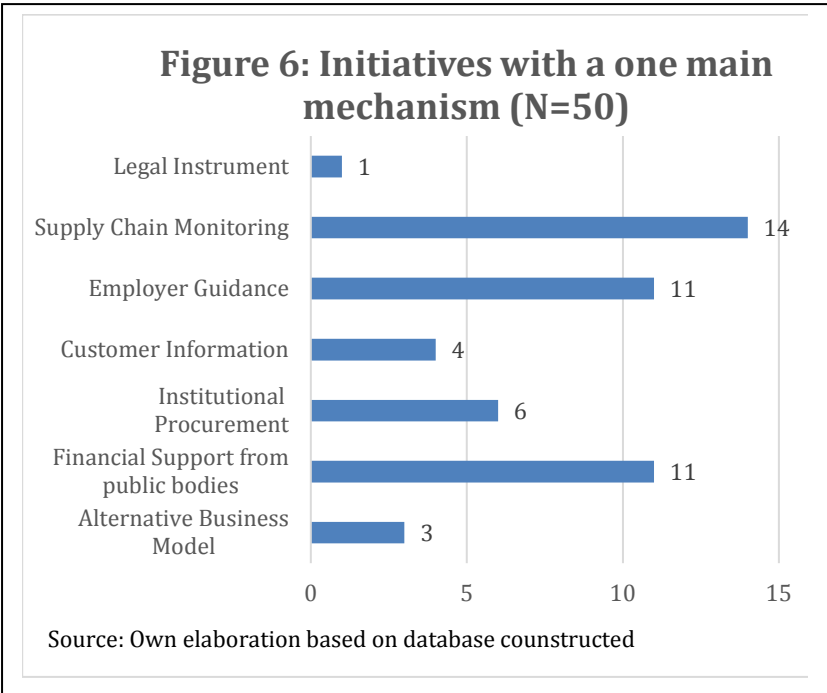
around TFLS appears to be expanding the boundaries of CSR to substantively include labour contracting and recruitment within supply chains.

International organisations initiated 11% of the initiatives. The ILO is positioned as a key organisation providing guidance, such as the recently updated handbook for employers published by the Special Action Programme to Combat Forced Labour (SAP-FL). The 2014 Protocol to the Forced Labour Convention is also significant here, in that it explicitly states that businesses have a responsibility to “identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked” (Beirnaert and Muskat-Gorka 2015). In addition, the 2011 UN Guiding Principles on Business and Human Rights (Protect, Respect and Remedy Framework) address forced labour as a ‘risk’ for the business community.

Trade unions have initiated only 2% of the initiatives in our inventory, although it should be noted that this does not capture the increasing incorporation of TFLS in International Framework Agreements (IFAs). The role of Building and Wood Workers’ International stands out with their campaigns targeting the Fédération Internationale de Football Association (FIFA) and world sporting events. Despite the low representation of trade unions as unique initiating actors in the inventory, they do form part of a number of multi-stakeholder initiatives with other civil society actors, like NGOs.

Another important aspect of the analysis refers to the actors that are implementing the initiatives – which actors are running the program or applying the policy, as this may differ from those who instigated it or set it up. Data from our inventory shows that companies are to some extent directing the development of this emerging field of TFLS governance in the context of supply chains (41%). Other initiatives are implemented by multiple actors (24%) among which companies are also involved in some of the initiatives (e.g., Made in a Free World, Better Cotton Initiative and the International Cocoa Initiative). Governments implement 23% of the initiatives in our inventory while the remaining initiatives are implemented by nongovernmental organisations and other actors.

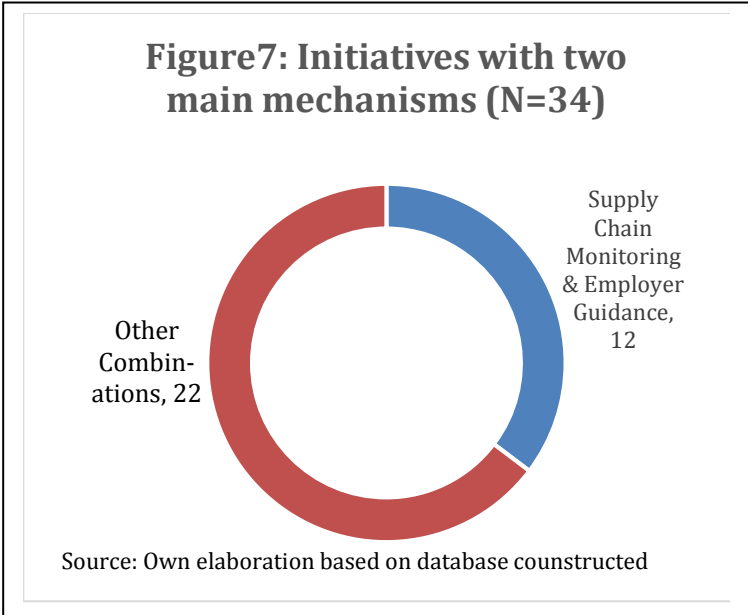




Our last dimension for analysis is constituted by the ‘mechanisms’ that characterise the initiatives. Each represents the ways in which the initiative is meant to impact on the problem of TFLS and they are therefore suggestive of the logics and assumptions underpinning the initiatives.²³ There are overlapping mechanisms characterising the initiatives, while the majority of initiatives fall under one category (52%) showing that there is a dominant mechanism that

characterises the initiative (see Figure 1). However, 35% of initiatives present two mechanisms, while 12% have a three-fold dimension, and only one initiative has a four-fold mechanism scheme: The Fair Food Programme together with the Anti-Slavery Campaign run by the Coalition of Immokalee workers. This is a comprehensive program of supply chain monitoring, worker organising, consumer information and awareness, and boycott strategies run with the Alliance for Fair Food that has been developed over a number of years.

We observe significant activity around supply chain monitoring (SCM), as well as employer guidance (EG). In addition, most initiatives that fall under the category of supply chain monitoring also present an important component of employer guidance. In our inventory, 34 initiatives have two main mechanisms and out of this number, the pairing of SCM with EG is prominent, characterising 12 initiatives. The development of the initiatives we are analysing is being accompanied by the emerging field of ‘training in issues pertaining to modern slavery’. Examples include the



²³ Please see section 4.2 for a detailed explanation of the mechanisms and their coding decisions.

International Centre for Parliamentary Studies, Source Intelligence, TRACE –Anti-Bribery Compliance Solutions²⁴, Professional Security²⁵, and the University of Delaware's online short courses on addressing slavery in supply chains.²⁶ In a similar fashion, the issue of compliance and harmonization with disclosure legislation is spurring the development of TFLS consultancy - individuals and/or companies that provide services to companies around analysing, addressing and reporting on TFLS in the context of SCM.

5.2 Discussion

As discussed above, the complex ways within which labour relations and working conditions are governed within supply chains are intricately tied up with practices associated with TFLS. The realities of fragmented and dispersed production through these often long and complex supply chains may be understood as implying two kinds of responsibility for addressing the TFLS-supply chain nexus: the benefits which may be received as a result of highly exploited labour on the one hand, and on the other the potential to have impact through supply chains. Here we have therefore attempted to map the field of initiatives which claim to address the TFLS-supply chain nexus. In addition to the incorporation of CLS into corporate codes of conduct, bilateral and multilateral trade agreements, International Framework Agreements between multinational companies and international trade union organisations, and social certification schemes, we have identified 97 initiatives which explicitly address the TFLS-supply chain nexus. We have sought to classify these initiatives in order to map this growing field of activity.

Some initial observations can be made from the construction of the inventory and coding of the initiatives. First, much of the activity around the TFLS-supply chain nexus reflects the incorporation of TFLS into CSR and supply chain monitoring. This incorporation is taking place in a number of forms and from a number of angles. It includes declarations of responsibility and commitment to addressing the TFLS-supply chain nexus through corporate policy changes (including codes of conduct and supplier contracts), industry coalitions, multi-stakeholder pledges, social certification, etc. It also encompasses guidance (through handbooks, trainings and consultancy) on definitional issues, identification of risks, potential liability, and implications for adapting monitoring and auditing practices. Thus within the spheres of CSR and supply chain monitoring, the identification of (risks of) TFLS within supply chains is seen as a challenge to be taken up, with implications for what if any changes are seen as required in the corporate sphere.

Many of the initiatives we identify place TFLS within a wider remit of addressing labour and social issues within supply chains. In some cases, this may represent a 'watering down' of attention to the issue, with language around TFLS simply added to existing policy without fundamentally changing practice. But in many cases, this represents an understanding that the TFLS-supply chain nexus is not isolated from wider questions around working conditions, employment standards and labour relations. Additionally, the question of how far down a supply chain CSR should (or can) go has been debated in relation to working conditions generally, and this debate also applies in relation to concerns around TFLS.

²⁴ See http://www.traceinternational.org/blog/220/Human_Trafficking_in_Supply_Chains

²⁵ <http://www.professionalsecurity.co.uk/news/training/forced-labour-training/>

²⁶ See <http://www.udel.edu/srsb/slavery/>

However, there are some ways in which concerns around TFLS in supply chains may be contributing to changes within the CSR and supply chain monitoring fields. We note, for example, that within the context of specific concerns over TFLS in supply chains, CSR's supply chain remit is perhaps being pushed to include recruitment and labour contracting. Some initiatives (e.g., Phillip Morris' Agricultural Labour Practices Program; C&A Foundation's Tamil Nadu project) have also steered lead firms towards engaging with social development issues and/or training in locations that workers within supply chains are recruited from and/or where they work. Thus while CSR and SCM attempt to incorporate concerns over TFLS in supply chains and thus on the whole are subject to existing critiques of CSR, addressing TFLS may trigger other changes in remit and practice.

Much of the activity around the TFLS-supply chain nexus has been formulated as 'global' and applicable to multiple or all industries. In spite of the 'global' forces at play, we believe that is important for responses to take into account the specific nature of the industries within which TFLS is identified or seen as a risk. Similarly, responses should take account of the specific places within which production takes shape and from which workers are recruited. This is necessary in order to attend to the power relations within political, social, economic and industry contexts which may contribute to – or provide an opportunity to address – practices associated with TFLS. In practice, many 'global' and universal initiatives are carried out in particular locations and industries so the divide may not be as stark as our coding suggests. Further research and evaluation might consider these questions of scale and scope for particular initiatives.

In terms of the (potential) roles of particular actors, institutional procurement seems to be a nascent area of activity. As major purchasers, governments and other institutions have an important tool for influencing corporate practice. There are questions around how this will play out in relation to long, complex supply chains in which lead firms frequently claim incomplete knowledge of all suppliers. Whether the effectiveness of institutional procurement is inherently limited as a result, or whether it might contribute to pushing for greater traceability and transparency will be an area to monitor.

While TFLS is, as mentioned above, increasingly referenced within trade agreements and our inventory shows that policies on development lending have increasingly incorporated concerns around TFLS, these are not the only sources of support offered by public actors to business. Many other government and multilateral agencies offer a variety of subsidies and incentives and it is unclear whether TFLS is being accounted for in the decisions around providing such support. In an analogous fashion, investors may have a greater role to play in influencing the direction of corporate policy and practice by building upon concerns around liability and risk but going beyond these to take an ethical stance which also seeks opportunities to create positive change.

Finally, as suggested in the analysis above, few initiatives appear to be premised on a role for labour organising and mobilisation. The reasons for and implications of this fact deserve further scrutiny. This may be mitigated by the inclusion of TFLS in International Framework Agreements, another area for future research.

Similarly, while the structure of our inventory and analysis may downplay the interaction among some initiatives and the actors carrying them out, we are left with the impression that there is more work to be done in formulating, developing and implementing comprehensive, multi-faceted strategies which target different aspects of the TFLS-supply chain nexus. This may require time for some of the programs and policies to mature and expand but it is also dependent on a commitment to continually acknowledging the limitations of interventions and working to address these limitations.

6 Future Directions

The construction of an inventory of initiatives and the preliminary analysis of this inventory described above has served to map the known field of activity emerging around the TFLS-supply chain nexus. We have made some initial observations around the most common characteristics of these initiatives and the implications for understanding the ways in which the TFLS-supply chain nexus is being addressed by a variety of actors. In order to strengthen our analysis, we plan to identify whether particular initiatives might fall into logical groupings, i.e., whether similar patterns of characteristics emerge (such that particular scales, scope, actors and mechanisms tend to be associated). We therefore plan to carry out cluster analysis to identify any such groupings and analyse the results to create a meaningful typology.

As we have stressed above, this mapping exercise has been a preliminary task which is meant to serve as a knowledge base for further research. In order to contribute to this, we have also carried out fieldwork on three selected case studies. These aim to begin exploring the way that some of these initiatives take shape and play out on the ground. Our three case studies involve initiatives to address TFLS within the electronics industry in Malaysia, the construction industry in Qatar and the agricultural sector in the US. Qualitative data collection and analysis will begin to illuminate these varied industry and geographic contexts within which TFLS has been identified, and how efforts to address the issue are beginning to be implemented within these contexts. In these three cases, we hope to learn something about the application of the initiatives and how their formally stated aims and structure(s) may be challenged or transformed.

It is important to highlight again that this is the first attempt to identify the scope of the TFLS-supply chain nexus and analyse it. Part of the analytical work we carried out was deciding upon inclusion/exclusion, the categories of analysis and the classification into these categories. There may be variety among a group of initiatives coded similarly and this may be worth exploring for the large number of initiatives coded as SCM. There is further variety where initiatives have been coded similarly for at least one category but not all. Brazil's 'Dirty List,' for example, publicly naming those held responsible for 'slave labour,' is quite different from the requirements to disclose action to address trafficking and slavery in supply chains found in the California Transparency in Supply Chains Act and the UK's Modern Slavery Act, both examples of 'disclosure' initiatives.

We have as far as possible refrained from evaluation of the initiatives. Even where we have offered reflections on the mechanisms by which initiatives are meant to work, these are

dynamic. And even seemingly minimal initiatives may be used as tools by other actors: class-action lawsuits filed by consumer rights firm Hagens Berman, for example, seek to take advantage of and perhaps strengthen the interpretation of the California Transparency in Supply Chains Act (Reuters 2015). On the other hand, any of these initiatives may be used for purposes other than the intended ones, for example where concerns around TFLS are used as a pretext in trade disputes or for protectionist purposes.

Finally and most fundamentally, the task of focusing on initiatives which explicitly set out to address the TFLS-supply chain nexus may detract attention to the wider field of policy, regulation and social movements within which concerns around TFLS emerge (or fail to emerge). We strongly believe that labour regulation, the international trade regime, worker organising models, migration policy, and a host of other political-economic and social factors structure the conditions within which the TFLS-supply chain nexus is situated.

It has nonetheless been important to take on the task of mapping this emerging and rapidly growing field of activity around the TFLS-supply chain nexus in order to set the context for detailed qualitative analysis. Such analysis would draw out the differences as well as the connections between these diverse initiatives within the wider political economies within which they are being developed. We see our research as only a first step in fully understanding this emerging, growing and changing arena of activity. Much more work remains to be done around the ways that these initiatives interact with broader policies and regulation (both public and private), how the initiatives might compare and contrast with each other, whether particular interests are at stake in promoting certain types of initiatives over others, how the initiatives change through the process of implementation, and – not least – what impact the initiatives have on practices associated with TFLS and the wider field of labour relations and working conditions.

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