

Labour Market Intermediaries and the Incident of Forced Labour

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Structure

- 1) Research Subject
- 2) Research Context
- 3) Research Questions
- 4) Methodology
- 5) Preliminary Findings
- 6) Conclusion

Research Subject

- The link between labour market intermediaries (LMIs) in UK horticulture (gangmasters) and forced labour.
- In 1997 ILO Convention 181 established LMI); Autor (2009) defines LMIs as: “[...] entities or institutions that interpose themselves between workers and firms to facilitate, inform, or regulate how workers are matched to firms, how work is accomplished, and how conflicts are resolved.”(2009, p. 1).
- Since then LMIs have proliferated in a variety of forms (headhunters, brokers, temporary staffing agencies, etc.); One particular form are gangmasters.

Why may Individuals Rely on LMIs to find employment?

- i) language issues; and, ii) lack of labour market knowledge in the destination country.
- As such LMIs may indeed be both facilitating labour migration as well as participation in development. However, this is a best case scenario. In the worst case scenario LMIs act fraudulently and engage in forced labour.

Gangmasters in UK Horticulture

- Not novel, already existed in the late 19th century and reappeared since the 1990s (Strauss, 2013).
- Popular labour suppliers in horticulture because of what Rogaly (2008) calls “agriculture’s particular relationship”;
- “Particular relationship” makes the maintaining of a constant labour force not attractive; hence, growers tend to rely on labour supplied by gangmasters.

Who tends to be recruited in UK horticulture?

- Jobs in agriculture / horticulture qualified as low-skilled jobs; follows assumption that workers probably have low degrees of education.
- Not necessarily true as until 2008 the Seasonal Agricultural Workers Scheme (SAWS) only open to students from Ukraine, Bulgaria, Russia, Romania, Belarus and Moldova. In 2008 SAWS opened up to nationals from Bulgaria and Romania.
- As such, assumption that workers in UK agriculture tend to be from abroad. Correct in many cases; nonetheless still some few cutting gangs that are made up by British nationals.

Why does the majority of workers tend to be labour migrants?

- Several interviewees claimed that i) lack of required work ethos; ii) benefits are too high; and, iii) work in horticulture does not live up to present work expectation (e.g. working in office space, regulated working hours).
- Contrast these claims with findings by Rogaly (2008) that rise in employment of labour migrants due to intensification of horticultural production resulting from ongoing process of retail concentration, greater availability of migrant labour and state managed immigration initiatives....
-as well as by Findlay et al (2013) that recruitment agencies are key in shaping migration geographies by perpetrating the image of the 'ideal migrant worker'.

Illustrations – Labour and Product Supply Chains

Figure One: The Basic Labour Chain (Gordon, 2015)



Figure Two: A Basic Product/Supply Chain (Gordon, 2015)

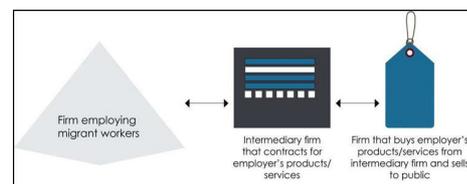
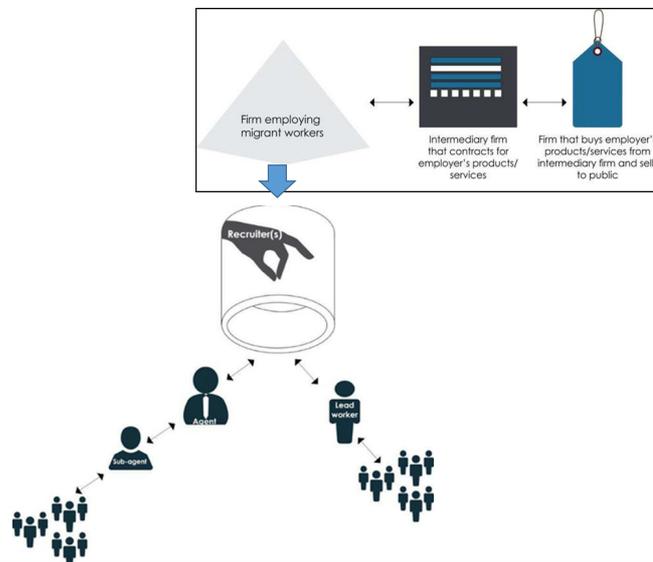


Figure Three: Integrated Labour / Product Supply Chain (Gordon, 2015)



Forced Labour in Horticulture

- Incidents of forced labour as result of employment by gangmasters in the UK well documented (Lawrence, 2016; Lawrence, 2016a; Lawrence, 2015; Norfolk Constabulary, 2013; Lawrence, 2012).
- The Forced Labour Convention (1930) (No. 29) defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. In June 2014, the Forced Labour Convention has been supplemented by both Protocol 29 and Recommendations R203 to include labour trafficking and slavery-like practices.

Forced Labour – A Criminal Act, A Structural Economic Problem or Both?

- Several Laws criminalising forced labour / human trafficking / forms of modern slavery.
- Since 2000s acceleration in scholarship on criminalising human trafficking (HT) in general; HT for labour exploitation picked up later than HT for sexual exploitation (ICMPD, Eurofound, EUFRA). Also gender question to some extent.
- Focus on forced labour as a criminal phenomenon at the expense of addressing underlying structural economic causes (Gordon, 2017).

Research Context

- Theoretical Framework: global value chains (GVC) and global production network (GPN) analysis;
- Value chains may be governed in five different ways (Gereffi et al 2005);
- The agricultural value chain is a so-called captive value chain (Gereffi et al 2005).

Global Production Network Analysis

- Ernst and Kim (2001) define GPNs as a combination of “concentrated dispersion of the value chain across firm and national boundaries, with a parallel process of integration of hierarchical layers of network participants” (2001, p. 1);
- GPN approach useful because of i) incorporation of non-traditional actors, such as LMIs; and, ii) analysis of both vertical and horizontal linkages between firms and non-traditional actors (Sturgeon, 2000).
- GPN approach irones out the shortcomings of the global value chain approach.
- Horticulture is a super market supply chain as well as a value chain. LMIs play a crucial role in supplying growers with labour. Hence looking both at the management of the product supply chain and problems of the human supply chain.

Research Questions

- i) what is the role of LMIs in global production?;
- ii) how may gangmasters supply labour in conditions of forced labour?; and,
- iii) how are these conditions rendered durable and institutionalised?

Subquestions: Did LMIs / gangmasters play a vital part in supplying Romanian workers into conditions of forced labour in UK horticulture before / after 2014?

If so, what kind of gangmaster (registered one versus unregistered) engaged in this activity?

Methodology (1)

- Case study approach – Romanian labour migrants that have been placed in UK horticulture via a gangmaster;
- +50 semi-structured interviews carried out between June and September 2016.
- Vulnerable workers will not be interviewed because of difficulty in locating them.

Participant Groups

Monitoring bodies (M Group)	Health and Safety Executive; Gangmaster Licensing Authority, Labour Provider Alliance
Victim Support Organisations (S Group)	Focus on Labour Exploitation and the Salvation Army in the UK as well as Caritas and ADPARE in Romania
Gangmasters (R Group)	In Boston and Peterborough, Lincolnshire; Bucharest and Iasi, Romania
Workers' Organisation (W Group)	Trade Union Congress; UNI Global Union; International Trade Union Confederation
Employers' Organisation (E Group)	British Growers' Association; Alliance of Labour Providers; National Farmers' Union
National Experts (N Group)	UK Home Office Modern Slavery Section; UK Migration Advisory Committee; National Agency Against Trafficking of Persons; Labour Inspectorate

Methodology (2)

- Answers will be analysed by following Mayring's (2000) qualitative content analysis.
- Data gained from interviews will be triangulated with data obtained from reports, news coverages and academic contributions.
- Anticipated Challenges include: i) lack of willingness by potential interviewees to participate in my research – the case of gangmasters; ii) risk of untrue accounts.

Preliminary Findings

- None of interviewees linked cases of forced labour to now defunct Seasonal Agricultural Workers Scheme; hence, deduction that forced labour occurs at the hand of gangmasters outside this scheme.
- These gangmasters may, or not, be licensed (BBC, 2015). Interesting fluid status (regular / irregular) of workers.
- Institutional failings because of financial constraints (GLA), lack of political will (legislation), lack of awareness (Romanian Labour Inspectorate, ALP).

Cont´d

- Interviews with growers and farmers representatives evidenced that farmers and growers under great pressure from supermarkets to produce goods according to strict quality, price and time criteria.
- Hint that contracts between supermarkets´ suppliers and growers / farmers not necessarily long-term; as such, competition is held up resulting in price dumping.
- This finding refers to Kim and Frenkel (2004) theories of transactional vs relational contracting.

Cont´d

- Audits not a succeed or fail test, but rather a status quo strategy (LeBaron and Lister, 2015). May point to a long-term working relationship. However, significant problems of eclectic auditing systems.
- Assumption that lead firms do not know, or are powerless regarding, what happens down the chain not validated; some initiatives such as Mark and Spencer´s Ethical Sourcing Unit show that supermarket can indeed

Conclusion

- Need to address forced labour a structural economic problem.
- Protection of labour migrants, seasonal ones in particular, an on-going issue.
- Laws are moving forward in the field of tackling forced labour in supply chains (see California Act and 2015 Modern Slavery Act) and improving; however, still a long way to go as, despite advancement, major legislations not yet effectively addressing forced labour.

Thank you