**Submission to the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences**

*UNGA 79*

*Submitted by the York Centre for Applied Human Rights*

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**About the York Centre for Applied Human Rights:**

The York Centre for Applied Human Rights (CAHR)[[1]](#footnote-2) is a research and teaching centre focusing on interdisciplinary human rights practice. This submission was written by International Human Rights Law and Practice (LLM) students at the University of York, supervised by CAHR staff. Its purpose is to inform the UN Special Rapporteur on Contemporary Forms of Slavery on the role of Trade Unions and Workers’ Organisations (**TUs/WOs**) in preventing contemporary forms of slavery (**CFoS**).

**Scope:**

TUs/WOs are intrinsically tied with the upholding of human rights and are indispensable in preventing CFoS, as membership provides workers protection from this abuse. This submission aims to inform on how TU/WOs operate in practice to protect workers from CFoS, collaborate with civil society organisations and governments, and utilise pressure tactics to implement change to workers’ rights. The information was obtained from a combination of secondary sources and 14 first-hand interviews and survey responses of TU/WO organisers. This submission will examine this topic in four regions (Europe, the Middle East and Africa, Asia Pacific, and the Americas).

**Good practices:**

Pressure tactics for legislative change.

States’ continual ratifications of pivotal treaties pertaining to CFoS demonstrate legislative advancements globally.[[2]](#footnote-3) Regionally, TUs have contributed to shaping the policy on the EU ban on forced labour goods in the UK.[[3]](#footnote-4) The union UNISON, in partnership with the Corporate Justice Coalition, formed part of a human rights environmental due diligence coalition campaign[[4]](#footnote-5) in the UK that has led to the Commercial Organisations and Public Authorities Duty (Human Rights and Environment) Bill”[[5]](#footnote-6) being put forward. This proposed legislation would go beyond any existing human rights due diligence legislation in Europe.[[6]](#footnote-7)

The English Collective of Prostitutes (ECP)[[7]](#footnote-8) is a sex worker organisation, campaigning for decriminalisation of sex work through legislation policy campaigns and fighting to change obsolete, harmful laws. This includes the Online Safety Act 2023,[[8]](#footnote-9) which criminalises online advertising, reportedly pushing sex workers into dangerous street work.[[9]](#footnote-10)

In Africa and the Middle East, TU campaigns in Sierra Leone led to legislative changes[[10]](#footnote-11) mandating a 30% female workforce quota and 14 weeks of maternity leave.[[11]](#footnote-12) Campaigns by the Palestinian General Federation of Trade Unions (PGFTU)[[12]](#footnote-13) have contributed to an increased minimum wage by the Palestinian Authority, [[13]](#footnote-14) in line with ILO recommendation 135 of 1970.[[14]](#footnote-15)

Legislative change was pushed for by the Maldives Trade Union Congress, [[15]](#footnote-16) including the enacting of an Industrial Relations Bill[[16]](#footnote-17) allowing for a legal mechanism for collective bargaining concerning workers’ protections, in line with the 8 core ILO conventions.[[17]](#footnote-18) Similarly, the EPZ Labour Act 2019 passed in Bangladesh,[[18]](#footnote-19) along with a National Action Plan,[[19]](#footnote-20) was aided by TUs and WOs in compliance with the ILO conventions 138[[20]](#footnote-21) and protocol 29.[[21]](#footnote-22)

Promotion of worker rights.

In Jordan, efforts to raise awareness of female workers’ rights regarding work-based violence and harassment have occurred through the establishment of a Legal Awareness Centre within the General Federation of Jordanian Trade Unions[[22]](#footnote-23) and collaborations with the ILO to seek a Participatory Gender Audit.[[23]](#footnote-24)

In Sierra Leone, the evolution of the Domestic Helpers Organization into the broader Informal Workers Organization (IWO)[[24]](#footnote-25) expanded its focus to encompass marginalised workers, including trafficked migrants, in addition to addressing gender-based violence and discrimination.[[25]](#footnote-26) Our primary research highlights effective TU practices in Europe, where education campaigns are employed to promote workers' rights and extend beyond conventional boundaries.[[26]](#footnote-27)

In the Americas, The *Confederación General del Trabajo de la República Argentina* (CGTRA) equips vocational training institution staff to aid immigrants and refugees through document regularisation, educational credential validation, and acknowledgment of specialised skills.[[27]](#footnote-28) In our discussion with the Canadian Labor Congress (CLC), the Agri-Food Pilot Program was highlighted, which transitions temporary non-seasonal migrant workers in the agriculture and agri-food sector to permanent residency so they can enjoy and exercise the same labour rights and employment standard protections as Canadian citizens.[[28]](#footnote-29) CLC’s pilot project provides undocumented construction workers a pathway to transition to permanent residency, addressing the vulnerable position due to a lack of immigration status.[[29]](#footnote-30)

According to Chile's periodic report, the Trade Union Training and Collaborative Labor Relations Fund have provided for the growth of collaborative labour relations, social dialogue promotion, and training.[[30]](#footnote-31) Recently, Argentina has implemented a variety of policies and processes to improve working conditions for domestic workers. The *Unión Personal Auxiliar de Casas Particulares* (UPACP) has created a website offering video guides for domestic workers on subjects including labour rights, equal pay, freedom of association and an exact wage categorisation system compliant with current laws.[[31]](#footnote-32)

Provision of protective services for workers.

TUs/WOs have rendered protective services to workers due to deficiencies in State provisions. ECP facilitates navigation of the trafficking and modern slavery system (NRM)[[32]](#footnote-33) and signposts workers to legal aid lawyers for immigration asylum claims, alongside piloting a scheme in Wales to provide financial support to sex workers seeking to exit the profession.[[33]](#footnote-34) UNISON has a welfare fund, providing emergency financial support for its members and for workers to access a limited amount of free legal advice.[[34]](#footnote-35) In a CESCR summary meeting, a state representative of Qatar mentioned that domestic workers could lodge complaints regarding non - payment of wages via an electronic platform.[[35]](#footnote-36)

The ITUC has launched a Migrant Worker “Recruitment Adviser” Platform, operating in Hong Kong, Indonesia, the Philippines and Sri Lanka, which aims to eliminate “unscrupulous recruitment practices” and CFoS through facilitating dialogues via “peer-to-peer” reviewing.[[36]](#footnote-37) In our correspondence with Mr. Alex Ong, a representative for Indonesia’s Migrant Care Branch, it was stated that the union branch promotes the education of migrant workers’ children in destination countries.[[37]](#footnote-38) Additionally, in our interview with Women’s Centre Sri Lanka[[38]](#footnote-39) and another anonymised union operating in Sri Lanka’s EPZ,[[39]](#footnote-40) the legal advice and counselling services offered in the highly guarded EPZ region was emphasised. [[40]](#footnote-41)

Inspections.

As a result of coordinated efforts with the National Register of Agricultural Workers and Employers (RENATRE) and other TUs, the labour inspectorate services discovered 26 incidents of labour exploitation in the agriculture sector, involving 222 workers between July 2020 and July 2021 in Argentina.[[41]](#footnote-42)

Collaborations with other stakeholders.

Collaborative initiatives between embassies and TUs and NGOs in worker information programmes have educated migrant workers on their labour rights.[[42]](#footnote-43) ACTRAV’s programme on Trade Unions in Transformation which “focusses on bolstering the capacity to analyse and understand the new realities in the world of work”[[43]](#footnote-44) demonstrates positive collaboration with various stakeholders.

TUs and the ILO have collaborated in implementing legislation into their domestic laws to protect victims of CFoS,[[44]](#footnote-45) including the Vietnamese Law on Contract-Based Vietnamese Workers in 2020[[45]](#footnote-46) and the recruitment advisor global platform mentioned previously, which enforce ILO Convention 181.[[46]](#footnote-47) Solidarity Centre[[47]](#footnote-48) and TU collaboration in the Asia-Pacific region have led to engagements in social dialogues on labour migration, including ILO conventions 97,[[48]](#footnote-49) 143[[49]](#footnote-50) and 189.[[50]](#footnote-51)

In our correspondences with 8 TUs/WOs in the Asia-Pacific region, commonalities between good practices included collaborations with the ILO and the Experts on Application of the Convention[[51]](#footnote-52) and the UN (including advocacy around the UPR and submitting to working groups on discrimination against women).[[52]](#footnote-53)

As stated in the periodic reports of Panama,[[53]](#footnote-54) the number of minors working in child labour has decreased due to long-term initiatives that have now been formalised in state policy. These initiatives have made it possible to place minors in projects and programmes created by the government, public and private sectors, TUs, and civil society to decrease child labour practices.[[54]](#footnote-55)

The Report of the Working Group in Honduras indicates that the rise in TUs and constructive dialogue between employers and unions in the maquila sector has resulted in some improvements.[[55]](#footnote-56) A periodic report from Chile reiterates that the Trade Union Training and Collaborative Labour Relations Fund, established in 2021, offers training, social dialogue promotion, and collaborative labour relations development. It has run 20 TU leadership and 19 women's leadership programs, and 19 courses for small enterprises, training 2,372 individuals in 2020.[[56]](#footnote-57)

**External challenges:**

Non-recognition of union rights.

The failure to ratify treaties, implementing a domestic legal framework that ensures union recognition and the refusal of States in recognising TU/WO rights was a commonality between the regions.

In the MENA region, the Kafala system, present in 7 states, excludes migrant workers from TU activity (88% of the UAE’s workforce).[[57]](#footnote-58) The only country in the Gulf to have reformed this practice significantly is Qatar[[58]](#footnote-59) through legislation including the cancelling of exit permissions.[[59]](#footnote-60) This achievement owes itself significantly to the concerted efforts of global TU campaigning and advocacy, bolstered by collaborations with the Qatari Government. Notably, through joint inspections made by the Building and Wood Workers’ International[[60]](#footnote-61) and policy change efforts by the International Domestic Workers Federation.[[61]](#footnote-62)

Legislative restrictions are highly prevalent in the Asia-Pacific region, which experiences 59% of the world’s CFoS.[[62]](#footnote-63) Out of 6 ILO members which have not ratified ILO No.29, 5 are in this region.[[63]](#footnote-64) The region experiences heinous abuses of workers’ rights, making CFoS rampant and victims vulnerable. [[64]](#footnote-65)

According to the ILO country reports of Colombia, the Committee observed with great concern that the country's violent anti-union situation is still being reported by the ITUC, CUT, and CTC.[[65]](#footnote-66) There are substantive restrictions on the right to strike and obstacles to the registration of TUs in El Salvador.[[66]](#footnote-67) TUs in 76% of countries within the Americas experienced a right violation of collective bargaining.[[67]](#footnote-68)

In Burkina Faso, Chad, Guinea, Mali, and Sudan, workers’ civil liberties and freedoms are severely curtailed, offering extremely limited protections. Persecutions and arrest of TU leaders are mass spread in Zimbabwe, and workers are unable to effectively exercise their rights in Cameroon, Guinea-Bissau and Mauritania.[[68]](#footnote-69) Repressive laws were introduced in Algeria and Zimbabwe, curbing TU’s ability to operate.[[69]](#footnote-70)

Union busting.

Targeting union leaders through red tagging is commonplace in the Philippines[[70]](#footnote-71) and prominent in textile factories in Bangladesh that hire external groups to harass union members.[[71]](#footnote-72) Union busting occurs extensively, with cases occurring in NXP manufacturing in Thailand,[[72]](#footnote-73) Molex in Malaysia,[[73]](#footnote-74) Ansell Lanka rubber glove manufacturing in Sri Lanka[[74]](#footnote-75) and at the Viraj Steel plant in India.[[75]](#footnote-76) In correspondence with UNISON, it was highlighted that union busting enables CFoS to thrive as it deprives workers of their ability to collectively advocate for and safeguard their human and labour rights in the workplace.[[76]](#footnote-77)

Targeting of activists.

States actively shut down TU activity and target unionists in political campaigns during national instability. Examples include Myanmar after the 2021 junta coup[[77]](#footnote-78) and in Iran following the death of Jina Mahsa Amini.[[78]](#footnote-79) Following the National Security Law in Hong Kong, the HKTCU dissolved, with other TUs in the country under attack.[[79]](#footnote-80) In Afghanistan, following the Taliban takeover, the NUAWE were exiled, and remaining activists face death threats.[[80]](#footnote-81) In Türkiye and Belarus, union arrests are a prominent concern.[[81]](#footnote-82) Unionists have been murdered in 8 African States, including Eswatini and Sierra Leone.[[82]](#footnote-83) In Kenya, despite Freedom of Association being enshrined in the new constitution,[[83]](#footnote-84) the General Secretary of the Kenyan health union was violently attacked during a protest.[[84]](#footnote-85)

Disinformation against unions.

In the UK, there have been instances of media outlets labelling TUs as male – dominated spaces which limit the rights participation of women,[[85]](#footnote-86) despite empirical data consistently showing that union membership comprises 50% or more women.[[86]](#footnote-87) In Sri Lanka, an interview revealed that TUs operating within free trade zones are unjustly linked with nationalist factions by the state, despite their ongoing efforts to combat discrimination.[[87]](#footnote-88)

**Internal challenges:**

Insufficient funding and lack of resources.

Our primary research demonstrated this challenge, with the UK TU movement losing government funding for global solidarity and development cooperation activities and education services for its members following the election of the Conservative Party, though remaining self-sufficient from member fees.[[88]](#footnote-89)

Difficulties in unionising and organising.

According to OECD statistics, few countries in Latin America have union densities that exceed 25%.[[89]](#footnote-90) Caribbean countries scarcely reach 2.5 percent, while Brazil is at 11.2% and Mexico is at 12.4%. In Latin America, increases in informality and social inequality is an obstacle to the unionisation that consequently leads to its decrease.[[90]](#footnote-91)

Lack of representation.

TUs are arguably ill-equipped at combating modern slavery across various regions due to their limitations in representing certain categories of workers, which stem from the documented external and other internal challenges. In Europe and other regions, sex workers, often excluded from labour rights discussions, are marginalised and criminalised[[91]](#footnote-92) rather than recognis­ed as workers.[[92]](#footnote-93) Temporary and agency workers face barriers to unionisation, such as those under zero – hour contracts in the UK,[[93]](#footnote-94) leading to the issue of casualisation of work, which may reduce labour value and weakens labour rights.[[94]](#footnote-95) Our research has found that migrants, due to hostile immigration policies and lack of labour rights protections, were the most vulnerable to exploitation.[[95]](#footnote-96) TUs in Ecuador have a lack of social dialogue and in some rural areas are either non-existent or face significant impediments to membership in workers' organisations such as farmers' groups and cooperatives.[[96]](#footnote-97)

Political associations.

A commonality in the MENA region coinciding with the repression of TU rights is the banning of independent unions, observed by CESCR in Yemen[[97]](#footnote-98) and Jordan,[[98]](#footnote-99) wherein the HRC emphasised government controls of unions and limited democracy internally.[[99]](#footnote-100)

**Recommendations**

State recommendations.

* Support a labour rights-oriented approach to CFoS that empowers individuals, avoiding a victim-centric approach that may exacerbate hostile immigration policies and heighten the risk factors associated with CFoS.
* Respect TUs as social partners and foster mature industrial relations to ensure their free operation, benefiting workers, workplaces, and preventing CFoS.
* Provide sufficient resourcing to labour inspectorates.
* Create targeted policy and sufficiently funded programmes that create space for TUs to challenge these causal challenges to exercise their human and labour rights.
* Utilise global framework agreements between global union federations and multinational enterprises to ensure compliance with ILO agreements (87 and 98) throughout the supply chain.

TU recommendations.

* Facilitate education and campaigns to raise awareness on the exploitation through establishing counselling centres, social media campaigns and encouraging an open discussion of the topic in schools and the workplace.
* Increase their operational scope in regions where informal workers are most prevalent.
* Establish tailored outreach initiatives to address the needs and concerns of minority groups, informal workers, migrant workers, and women, through workshops, training sessions, and informational programs designed to target and represent these demographics effectively.

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