

## PREVENTION AND THE LABOUR MARKET

**Note prepared for Think Tank Event, *Mind the Gap: Tackling the Lack of Attention on Preventing Human Trafficking and Exploitation*, Vienna, 30 September 2022**

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While I used to be an “anti-trafficking and anti-slavery globe trotter” – like many of you in the room today – I now spend most of my time in London, only occasionally keeping up with the international news on these issues.

Some of this news is very telling, and illustrates the huge problems that the anti-trafficking and human rights community has in making effective progress to prevent and eradicate these serious crimes. My old organisation the ILO, now working together on statistics with IOM and the Walk Free Foundation, comes up with ever-increasing global estimates of the persons subjected to forced labour and trafficking. The latest such estimate, issued just a few days ago, was of 50 million persons trapped in forced labour and forced marriage. That is approximately four times higher than the first such global estimate of forced labour and trafficking issued by the ILO in 2005. It is hardly a sign of progress, or of effective commitment to prevent the problems and abuses.

Closer to home my own country, the United Kingdom, has often prided itself on its legislative and institutional initiatives to eradicate these coercive practices. In law, the centre piece has been the 2015 Modern Slavery Act. An institutional measure was the establishment of an Anti Slavery Commissioner, a sort of advisory watchdog for the government.

What have been the effects? A couple of months ago, on 18 August this year, the London Times ran an article headed “*Thousands of slavery cases unsolved*”. UK Government Home Office figures indicated that only one in 50 cases of modern slavery reported to the police last year led to a suspect being charged. In over half the cases, police closed the case without a suspect being identified. In a further 40 per cent, cases were closed without further action because of “evidential difficulties”.

As one politician from an opposition party lamented, the government was refusing to take the measures needed to tackle the problems. They had broken their promise to create a new agency to stamp out forced labour. “Meanwhile, their hostile environment immigration policies make it harder for victims to come forward, letting slavers off the hook. We urgently need a new approach”.

Moreover, when offenders are identified and prosecuted, they are almost invariably small-scale operators. This can be seen, for example, from the communications of the Gangmasters and Labour Abuse Authority (GLAA), an agency which was established in its present form in 2017 to tackle offences under the Modern Slavery Act, and which has police-style powers to investigate labour offences in England and Wales. A review of its communications over the past couple of years suggests that most of the individual cases on which it has acted have involved one or two offenders, often of East European origin, abusing one or two perceived victims (in small industries such as car washing) who in many cases are themselves East European migrant workers.

Today – as almost 20 years ago when I first tried to grapple with these concerns – I have been concerned by the huge difference between the global and national estimates of forced labour and trafficking, and the cases where any remedial action has been taken (either to have effective prevention, or to protect the abused persons). The facts and the shortcomings seem to be fairly much the same in 2022 as they were at the turn of the century: inadequate and ambiguous legislation, weak law enforcement, limited public consciousness as to the reality of the conditions endured by migrants and other vulnerable workers at the bottom of the ladder, and a lack of real political will (or commitment by business actors) to address the various forms of subcontracting and recruitment that pave the way for the abuses.

A few sporadic arrests and convictions of small operators will have very limited effect on the bigger picture. While preparing for this conference today, I was glad to read that the UK Gangmasters and Labour Abuse Authority, together with other government agencies, will be holding a webinar next week to explore the shortcomings of so-called “umbrella companies”. These are the companies which generally employ contractors working on short term assignments, and acting as intermediaries between contractors and their end clients or agencies. The webinar will be jointly hosted by the GLAA itself, and the government agencies responsible for employment rights and tax fraud.

At the global level, progress on concerns like these moves slowly, often at a snail’s pace. At the national level, joint initiatives need to identify and promote measures that will compel companies to act, failing which they will lose at least some of their profits and business advantage. Criminal law enforcement of ant-slavery and trafficking laws, while always needing to be part of the picture, is by no means the only one, and may not be the most important one. Severe financial penalties for tax fraud and avoidance, confiscation of licences, and in the worst case compulsory closure of enterprises, have to be a key part of the armoury against slavery and slavery-like practices in the modern global economy.