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The Undergraduate Labor Institute is a labor policy think-tank run by Cornell undergraduate students. We aim to research and create a collaborative policy document each semester, based on a curated theme associated with changes and problems in the workplace.

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1 Prison Labor in China

By: Ambreen Aslam, Julianna Fabrizio, and Lilly Thomalla

Introduction

We explore the prison labor system in China through examining the history of China's involvement with the ILO on issues of forced labor, as well as the structure of prison labor in China over time. We consider the global regulations that have been put in place to hold China accountable for the treatment of its people, and how these regulations have failed time and time again to bring any substantive, measurable change. Rather than continue to rely on intervention from the practically toothless ILO and the hypocritical United States federal government, we ask multinational companies to step up and commit to ending their use of prison labor in the global supply chain, as accountability for the use of prison labor cannot be reserved to just one actor.

China and International Standards

The International Labor Organization (ILO) works with national governments, workers, and union delegates to set and implement fair labor standards for workers around the world. Since there is no universal set of laws that all countries must follow, a country may choose whether to ratify a convention and adopt it into law. That is, countries cannot be bound to the terms of standards they did not ratify. The ILO has written over one hundred conventions, but the most vital standards are highlighted in the eight fundamental conventions. Two of the fundamental conventions call for a strict prohibition of forced labor, which the ILO defines as “all work or service. . .exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹

The Republic of China established a close, active partnership with the ILO in 1919, and was elected to the ILO's governing body in 1934.² However, this initial partnership collapsed once the Chinese Communist Party (CCP) rose to power in 1949.³ According to HRIC, a human rights NGO based in China, the post-1949 government “did not regard itself as bound by conventions it had not ratified and certainly did not refer to the ILO in formulating its domestic and labor laws.”⁴ As a result, the newly established People's Republic of China (PRC) was far less cooperative with the ILO than its predecessor. By the end of its first year, the CCP had devised a way it could legally subject its citizens to hard labor without direct consequence. This marks the beginning of a decades-long period of inactivity between China and the ILO, in which Chinese citizens were subject to increasingly unfair labor conditions and practices while incarcerated, with little to no recourse to advocate for themselves.

The PRC remained an inactive member of the ILO until 1983, when it sent its first group of delegates to the ILO since 1949. While being a sign of good faith, re-entering conversations with the ILO was no indication that China would make any substantive efforts to reform its labor conditions anywhere -- especially within its prison camps. HRIC argues that the CCP's reasons for re-involving itself in ILO activities were purely self-serving, as “China realized that although it was, and is, in permanent violation of the ILO's Constitution and Mandate, it can still take advantage of the structural compromise inherent in the organization.”⁵

Despite being a founding member of the ILO over a century ago, China has only ratified half of the fundamental conventions to date. Notably, it has not ratified either convention on forced labor. This is not surprising given that forced labor has been built into China's penal system since its current government was established. Since China never ratified either of the forced labor conventions, the supervisory bodies of the ILO cannot issue any observations or direct requests for the government to completely cease the use of forced labor in its prison systems.

While China has not yet made a firm commitment to abolishing the public or private use of forced labor entirely, it did make some concessions by ratifying the Worst Forms of Child Labour Convention (No. 182) in 2002. In doing so, one action it agreed to was to eliminate the use of children in forced labor within its prisons. In the last fifteen years, the ILO has written seven direct requests and observations concerning the use of forced labor of minors in China's prison camps. In 2005, the ILO first asked China's government to provide better records regarding incarcerated persons under the age of 18 who are subject to prison labor. In 2007, the ILO issued a lengthy observation in which it again asked the Chinese government to provide information on forced child labor in the country's re-education through labor camps. The ILO cited reports from the International Confederation of Free Trade Unions that children as young as thirteen years old were being sent to these Chinese prison camps to perform hazardous forced labor. In 2009, China was issued another observation regarding its use of forced prison labor.

Still, these minor concessions to the ILO are far from sufficient to truly hold China accountable for the forced prison labor it so closely depends on. As the next sections will show, China's involvement with the ILO has not prevented its penal system from working as it was designed to: exploiting its citizens for free labor and brainwashing them into submission.

The Laogai System

Laogai translates to “reform through labor” and refers to the legal system of forced labor camps in China — a system which was heavily influenced by the design of the Soviet Gulag.⁶ Laogai camps were responsible for “maintaining public order, suppressing treasonable actions...[and] punishing and reforming criminals.” They primarily served as a means of silencing political dissidents of the communist party, as well as a way to accelerate the country's growth using cheap labor.⁷ Broken into three categories, Laogai refers to convicted felons sentenced to “punishment through labor.”⁸ The second category is Laojiao, or “re-education through labor,” when the government would subject citizens to labor camps for disagreeing with government policies, practicing certain

“banned religions” and other non-criminal offenses. The prisoners in this category were not granted a trial or hearing, as the sentencing was administrative, not criminal. Jiuye, “forced job placement” is the name of the third category in this system. Prisoners who have completed their sentence can be subject to continued confinement and prison labor through administrative sentencing.

The United States, along with other developed countries, have expressed concern for China’s use of prison camps for decades. The US had prohibited the import of prison-made goods since 1930, however, in 1990 discovered that China was using detainees in prison camps to produce and export products to the United States, West Germany and Japan.⁹

Responding to global pressure and tariffs, China officially ended the Laogai re-education and punishment systems in 1994 and renamed labor camps to “prisons” for convicted felons and “community correction centers” for non-criminal offenders. Since 1994, China has continued its practices in secrecy. In fact, the Laogai Research Foundation estimates that there are about one thousand detention facilities around the country, imprisoning millions of people. Furthermore, the United States has joined China as a country that benefits from prison labor from importing prison-made goods from China, and relying on prisoners to cheaply produce products to export to other countries. As two “leading countries”, prison labor has been a mechanism China and the US have used to improve their economic position globally.

Modern Prison Labor & Policy Recommendations

Prison labor has been a common practice in China decades before the spotlight was put on re-education camps and the exploitation of prisoners for free labor. According to the Law, labor is part of the punishment process with the 1994 Prison System Law stating, "Prisons will combine punishment and reform for criminals, with the principle of combining education and labor, to change criminals into law-abiding citizens." The law also outlines an 8 hour work day in manufacturing.¹⁰ It is important to understand how due to exploitation of prisoners through labor being entrenched in a law, it is harder to hold companies and individuals accountable for a practice they can claim they are engaging in legally. This is similar to the U.S prison industrial complex as overlapping interests of the government lead to exploitation and unfair criminalization of the most vulnerable people in society. An important factor to point out as our current solution to a practice entrenched in the law has been to turn to the U.S. government to put pressure on the Chinese government to stop prison labor. An impractical solution considering the United States itself has entrenched prison labor into the law with the 13th amendment and boasts a billion dollar prison labor industry.¹¹

The first time the U.S. Media took an interest in Chinese prison labor was in 1991. A former People’s Republic of China (P.R.C.) prisoner, Harry Wu, returned from China with videotapes showcasing him being offered services of prison labor. He had posed himself as an American businessman.¹² Public uproar followed and President Bush’s administration made China sign a Memorandum of Understanding prohibiting the export of prison labor made goods to the U.S. However, before the U.S. government began

publicly criticizing Chinese prison labor, there was a mutual admiration held by the U.S and the P.R.C for each other's prison-labor systems. In late 1981, Warren Burger, Chief Justice of the U.S Supreme Court spoke enthusiastically about a visit to a Chinese prison where shoes were being manufactured and argued for expansion of the U.S prison labor system.¹³

Calling upon a government who engages in similar practices to hold another government accountable for prison labor seems like the wrong approach. The issue of prison labor in China and how it is exploiting prisoners, especially political prisoners or minority groups like the Uyghurs cannot be absolved by an entity following the same practices. Uyghurs are a Turkic ethnic group in Northwest China who predominantly practice Islam. Over the past few years, the Chinese government has been detaining and putting Uyghurs into reeducation camps where there are several human rights abuses being committed. According to a study done by the Australian Strategic Policy Institute, about 80,000 Uyghurs were sent to work in various factories across China from these camps.¹⁴

Uyghur prisoners are stated to be working in factories that supply several famous global brands like Nike, Dell and Apple. However, representatives of brands like Nike claimed that their suppliers are strictly prohibited from using any form of prison or indentured labor. However, a visit to a Nike factory in China by The Washington Post showed hundreds of Uyghurs working in prison-like conditions in the factory.¹⁵ There is clearly a hidden contamination of the global supply chain. Prison industries are often obscured within global supply chains which sometimes make clients unaware of their sourcing materials through forced labor.¹⁶ This is important to know as it can be difficult to hold companies accountable and boycott products made through prison labor because in some cases companies themselves are unaware of the practices in factories from where their materials are being manufactured. Therefore, this leads us to another solution of asking companies to be more transparent and conduct more research on the factories they outsource labor from as one means of stopping the exploitation of prisoners like the Uyghurs.

Due to multinational companies’ lack of investigation into factories they utilize as suppliers, a gross negligence has occurred that has allowed manufacturers to utilize prison labor and made consumers unknowingly complicit in the exploitation of Uyghur Muslims. We propose the implementation of a set of guidelines that every company using factories in countries that are known for utilizing prison labor should follow. These guidelines can be implemented through the International Labor Organization and would consist of mandating that companies investigate where the labor in their manufacturing factories is sourced from. If a company is using materials made from prison labor, that information should be made available to consumers. It is not appropriate to brush off the exploitation of political and minority prisoners as something they were simply unaware of. Implementing these guidelines would make it easier for people to take action and boycott products even if no action is being taken at the corporate level. The International Labor Organization categorizes prison labor as forced labor and states in a 2019 Labor Standards In Global Supply Chains training module that there are 24.9 million people in forced labor around the globe annually.¹⁷ The number is this large due to the lack of transparency in our global supply chains. An example that can be used in the development of guidelines for companies to investigate use of prison labor is the California

Transparency in Supply Chains Act. California's act passed in an effort to eradicate human trafficking from supply chains requires manufacturers and retailers to report on auditing of suppliers, accountability procedures and training on slavery/human trafficking and evaluation of forced labor risks.¹⁸ The implementation of a similar law focusing on prison labor at the international level could be valuable in inspiring countries to take action to include transparency guidelines in their own labor standards or policy. It would also be useful in beginning to make the global supply chain more transparent for individuals to be able to avoid consuming prison labor made products and take action at the community level.

Conclusion

In this paper, we have examined the use of prison labor in China and the United States through a critical lens. We have considered how China's penal system has always been built around the concept of using incarcerated persons as sources of free labor. When it could no longer get away with visibly preserving its Laogai system without permanently damaging diplomatic relations with the United States and other developed countries, the Chinese government simply resorted to secrecy, keeping the same system in place under a different name to give the appearance of cooperation. The United States and the ILO see through China's misrepresentation of its systematic mistreatment of prisoners, and both have taken action several times in attempts to intervene. However, as empirics show, diplomatic intervention from these two actors has continuously failed for decades as a means of reforming China's labor system and abolishing forced prison labor. This is why we believe multinational corporations need to begin holding themselves accountable for the prison labor used in their global supply chains. This would include increased transparency with regard to vulnerable workers and exploitation in the supply chain, and better systems of reporting violations to international bodies. Continuing to point the finger outward at China has proven unsuccessful in cracking down on forced prison labor on its mainland, let alone abolishing the practice of countries and companies profiting off prison labor writ large. We cannot continue to cherry pick which actors we hold accountable for human rights violations, as it allows other guilty actors to skate by under the radar without repercussion. It must take a collective effort at the international level to truly put an end to prison labor in China and around the world.

Endnotes

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Labor Organizing in South America

By: Alex Gallagher, Andrew Modrowsky, Isabelle Shook, Nicholas Weber, and Tyler Pearce

In Chile, the election of Salvador Allende in 1970 was a signal that the Chilean electorate demanded widespread social and economic change. His coalition, Unidad Popular, included members that spanned the ideological left, including communists, socialists, social democrats, Christian democrats, and others. Their platform included the nationalization of the copper industry, advancements in Chilean land reform, and other general reforms designed to move power from the Chilean elite to the general populace.¹ However, economic turmoil and radical political dissidents incited a military-led coup in 1973, led by General Augusto Pinochet, that led Chile to become a “symbol of the militarization, violations of human rights, and the imposition of neoliberal reforms that would sweep the continent”.² During his seventeen-year reign, Pinochet and his allies silenced critics by dissolving Congress, suppressing labor and left-wing activists, and targeting university social science departments. They also tortured, exiled, or executed thousands of Chileans. He also imposed neoliberal reforms that included reversing land reform by returning land ownership to the business class, cutting government social programs and tariffs, and privatizing Chile’s biggest industries, thus opening them back up to foreign interests. These free-market reforms were established in the 1980 Chilean constitution that is still in place today, despite back-and-forth center-right and center-left administrations holding power from 1990—the end of Pinochet’s regime—to the present day.³

In Bolivia, the Revolution of 1952 and growth of the left-wing Movimiento Nacionalista Revolucionario (MNR) party led to influential changes in the Bolivian economy and society, including the nationalization of the mining industry, pursuit of agrarian land reform, and introduction of universal suffrage. These changes temporarily shifted power from the economic elite into the hands of the masses, but the MNR party’s conservative wing used foreign aid and the eventual growth of the elite business class (responding to the revolution) to shift the MNR party to the right.⁴ By doing so, the MNR party incited political and social conflict until the eventual military coup in 1964. Eventually, after several destabilizing coups and countercoups, left-wing politician Juan Jose Torres led Bolivia in 1970 for just one year. Facing immense foreign opposition and domestic opposition from the military and right-wing activists, Torres’ administration was overthrown by Colonel Hugo Banzer, who led Bolivia for 7 years. Under Banzer’s dictatorship, elections were canceled, powerful trade unions were suspended, and civil liberties were disregarded.⁵ Throughout the rest of the 20th century and the beginning of the 21st century, constitutionally elected presidents swapped power often, almost always instituting or supporting neoliberal reforms like the privatization of government mines across Bolivia, which inevitably displaced many Indigenous miners. These Indigenous former miners became coca farmers and built alliances and organizations to protect and organize themselves, one of

which would eventually become the Movement for Socialism—Political Instrument for the Sovereignty of the Peoples, simply known today as MAS, the present-day ruling political party.

In Brazil, a 1964 military-led coup established a junta that ruled Brazil for 20 years. The junta used its political power and intelligence services to prohibit political opposition, censor all private media, and torture Indigenous people and left-wing activists. Their poor handling of the economy led to mass protests, and, eventually, free elections were held for the first time in over two decades.⁶ The next several Brazilian administrations enacted neoliberal reforms like the privatization of several of Brazil’s largest industries and the establishment of free trade and deregulatory policies, creating great levels of economic inequality across Brazil. For left-wing activists and marginalized groups in Brazil, the one bright spot in recent political history was the presidency of Luiz Inacio Lula da Silva, more popularly known as just Lula, whose political platform focused on raising minimum wages, fighting widespread poverty and hunger, and redistributing wealth to the lower classes.⁷ However, after over a decade of left-wing administrations, Jair Bolsonaro, a radical right-wing candidate for the conservative Social Liberal Party, was elected in 2018 and has moved towards privatizing Brazilian industries and promoting neoliberal reforms similar to those of other countries.

The similarities between these three countries are clear, namely violent military-backed coups, extensive neoliberal reforms, and the fluctuating power and oppression of left-wing and labor activists. However, the histories of these countries are not where the similarities end. The underlying cause of the political and social tension throughout the history of these three countries can be traced back to the U.S.’ intervention and support for Operation Condor. Operation Condor was a military intelligence alliance between many of the South American dictatorships of the 1970s including but not limited to Augusto Pinochet’s regime in Chile, Hugo Banzer’s regime in Bolivia, and the Brazilian junta.⁸ They carried out extrajudicial killings, tortured tens of thousands of political prisoners, and orchestrated even more kidnappings to maintain power and order in South America, and declassified CIA documents have made clear that the US played an instrumental role in its formation. The U.S. provided CIA-trained personnel and early organizational assistance to the Chilean Directorate of National Intelligence (DINA) and Brazilian National Information Service (SNI), which were essential in carrying out Operation Condor’s three phases: “...mutual cooperation among military intelligence services,” “organized cross-border operations to detain and disappear dissidents,” and the “formation of special teams of assassins from member countries to travel worldwide to eliminate ‘subversive enemies’”.⁹ Whether the U.S.’ rationale for supporting these agencies was linked to the Cold War fight against perceived communist threats or to powerful US economic interests that benefited from the market liberalization policies of these right-wing dictatorships, the US knew about, allowed, and supported Operation Condor as it wreaked havoc not just on left-wing and labor activists, but all South Americans in the 1970s.

Chile

Chile’s unstable political history and background of anti-labor laws due to the oppressive right-wing dictator Pinochet underpin its anti-labor environment. While the Pinochet government is long gone, its effects on the labor movement in Chile have remained, where the current labor movement is seen as extremely weak and unable to organize on a large scale. However, there are signs that the labor movement in Chile may be coming back stronger than ever.

The current state of Chilean politics has a neoliberal status quo, with most presidents since the Pinochet administration attempting to appear more friendly towards labor while making little effort to address egregious problems facing workers such as rising income inequality and increased privatization.¹⁰ Indeed, this neoliberal order has made it increasingly difficult for labor

unions and workers to fight for more rights and better wages, but this does not mean that labor movements in Chile are completely helpless. In recent years, Chilean labor unions have increasingly used legal tactics as a weapon to fight back against employers, curbing their power over workers and gaining more rights for themselves.¹¹ In addition, these legal efforts are backed up by the fact that many Chilean laborers have resorted to more drastic measures to reduce inequality and gain more rights, including widespread protests, strikes, and even physical confrontations, especially since the start of the current Chilean protests.

Chilean unions, despite only representing ten percent of the Chilean population and being seen as weak in a neoliberal economy, have made major advances in gaining rights and pushing back against employer oppression through their increased use of legal mobilization. Indeed, one major union in Chile, the Central Workers' Union (CUT), recently declared a centralized legal campaign against the state in response to the Chilean government's announcement of a list of major companies that would be "protected" from labor strikes due to their importance to the government. While this legal battle is ongoing, these legal battles have delivered many small yet significant victories for labor unions in recent years. For example, in 2014, labor unions were successful in helping pass a law to restrict the "multirrut," a practice in which companies were able to avoid many labor and pension laws by splitting themselves up into multiple entities.¹² Victories such as this have drastically improved the lives of many Chilean workers and made Chile a better place for laborers overall.

Additionally, the increased willingness of Chilean unions and citizens to use much more drastic measures in protests and strikes, especially during the current Chilean protests, has helped bring awareness to the systemic inequalities and injustices faced by laborers in the country. The ongoing Chilean protests, which have been going on since 2019, have been the biggest in Chile in the 21st century, fighting against social and economic inequality and helping to pressure the Chilean government and conservative President Sebastián Piñera to reform labor laws and address the vast economic disparities in Chile.

Bolivia

On October 18th, 2020, Luis Arce was elected to the Bolivian presidency by a sweeping victory felt throughout the country. The result of a year-long national struggle against the U.S.-backed right-wing coup that uprooted Bolivian democracy, Arce's victory featured a 26% margin over Carlos Mesa, the former centrist president of Bolivia from 2003-2005 and supporter of the coup that the Bolivian people resisted. This electoral success represents both the success of Bolivia in throwing off the violent and (as most U.S.-backed military coups go) illegitimate seizing of power by right-wing actors and the decisively leading role that Movimiento Al Socialismo has taken in the country since its initial presidency under Evo Morales in 2005. Neither the coup that occurred in the 2019 Bolivian election nor the political movement that triumphed over it appeared out of thin air, however, with both actors existing within a long history of political and social struggle in both Bolivia and Latin America as a whole. It then becomes critical to understand the party and movement that leads Bolivia and to analyze the coup that sought to overthrow it, the two chief factors that dictate the present and future of the Bolivian government. From here we can then look towards the future of Bolivia and the labor movements that founded it, even going so far as to compare them to domestic movements in the United States and provide insight and recommendations for both movements. Movimiento Al Socialismo (MAS) finds itself representing both a party and movement, blurring the lines between both. How, then, does it represent each label, and how do these ultimately

contradictory means of organizing synthesize? Santiago Anria in his article "Social Movements, Party Organization, and Populism: Insights from the Bolivian MAS" conceives social movements, as described by Amenta et al. 2010, as being "actors and organizations seeking to alter power deficits and to effect social transformations through the state by mobilizing regular citizens for sustained political action," gaining influence through noninstitutional means. Political parties, on the other hand, are presented by Sartori (1976) as being "any group that presents at elections, and is capable of placing through elections, candidates to higher office," a means inherently institutional. This distinction between their relation to the 'institution' translates to their relation to the state, with movements generally being challengers to the state and political parties being actors within it. MAS finds its roots within the social movements of rural and Indigenous Bolivians yet also finds its stem firmly standing in the political institutions of Bolivia. These contradictions represent in a variety of ways the mechanisms through which labor in Bolivia has best exercised social and political power, achieving fourteen years of national leadership and overcoming the foreign-initiated coup that sought to, through military and right-wing political leadership, overturn their progress.

Scholars and non-scholars have both been quick to label Evo Morales as a populist leader and MAS the base for said populism, but, in reality, the picture is more nuanced. The movement itself was born out of protest, finding its roots in resistance to aggressive neoliberal reforms and the ensuing Law 1008, both of which resulted from U.S. influence in Bolivia—the former due to a long history of coups and political instability supported directly and indirectly by the United States and the latter an aggressive and damaging anti-drug law passed under strong pressure by the U.S. government.¹³ Neoliberal reform left thousands of miners unemployed as the government closed state owned and operated mines, many of which turned to work in the coca-producing regions of the Chapare, where they worked and organized alongside the already established *cocaleros*.¹⁴ Law 1008 then proceeded to harshly outlaw the cultivation of the coca leaf under the justification of its relationship to cocaine, ignoring the leaf's status as a traditional herb used in Bolivian society for centuries as well as resulting in the unjust, long, and violent imprisonment of thousands, where in 1992 only 8% had actually received a sentence.¹⁵ This law and its consequences warrant an article of their own, but the key takeaway is its incitement of the cocalero movement and the complete complicity of the United States in its introduction and enforcement.

The aforementioned cocalero movement developed into MAS (originally taking form as the Asamblea por la Soberanía de los Pueblos (Assembly for the Sovereignty of the People, ASP)) through an effort to build a political instrument to challenge U.S. imperialism and neoliberal economic policies. This development occurred at a ripe time due to national political changes that occurred through the 1994 Popular Participation Law and the 1995 Law of Administrative Decentralization, which extended citizenship rights to Indigenous people and introduced over 300 municipalities throughout the country, each with their own elections.¹⁶ MAS began as a social movement of peasants, Indigenous peoples, and coca growers, and grew into a coalition to challenge neoliberalism and the status quo consisting of a wide span of people from Bolivian society.

The bridge from the noninstitutional social movement at the base of MAS and the strong electoral force it has become has consistently been a matter of controversy, as Morales through his leadership of the party works to fulfill his claims of "ruling by obeying" the people. This rule through obedience, as opposed to the unfettered and unchecked rule typical of populism, has been tested several times throughout the Morales and MAS presidential terms but has nonetheless held strong. Events that have provided insight on the absence of total authority from MAS on its constituent popular organizations

and the influence they have on the leadership of the country include Huanuni in October 2006, Cochabamba in January 2007, and most significantly the *Gasolinazo* crisis that began in December of 2010.¹⁷

MAS policy enacted in the past fifteen years is also representative of the mission of serving the Bolivian people that the party has embarked on, pushing back on the legacy of neoliberalism and American influence that they received coming into office and fighting for the betterment of Bolivian society. Nationalizing industries, MAS has then channeled the massive increase in revenues back into Bolivia in the form of state-welfare programs, which have included funding peasant unions, retirement for senior citizens, national subsidies for school children, literacy programs, and efforts to eliminate childhood malnutrition, among other social expenditures. This has also been done in the context of overarching efforts for direct democracy, with the rewriting of the Bolivian constitution in 2009 to enact newly granted autonomies to Indigenous nations, recognize Indigenous cultures and cultural rights, and implement extensive land reform.¹⁸

These leaps forward in the social and economic wellbeing of the Bolivian people exist in contrast to the policy changes pursued by political opposition, consisting of a dangerous collection of right-wing nationalists, religious conservatives, and the same neoliberal figures who sold the country out to foreign capital for years prior, among others. These were the figures who, under the support of the United States, attempted to seize control of the country through fraudulent claims and military force, using their role as a ‘caretaker government’ claiming to ‘reinstall democracy’ to enforce aggressive conservative reform through means of austerity and state brutality while delaying elections not once but twice. This too deserves an in-depth analysis but is summarized in the fact that a right-wing coalition backed by the Bolivian military and police forces rejected the results of the 2019 presidential elections under the pretense of the fraudulent claims put forth by the Organization of American States (payrolled by the United States), seizing control of Bolivia and promptly exiling Evo Morales. This supposed “interim government” oversaw racially charged violence against MAS supporters and indigenous peoples nationwide, killing the second-highest number of civilians in any month in Bolivia for over 40 years as well as introducing regressive economic policy under the guise of existing as a ‘caretaker government’ by ‘protecting democracy,’ none of this being possible without the initiative and support provided by the United States of America.¹⁹

Brazil

Trade unions have an influential history in Brazil, contributing to the fall of military rule and the growth of the Brazilian economy. Ever since the beginnings of Brazil, there have been strong tensions between workers, employers, and the government. In the late 1950s and early 1960s, worker mobilization was at a high, calling for core reforms, regulations on overseas corporate profits, nationalization of foreign countries, and increased worker rights.²⁰ However, in 1964, the Brazilian military, supported by the United States, overthrew President Goulart. During military rule, Brazil exploited its workforce, which led to the development of left-leaning political parties and the formation of trade unions. Completely dissatisfied with military rule, workers went on a series of general strikes in the 1980s, mobilizing up to 70 percent of Brazil’s workforce. Since then, trade unions have been unable to mobilize workers at those same levels but still retain some level of influence and protection by the government.

In 2017, President Michael Tener instituted a series of reforms to the Consolidation of Labor Law, Brazil’s labor law statutes, to rectify this issue and grow Brazil’s economy.²¹ Many employers and employer-focused agents

believed that Brazil’s labor laws were too focused on employees. The argument was that these regulations made it difficult and expensive for employers to hire and retain workers and contributed to the large unemployment rate. While primary worker benefits such as a minimum wage and compulsory holiday time have been preserved, this regulation allowed employers to have more flexibility in hiring freelance workers and in making decisions regarding part-time work, time off, and labor relations.

One key change in the 2017 labor reforms was a reduction in governmental support to unions. Prior to 2017, the federal government mandated that employers withhold union dues of one workday per year to fund trade unions. *Sindicatos*, as they were called, provided a great deal of funding towards trade unions and worker representation. With these labor reforms, *sindicatos* were removed, reducing union dues income from the equivalent of 905 million U.S. dollars in 2017 to 108 million U.S. dollars in 2018, severely limiting the financial resources of Brazilian trade unions.

Two general strikes occurred in 2017 in protest—the first was viewed as a success, but the second was viewed as a failure.²² With the first strike, the various trade union groups coordinated against one common goal: to protest these reforms. Around the time of the second strike, unions had differing views on how to combat the reforms, including not engaging in a general strike. Many employees received levels of backlash during the April strike, and it was decided by a large group of unions, including the CUT, to not engage in a second general strike. While some smaller unions believed that a strike would be best and proceeded with organizing, the June strike was not unified, leading to its failure.

Since then, the power of labor unions has been substantially reduced, especially regarding finances and worker mobilization. Brazilian trade unions have been fighting to regain and improve upon the employment conditions that Brazilians had before the 2017 labor reforms. They attempted to contest the constitutionality of removing union dues, which was upheld by the Supreme Court in 2018. They attempted to regain these fees through alternative means such as a voluntary agency or negotiation fee with an opt-out clause, but these proposals were rejected by Bolsonaro. As of right now, unions are using social media tools to spread their messages and protesting against the challenges of the pandemic to provide stronger working conditions for their members and all Brazilians.

Conclusions

Analysis of the current state of political and labor affairs in Chile, Bolivia, and Brazil reveals that the unique establishments in each country require individualized recommendations. Recommendations for these countries aim to optimize the rights of labor/union workers, minimize foreign influence, and stabilize the government under a system that prioritizes the welfare of the working class.

Imposing democracy onto Latin American countries is not only a form of further American interference, but this is also not a functional solution when accounting for the region’s demographics. The populist approach to governance in these countries has seen far greater success than democracy when working in tandem with the economic theory of import substitution industrialization. Populist societies regard their leadership and government systems as corrupt organizations funded by elites while furthering the political agendas of said elites. In developed countries, populism is viewed as a threat to democracy, because this ideology undermines the power of legitimized voting systems. In underdeveloped countries, corrupt leadership is often present, thus populism is an accurate reflection of the region’s state of affairs. Approaching political corruption through a populist lens effectively prioritizes civilian awareness of current events, encourages participation in government affairs, and constructs a support system for progressive electors to potentially overthrow deceitful leaders. Import substitution

industrialization is an economic policy that aims to localize the production of goods in order to minimize dependence on foreign countries, which would allow Latin America to free itself from the clutches of their American dependence and establish a thriving economy in the heart of their region.

Coined by Paulo Freire, the concept of “conscientization” was born in Latin America to help civilians understand their class status and learn the nuances of creating better living/working conditions through “adult education.”

Conscientization is the practice of assessing one’s place in their social reality by reevaluating their consciousness of prescribed social norms in order to overcome the obstacles of complacency in powerlessness. Military intervention in these Latin American countries caused the decimation of slums, where citizens were effectively divided both physically and mentally. Consequently, an improved education on the political scene of a country spurs activism in civilians, giving previously powerless individuals accurate knowledge and the subsequent ability to cast true votes.

American intervention in Latin America became detrimental to the reputation and political motives of said countries. US policies under the Bush and Reagan administration created an image of Latin America as a “dependent” while the USSR was that of an “enemy.” America had a consuming fear for the threats associated with the spread of communism, so the American view of Latin America shifted from “enemy” to “dependent-enemy” due to the countries’ desires to overthrow American - authoritarian - forms of government in favor of anti-American - communist - leadership styles. The US began spreading misinformation about Latin America by oversimplifying Salvadorian policies. Reagan interfered heavily in the Nicaraguan elections and encouraged boycotts of the elections, but this did not foster domestic support for the opposition and was consequently less effective. Military funding to opposition from Reagan and America exacerbated political conflicts and brought a national election to an international scale. American involvement in Latin America threatens the region’s international standing, civilian participation in elections, and the legitimacy of media coverage.

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3 Fast Fashion

By: Leilani Blakeman, Cianna Huang, Christopher Agbo, and Eric Yen

Introduction

The garment and textile industry has always been at the forefront of industrial innovation and the labor movement. From the first factories of America's industrial revolution in Lowell, Massachusetts, to the Triangle Shirtwaist factory fire, the textile industry has remained focused on faster production and cost cutting. The 1960s represented a shift in consumption, with youth culture gravitating towards clothing that could represent the passing trends. Spurred by mass production developed during World War II, cheaper, ready-made garments were now available to meet these new demands. American and European brands began to expand, outsourcing textile mills to foreign countries to cut costs.

Today, fast fashion has not stopped accelerating, with mass consumption occurring at an ever-accelerating rate, and mass production retailers such as H&M, Zara, and Forever 21 dominating the market. These brands have shifted the business model of the garment industry, with their goal to reduce the time in between buying cycles to produce new products to meet peak consumer demand. To meet this demand, companies have adjusted their supply chains to produce more diversity of styles and an increased volume of clothing, all in order to increase revenue. A new supply model has emerged with substantial pressure to reduce inventory, the time spent between design, and their arrival in retail outlets.¹ The burdens of these adjustments ultimately fall on the backs of the laborers, who are spread out all over the world due to the globalization of the industry.

The Garment Industry and Fast Fashion

The globalization of the already-large and growing textile and garment industry is not something new and neither are the poor working conditions and environments surrounding this industry. News articles within the last decade have uncovered forced labor in Uzbekistan and China, specifically Xinjiang, as well as safety issues in factories in Bangladesh. The headlines speak to the poor labor practices and working conditions, as well as the globalization that has come with the expansion of the garment industry. Companies have been consistently moving their factories abroad to countries with cheaper labor and unestablished labor practices, all in order to lower cost of production and increase profits. Nearly one century ago, Europe and the United States dominated

the textile industry, manufacturing approximately 85 percent of the world's clothing.² Furthermore, around that time, Japan was the top garment producer in Asia, whereas today we recognize China and Bangladesh as the continent's main manufacturers. In the 1960s, there was a major change in globalizing garment production and outsourcing production rather than limiting it to domestic factories in Western countries.³ Often, these factories were moved to developing countries where the cost of labor was much lower, allowing companies to produce at a much cheaper price in order to gain a competitive edge by lowering their prices or increasing profit margins. Moreover, these companies were able to get away with poor labor conditions more easily, creating the horrid labor conditions and long working hours which are often publicized.

American companies have long utilized and abused outsourced labor in the textile industry, but exponentially increasing demand has caused companies to look towards increasingly cheap and "efficient" labor, thus making labor increasingly exploitative. While these sweatshops inevitably exist globally, from La Coruna, Spain⁴ to Los Angeles, CA, such profiteering continues to dominate in the Global South. What factors cause so many fast fashion companies to look towards Asian countries for labor? How have the rapid changes in fashion production in recent years affected the evolution of this labor? These ideas will be explored in this portion of investigation into labor in the fast fashion industry.

When analyzing Asian labor from a Taylorist mass production standpoint, China may be the first country to come to mind due to its plethora of factories and advanced industrial technologies. However, China's long-standing presence in the textile production industry has enabled the country to enact significant industrial upgrades, gradually shifting China towards higher-quality fashion production. The simultaneous rise of fast fashion has forced companies to look elsewhere for labor, and as a result, these companies currently look mostly towards other, lower-cost Asian countries for labor, such as Myanmar, Vietnam, Bangladesh and Cambodia.⁵

With a shift towards labor in lower-cost, less-developed countries also comes a shift towards increasingly unsafe labor practices resulting from looser labor regulations. Most significantly, one can look towards the 2013 collapse of the Rana Plaza building in Bangladesh as an exemplification of such poor labor standards. Rana Plaza was a tragedy of massive scale, involving five garment factories, in which over 1,000 were killed and more than 2,500 were injured.⁶ This comparatively recent travesty finally caused international organizations and agencies to recognize the dire need for improved labor conditions in Bangladesh's garment sector. While improvements to the system are gradually being made with the assistance of the ILO, fatal accidents continue to occur in these factories. The ILO encourages member states to respect, promote and realize, in good faith, fundamental labor rights.⁷ While such encouragement from a well-established, globally-reaching organization is undeniably positive, there is still fault in the idea that the ILO is essentially only able to suggest standards for countries to adhere to. These conventions that governments are merely invited to adopt do not provide the same lasting impact that binding, mandated rules do. Therefore, the question remains: what policies should be established to ensure long-lasting protection for workers in the garment industry and how can these policies be enforced?

Women in the Industry

This industry is a female-dominated industry with women constituting a large proportion of the factory and retail workers. Although women have always been a part of the garment manufacturing industry—including when these factories were located in Europe and the United States—there has been an increase in the percentage of female workers as these jobs move abroad to countries with less-developed and enforced labor laws. For example, in Bangladesh, the garment industry and its factors boomed and, within fifteen years, the country became the eighth largest exporter to the United States. There, women from the rural middle class are recruited for labor; they are often poorer because in their households, they do not have a say in finances and often lack access to cash.⁸ Furthermore, women are often more “compliant and low-cost” workers, which creates a cheaper workforce for companies and employers.

While the garment industry has given many women an entrance into the formal economy with a paid job, specifically women from rural regions in developing countries, it has also made it hard for them to address and change the lack of labor rights and protections in place for these workers. Historically, women in the workplace were undervalued as they were thought to be short-term labor and inferior to men in the workplace since society expected women and families to rely on their husbands for financial support and therefore did not have to be paid as much.⁹ This still holds true today, especially in gendered industries like the garment industry, and can be demonstrated by historical and present day statistics. In the early 1900s, women working in the US textile mills were earning approximately 40 percent less than men who were working there, and now, a century later, women working in Bangladesh mills are earning 54 percent less than men who are working there.¹⁰ Though these jobs have increased the number of women entering the labor force, they have also sustained, if not increased, gendered inequalities and prevented women from career mobility as they have to work long hours in poor conditions as employers race to the bottom, striving to cut costs and increase profits.

Fast Fashion in the Supply Chain

When examining the role fast fashion plays on labor, one crucial aspect is the supply chain, which has undergone extensive changes in order to adapt to this new model in the garment industry. The upscale in garment production has permeated to suppliers, affecting how they approach their supply chains. Fast fashion is meant to produce inexpensive but fashionable items in limited stock to encourage frequent purchases as well as turn the stock around in stores in ten days to two weeks.¹¹ This pressures fast fashion suppliers to meet the needs of flexibility and a faster response time to changing demand for new products.

Suppliers have noted the increasing pressure to produce a variety of ready-to-wear garments in less time, which has required the adaptation of production models and systems within supplier firms. Customers—in this case clients and other businesses—are asking for more variety and diversity within

production, which an informant at Delta points out “has represented a source of great difficulty for the company”.¹² Traditional fabric manufacturers now produce semi-finished and finished products in order to diversify their stock to meet demands. Other suppliers have gone the route of investing in mass amounts of stock, with one supplier, Iota, housing fifth million meters of mass fabric. These changes have shifted traditional fashion supply—which was built on planned time to market, specialization in new collections based on the season and a strong relationship with suppliers—to high diversification, large stocks, low rotation, short time to market, and the integration of production activities with investment technologies.¹³

These changes are crucial to understanding as supply chain coordination is key to the success of brands such as H&M and Zara. Making these supply chains more sustainable is also a priority for many large brands as their social and environmental footprints have come under scrutiny from the public. Sustainable supply chains have begun to adhere to the “Triple Bottom Line” of economic, social and environmental footprints.¹⁴ Supply chains have begun to implement sustainable manufacturing,¹⁵ in order to better enforce human rights. This has led companies such as Inditex, to get to know suppliers as mentioned before, as the companies in Guercini’s piece have noted the phasing out of the wholesaler. This direct relationship lets brands ensure quality standards and can even allow them to routinely audit the supplier. The major challenges that remain for H&M are wages, excessive overtime, health and safety, as well as freedom of association and Industrial Relations.¹⁶ While these issues have been addressed, conditions remain imperfect and there are more concrete methods on how to ensure the ethical commitments.

Since fast fashion’s inception, suppliers and the supply chain have adapted to fit the new demands of this business model. However, there is still room to enact stricter policies and systems to ensure a stronger adherence to worker rights, safety, and overall well being.

What makes regulating the supply chain so difficult is its global nature, as well as the issue of subcontracting. Global brands may not establish close connections with suppliers, and through subcontracting, can turn a blind eye to improper labor practices. In addition, brands may not have the leverage required to make changes within factories, especially if the local governments are ineffective. Complicating things further is the globality of the supply chain, with raw materials (wool or cotton), components (yarn, fabric, synthetic fibers), apparel manufacturing, and retail networks all occurring in different nations, each with different labor laws and regulations.¹⁷

Policy Proposal

Since the catastrophic 2013 factory collapse in Bangladesh, fashion companies have experienced a call to action, taking it upon themselves to implement laws and policies to ensure no disaster of that scale is repeated. Recent global undertakings such as the Accord on Factory and Building Safety in Bangladesh and the North American-helmed Alliance for Bangladesh Worker Safety aim to push for safer and healthier working environments, establishing accountability standards to be met and enforced through inspections.¹⁸

Additionally, the ILO and other organizations have since worked to begin implementing a national employment injury scheme in Bangladesh so that any potential future victims are at least ensured proper health care and compensation in the case of labor-related injury.¹⁹ While certainly a step in the right direction, the concerning rate at which fast fashion models are increasing in popularity and scale indicates that rates of mass production will not be slowing anytime in the near future. Trends indicate that companies will continue to shorten production cycles, and the speed and efficiency required of this production will very well make workers continue to be prone to endangerment—that is, unless effective safeguards are put in place immediately.

We propose that countries should become a member of the ILO (International Labor Organization) if they have not already done so as this is the agency that strives to ensure that there are fair labor standards and practices being implemented globally. Once it becomes a member, or if it already is a member, we encourage these countries to pass the eight fundamental rights of the ILO which protect workers' rights and lay a very strong foundation. Specifically, Convention No. 87, Freedom of Association and Right to Organize, and Convention No. 98, Right to Organize and Collective Bargain, which are considered the enabling rights as they enable workers to band together and fight for their rights and protections. Additionally, all workers are protected under these two conventions. In addition, these countries should also ratify the Labor Inspection Convention, Convention 81 which reinforces the unbiased inspections of labor in order to determine if these factories and countries are in fact implementing worker rights or if they are violating them. Although the ILO does have observations and direct requests on certain conventions, by ratifying this one, it will further warrant compliance.

The right to organize and bargain collectively is extremely important because it gives workers a voice and mechanisms to work together without the interference of an employer. In 2010, Bangladesh female factory workers banded together and closed a handful of factories as they asked for higher wages and protested against the deplorable working conditions.²⁰ Unfortunately, the truth is that worker protests are not always successful in achieving their goal in changing their working conditions, their efforts are heard and oftentimes there are more local victories. Nonetheless, giving workers a voice and amplifying their voices is essential to improving labor rights and conditions, and this can only be achieved through empowering the workers as employers almost always have the upperhand in low wage jobs. Therefore, Conventions 87 and 98 are the most critical fundamental conventions in context to the textile industry.

By passing these conventions, or ILO conventions in general, countries are forced to be more transparent about their labor practices as labor inspections may be conducted and the ILO is able to request information on labor standards that are related to specific conventions. If labor standards

are violated, the ILO is then able to write an observation, essentially calling out these countries for their breach and strongly advising them to make changes. Although there is technically no obligation for these countries to follow ILO's conventions, other countries can now see these poor labor practices and decide to either request that they make changes before agreeing to a trade deal, implement better labor practices in the trade deals, or decide to not go into a trade deal at all. Ultimately, there is some accountability available when countries who join the ILO ratify conventions.

Furthermore, it is important to emphasize that the responsibility does not only lie on the government where these factories are located but also on the companies to ensure that the working conditions are humane and do not violate labor standards. Companies can provide stricter guidelines and social compliance requirements before working with suppliers. Foreign companies can also examine the jurisdiction of local governments, to see if their laws align with the ILO, if not, then companies should choose to not set up in these nations. Investing in proper procedures, equipment, and training can be another method companies can use to ensure safety and sustainability within their supply chains.

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The ILO's Role as a Norm-setter for International Labor Standards

By: William Chang and Hannah Ritter

The International Labor Organization (ILO) is an agency within the United Nations (UN) established in 1919 aimed at creating and recommending international standards for labor conditions in member states. The ILO is centered around 5 major principles: lasting peace, social justice, freedom, dignity, economic security, and equal opportunity.¹ There were three underlying goals for the formation of the ILO: to propose sustainable solutions for stopping the workers' revolts and maintaining peace, to increase profits to employers through the protection of labor, and to provide regulations to recognize the rights of employees.² Therefore, forming the ILO was beneficial to labor unions, governments, and employee unions.

This supranational organization exists to champion workers' rights and protections, setting higher expectations for workplace standards globally. To do so, the ILO operates under a tripartite structure that involves representation from each of the three major stakeholders in international labor issues: employers, employees, and governments. Each stakeholder possesses equal status in this system. The tripartite structure is vital to ensure that labor policies consider the needs of every stakeholder involved. Additionally, the ILO facilitates the sort of free discussion and agreement on social and economic measures essential for social wellbeing and market efficiency. Representatives from different sectors and different member states collaborate to form international conventions and recommendations which countries may choose to ratify. Furthermore, the ILO has dispute resolution mechanisms in place for member states to report other members for flouting previously ratified conventions.

The adoption of these conventions occurs during the annual International Labor Conferences attended by appointed delegates from employer associations and trade unions.³ Conventions are international treaties, so they are binding. Member states can choose to ratify a convention, and if they do so, it must go into effect for all member countries by a certain date. Once a state ratifies a convention, they must incorporate it into their national law and practice and report the implementation of such convention to the ILO regularly. The ILO can also issue additions to the conventions to provide more details on specific principles which are non-binding, but they serve as recommendations to facilitate efficient and proper implementation of the conventions. While the structure of the ILO allows for "free discussions and democratic decision on social and economic measures," it forces members to adhere to Western values and lacks force.⁴

Common critiques of the ILO are that there is limited international enforcement of labor standards and that it forces countries to adhere to Western values with little flexibility to individual contexts. Upon ratification, conventions are "binding" in the eyes of international law, but their implementation into the legal systems of member states is often somewhat constrained by low levels of economic and/or institutional development.⁵ Indeed, some member countries even contend that adopting broad international labor standards to their local contexts would create inflexible labor markets and, in so doing, harm their country's economic development. While there is perhaps some merit to their apprehension, evidence that prosperous economic development cannot be sustained without a solid foundation for workers' protections largely disproves this claim.⁶ Furthermore, "the ILO's fundamental conventions are rarely invoked in trade agreements despite the fact that the eight conventions enjoy near universal ratification by member states."⁷ This subpar degree of implementation for ratified conventions is evidence of the lack of teeth the ILO possesses for ensuring national implementation of conventions within member states. This results from the fact that the ILO lacks "frameworks that can be backed up by formal dispute settlement and sanctions for non-compliance."⁸ This can be attributed to the ILO's increasing use of soft governance instruments, such as recommendations, rather than legally binding standards, and critics have argued that the agency is taking a "dangerous turn [toward]...more aspirational and promotional approaches to achieving broader progress in labor rights protection."⁹ In addition, the ILO is declining in influence as an international labor standard-setter, and it has experienced a declining rate of convention ratification. A final critique of the ILO is its exclusion of informal sectors of the economy that are not represented by employer associations or unions, which makes it difficult to implement international change in these fields.¹⁰

ILO and Asia

In a culture revolving around high-performance orientation and high-power distance, Asia has demonstrated the greatest need for labor law reform, particularly regarding workplace bullying laws. The international concern surrounds whether or not a continent so defined by those characteristics can accept and implement the level of reform needed to combat harmful labor practices.

In China, the largest of any Asian nation, protections have been passed, but it remains limited. In an effort to combat discrimination, The China Employment Promotion Law 2008 bars discrimination on the basis of race, gender, religious beliefs, age, and ethnicity, providing opportunities for employees to take their employer to court. Penalties against said companies, however, are virtually nonexistent.¹¹ Enforcements on occupational safety also exist as seen through The Law of the People's Republic of China on Prevention and Control of Occupational Diseases 2001, which requires employers to regulate a safe and healthy working environment free of potential hazardous diseases and threats.¹² Although individual provinces have enacted many safety protections in addition to existing laws, the laws remain rather ambiguous on protections for other minority groups, such as transgender individuals, leaving protections limited in scope.

Workplace bullying laws, evidently, vary nation to nation. In India, anti-bullying legislation is almost nonexistent with the exception of some sexual harassment and bullying protections. The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act of 2013 and The Criminal Law Act protects women against predatory sexual practices in the workplace, treats sexual harassment as a criminal offense, and requires employers to provide assistance to those filing a complaint.¹³ However, as mentioned similarly in regards to China, these protections are lacking as that they fail to protect men and transgender individuals, both of whom face sexual harassment in the workplace. India, while protective against sexual harassment practices, fails to address the broader scope of workplace bullying and harassment across the nation.

In South Korea, the first instance of legal recognition of workplace bullying came in 2018 in the form of The Labor Standards Act, which introduced the concepts of workplace bullying and harassment into the legal system.¹⁴ The National Assembly of Korea has also amended the Industrial Accident Compensation Insurance Act, adding health effects from workplace harassment into its list of workplace accidents.

In cultures dominated by the premise that employees obey the wishes of their superiors, no matter how serious they may be, the need for academic research and international intervention is crucial in providing a fairer standard of work.¹⁵ The question then arises about how the International Labor Organization will continue to impact and shape contemporary labor policy in the region.

The ILO's work in Asia largely centers around working conditions for migrant workers, who are commonly exploited. India, for example, ranks first in modern global slavery in a 2014 research study on the Global Slavery Index.¹⁶ Given the circumstances, the ILO launched ten initiatives in various countries designed to improve migrant worker rights and fight against forced labor and trafficking. Through these initiatives, the ILO has drafted bills alongside governments designed around furthering safer and less abusive working conditions. Five of these efforts, however, failed to make it onto the parliamentary agenda.¹⁷ In Indonesia, the ILO works with the government and ensures that worker exploitation, especially for migrant workers, is a top priority in the National Medium-Term Development Plan (2010-2014) and the Ministry of Manpower and Transmigration's Strategic Plan (2010-2014). In terms of a more concrete legislative achievement, the ILO, through their cooperation with the Indonesian government, amended Law No. 39 of 2004 on Worker Placement and Protection Abroad, improving the legal structure on job safety. These efforts, while incomplete, catalyzed much-needed conversations across the continent, allowing for change in a culture defined by workplace hierarchical employment.

The ILO's efforts have also included education and awareness campaigns. Wanting to inform the general public about the conditions of migrant workers, the ILO has launched many radio and broadcasting activities designed to be cost-effective and far-reaching. These awareness campaigns have also touched upon the importance of job contracts, salaries, working hours, vacations, housing conditions, and social security.

Recommendations for reforming the ILO

Many international labor issues would be mitigated if the ILO were strengthened as a regulatory and standard-setting agency. First, there should be greater inclusion of informal sectors of member state economies, and the current tripartite structure deprives informal economy employers and employees of a voice in international labor decision-making. The integration of the informal economy is imperative considering the surge of informal sectors that influence the global economy. In fact, “the informal economy comprises more than half of the global labor force and over 90% of micro- and small enterprises worldwide.”¹⁸ Also, recommendations and conventions must incorporate the informal economy due to the fact that the informal sector possesses higher occurrences of abuse of workers' rights and insufficient social protection. To incorporate the informal sector into ILO governance structures, the ILO can broaden the number and type of non-governmental organizations with consultative status with the ILO.¹⁹ Proponents of this reform assert that granting consultative status would trigger the ILO's supervisor apparatus for certain violations.

Another reform proposition is to fortify the ILO's usage of data collection for informing global policymaking processes. In order to make more direct change and to construct effective conventions that could apply to numerous national contexts, the ILO must collect data to understand how international labor policies positively or negatively impact workers. Instead of blindly issuing aspirational tasks, the ILO would hold greater weight and command more respect if they connect their recommendations with concrete data.

Finally, the ILO can partner with private policy initiatives, such as Corporate Social Responsibility, to increase the agency's responsiveness to labor reforms. The process of crafting and ratifying conventions is slow-moving, and it fails to adapt to pressing international labor policy demands. Partnering with individual companies and issuing international recommendations for companies would better encourage national implementation of international labor standards through public pressure rather than through slow and ineffectual legislative change.

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Migrant Workers in the Middle East

By: Annika Ajay, Emily Vo, Jack Mallek and Sara Javkhlan

Introduction

Much of the labor force in the Gulf Cooperation Council (GCC) and the rest of the Middle East is made up of migrant workers, who are largely from South and Southeast Asia. They are a vital part of the economic well-being of these nations and can be attributed to the economic success that these nations have observed in recent decades.

These migrant workers are brought into nations such as Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates through a system called the kafala system. The system permits employers full authority to grant legal status to migrant workers—who make up a large proportion of workers in all GCC nations—creating the situation where migrant workers are working at-will. While the system has allowed employers throughout the GCC to acquire cheap labor, it has also laid the groundwork for deep-seated exploitation that crushes worker opportunities and creates dire circumstances. Common practices under the kafala system include barring workers from changing jobs, forcing migrants to work against their will, and providing substandard living conditions—especially during the COVID-19 pandemic.

Historical Overview of the Kafala System

It is vital to understand the origin and importance of the kafala system in the Gulf economy to fully examine its impacts on migrant workers. The discovery of oil in the Middle East in the late 1930s led to a boom in demand for workers in the region, many of whom were foreign due to the lack of human resources in the Gulf. The Pew Research Center estimates the growth in migrant populations in the Middle East to be the effect of two factors: conflict and economic opportunity. Migration out of unstable nations such as Syria, Iraq, and Yemen has contributed to displaced migrants that have relocated to oil-rich Gulf countries. However, intraregional migration is not the only type of movement that occurs. Emigration from South and Southeast Asia as well as from parts of Africa and Central Asia also exists. The modern GCC workforce is made up of 60 percent migrant workers. In all GCC countries, migrant workers make up the majority of the labor force.¹ The prevalence of migrants in Gulf workforces makes it easier to understand the power of the kafala system in deciding a worker's place of employment and residence in their destination country.

The exploitation of migrant workers under the kafala system can be traced back to the 1950s, particularly within the GCC and select neighboring countries.² The original purpose of the kafala system was to establish a flexible structure in which labor needs would be met with rapid efficiency. In the 1950s, the system's implementation intended to “regulate the use of migrant workers in the GCC states,” especially following the large increase of oil during the 1930s. However, the colossal imbalance of power lends the system in favor of the employer and often generates severe cases of human right violations and abuse. The kafala system allows extreme control over a migrant worker's wage, residence, and travel, violating inherent human and civil rights.

The kafala institution is a sponsorship system designed to dictate migrant residence and work opportunities. Rather than supplying their labor on a market and having employment mobility, migrant workers must engage in the work their kafeel, or sponsor, wants them to. Without the kafeel's permission, a migrant worker cannot freely enter or exit the country, and they may not change or terminate their employment contract. Doing so without authorization is a criminal offense and can result in prison sentences and deportation.³ In the United Arab Emirates, kafala contracts last for one year if the employer is non-Emirati (not of the native national population of the United Arab Emirates), and two if the employer is a UAE national. This dependence on the employer has led to severe consequences for workers in the form of violated labor contracts, inadequate wages, and complete subordination. Escaping the system itself is immensely difficult. Professor and immigration researcher Rhacel Salazar Parreñas attributes this to two main threats, cancellation and illegalization, which are enforced by the state's unforgiving immigration policy.⁴ Cultural factors that label migrant workers as temporary expatriates rather than residents with rights contribute to the general apathy by GCC states regarding the reformation of immigration law. Migration has been “privatized”, and migrants must bear the burden of unfair work standards without the backing of comprehensive immigration policy or workers' rights groups.⁵

International attention to the sponsorship system has led to reformations as well as repeals of the kafala system in certain countries. In 2009, Bahrain claimed to repeal the kafala system, and although this act became one of the first oppositions toward the system, many of the issues persist.

Implications of Kafala System on Migrant Workers' Rights

The kafala system has placed numerous restrictions on the rights of migrant workers. This has made migrant workers more vulnerable to exploitative labor practices — drawing widespread criticism from organizations and other nation states across the world.

Because the kafala system is designed in a fashion that grants kafeels (individual employers) the ability to grant entry visas to its migrant workers — a responsibility usually held by the state — employers can exert more control over their workers. For example, employers are able to restrict the movement of workers. This means that workers are not allowed to change jobs or enter and leave the country without their sponsor's permission. The lack of mobility exacerbates the working conditions of workers who may often find themselves working in low-paying and/or dangerous jobs.

When it comes to renewal of visas, in many GCC nations the employer has the responsibility of renewing the visa. This further strengthens the worker's reliance on the employer for their legal status.⁶

It is also common for the sponsor to confiscate the legal documents of their workers to control their movement and ensure that the workers remain in their jobs for the full duration of their contract.⁷ This puts migrant workers in an extremely difficult situation where they have no choice but to remain in their jobs.

Furthermore, there is limited support for workers seeking to report unfair labor practices. Workers often face retaliation if they choose to change or speak out about their working conditions. For example, if a worker chooses to leave their current employment without the permission of their kafeel, that worker can be charged as a criminal for ‘absconding’.⁸ Workers can face arrest and deportation, even under circumstances where they are trying to escape exploitative and abusive working conditions. In many instances, these workers are even returned to their employer⁹ (ILO p. 7). Even in the cases where legal action is taken, migrants are often linguistically incapable of representing themselves. While English is the language most frequently used within the petroleum industry, GCC courts operate entirely in Arabic, which many migrants cannot speak. Thus, even when legal action is pursued, migrants are often incapable of defending or representing themselves.¹⁰ Employers may also choose to immediately terminate the employment of workers with no notice. Ultimately, the threat of deportation, arrest, and/or termination of their employment puts migrant workers in a difficult position where they must accept exploitative working conditions because they have no reliable method of changing their circumstances.¹¹ Speaking up and taking action often leads to even worse consequences for these workers.

Kafala System Across Countries

United Arab Emirates

A key example of migrants’ difficult integration into the United Arab Emirates is illustrated by Cameroonian immigrants, whose primary job is to work as cargo workers and related services. These workers have experienced hardships in finding stable employment in the UAE, especially because of the difficulty associated with obtaining an employment visa. Before being able to acquire this, their original visas would have expired. Alternative methods, such as visa change in which workers would fly to a nearby island and immediately be issued a new visit visa before returning to the UAE, had become more common. A crackdown on this method led to many immigrants being forced to return to their home countries or stay on the island for a month before getting a new visa. Overstays are another method used, but they can be dangerous because of threats of deportation or detention.¹² The kafala system is in essence the only long-term employment option backed by a legal contract.

The kafala system in the UAE regularly fails to provide protections for migrants. Under the kafala system, the kafeel is required to provide services such as healthcare to their contracted workers, however this rarely comes to be, as the high volume of market supply forces migrants to take any work available, even if it is grossly undercompensated. Accountability for the migrant technically falls on the kafeel but is not enforced, and there is no legal liability to protect migrant workers’ wages.¹³

The lack of bargaining power by the migrant means that negotiations often work heavily in favor of kafeels and business sponsors.

Author Laavanya Kathiravelu rationalizes the UAE as a neoliberal state that espouses values of free-market capitalism yet implements authoritarian-like immigration policy that ultimately prevents the very market freedom the country claims to pioneer. As seen in the example of Cameroonian immigrants, permanent citizenship is nearly impossible to obtain in the UAE. After the 1970s, naturalization was no longer an option for citizenship, and citizenship travelled through patrilineal bloodlines.¹⁴ To apply for citizenship today, applicants must be related to UAE nationals, and even then, if deemed unfit, they may be promptly rejected. There is also increasing restrictiveness of access to social services, including education and healthcare. Healthcare, previously a service that was extended to all residents of the country, has been restricted so that only Emirati nationals can take advantage of it. Being deemed unfit for citizenship or the provision of social services and civil rights is rooted in a strict cultural hierarchy that is further enforced by occupational hierarchies. Thus, migrant workers in commonly low-wage jobs or socially devalued jobs are seen as having less overall value to the overarching Emirati cultural identity.¹⁵ This incredibly selective system forms a privileged class of citizens by supporting nationalistic values of belonging to the state, often at the cost of migrants’ and non-nationals’ well-being in the seemingly glamorous country they have arrived at.

Low-wage migrants suffer from substandard living conditions, terrible work lives, and slim hope of seeing their families back home. The extremely high rates of depression, suicide, and alcohol abuse among these workers speak to the many social issues that sponsorship and nationalistic selectivity of immigrants produce.

Qatar

In Qatar, migrant workers make up 87% of the workforce.¹⁶ Over the years, Qatar has attracted much criticism for its treatment of its migrant workers because of how pervasive the kafala system is.¹⁷ This is especially true in the lead-up to the 2022 World Cup hosted in Doha, Qatar. The announcement of Qatar being the host nation for the international tournament brought much scrutiny and pressure to change the kafala system.

The massive undertaking constructing the new stadiums and facilities for the international tournament required the migrant worker-dominated workforce to add even more migrant workers to meet the construction demands. Amnesty International and other human rights organizations discovered the various human rights abuses that took place during the construction of the World Cup facilities. In Amnesty International’s 2016 report, researchers discovered that migrant workers — many of whom were of South Asian origin — received lower than promised wages, were forced to live in cramped living arrangements, had their passports confiscated, received delayed payments, prohibited from leaving the country, and even subjected to forced labor.¹⁸

In recent years, Qatar has made some changes to the kafala system to better protect migrant workers. In 2017, Qatar and the International Labor Organization entered into an agreement that establishes a technical cooperation project aimed at ensuring that the nation is following international

labor conventions by introducing various reform measures to the kafala system. Qatar introduced other policy reforms to help improve workers' mobility.¹⁹ In 2020, Qatar made additional reforms that could greatly improve the lives of migrant workers. These reforms grant workers the right to change their employment at any point and raise the minimum wage for migrant workers.²⁰

However, these reforms are not completely indicative of progress. The reforms do not address the challenges of migrant workers before they enter their binding contracts with their kafeels.²¹ The reforms are not comprehensive enough to truly address the deep flaws of the system. Additionally, the weak enforcement mechanisms for these reforms have delayed progress in improving the work conditions of migrant workers.²² A nation could announce reforms but without proper follow-through, these reforms are useless. Ultimately, these reforms certainly do not signal the end of the kafala system as we know it now so more substantial measures need to be considered in order to observe substantial improvement in working conditions.

Saudi Arabia

Like in all Gulf countries, the Kafala system in Saudi Arabia has been incredibly important in the demographic growth of the country. The increase in foreign workers has been a longstanding problem for the native population, resulting in widespread unemployment, and has prompted the government to take action. In a wave of so-called "Saudization," the Kingdom instituted a number of restrictions in relation to foreign labor, including increasing the requirements for renewing residence and work permits, instituting a quota, or Nitaqat, system that requires a certain proportion of the workers in an enterprise to be Saudi nationals. Additionally, the government introduced a minimum wage for both foreign and domestic workers, although the minimum wage for Saudi natives is nearly twice that of the foreign laborers.²³ Despite these restrictions, Saudi Arabia still heavily depends on foreign labor and is largely unable to enforce many of its Saudization policies due to how lucrative this system of labor exploitation is for large employers. Indeed, in a 2007 correspondence between the US ambassador to Saudi Arabia and the Saudi Minister of Labor, the minister admitted that there is very little impetus to reform the system since among Saudi Employers "no one" is interested in passing a law to protect domestic workers since "everyone is satisfied with the status quo."²⁴

Furthermore, labor abuses are widespread under the Kafala system. The Kafala system has led to the development of a bifurcation in the Saudi labor market, with Saudi nationals largely responsible for comfortable, high paying jobs, and migrant workers are left with low paying, difficult, dangerous, and dirty jobs.²⁵ Migrant workers are kept in "slavery-like conditions" and often denied the first several months of their wages, resulting in a situation where immigrants must make the difficult decision between going further into debt in the hopes that their current employer will compensate them for their labor or illegally seeking a job that will pay wages. If said worker is found or even suspected to be engaging in illegal activity, they have to face an extremely harsh and punitive legal system.

Since most migrants cannot speak, let alone read Arabic, they are frequently sentenced to death without their prior knowledge. Torture is commonplace, with state officials brutalizing foreigners to get them to sign a document they cannot understand that would supposedly prove their guilt.²⁶

Thus, the Kafala system, as implemented by the Kingdom of Saudi Arabia, is a fundamentally inhumane system. It has profoundly negative effects not only on foreign nationals, but also on domestic workers by increasing unemployment. It seems that the only group that truly benefits from this system are employers, who are able to hyper-exploit a vulnerable and dependent population. Thus, serious reform and/or abolition of the Kafala system are necessary for both the basic human rights of foreign workers, and the wellbeing of Saudi nationals.

Lebanon

Although the GCC is most notably studied, Lebanon's use of the kafala system provides a distinct case study outside the GCC context. The kafala system within Lebanon exists solely to regulate migrant workers and excludes them from Lebanese Labor Laws, making it so migrant workers are unprotected by labor laws. As a result, migrant workers, especially migrant domestic workers, are severely abused. This abuse takes form in various ways and can manifest differently based on a migrant worker's ethnicity, gender, or nationality. In this section, the paper will focus primarily on the intersection of gender and labor discrimination as it pertains to female, migrant domestic workers in Lebanon.

In Lebanon, migrant domestic workers mainly consist of female African and Southeast Asian workers from countries such as Bangladesh, Ethiopia, and the Philippines. Within Lebanon's employment sector, migrant women have continually been assigned domestic jobs due to both the perception of certain household tasks as 'degrading' or 'undignified' and because many migrants are kept for a certain period as expressed by a contract with the employer. The contract is derived from the kafala system which forces the employee to remain within Lebanon, under the employer's housing, and work under the surveillance and permission of the kafeel (employer). However, when arriving in Lebanon, many of the migrant's passports are confiscated by the employer to ensure 'liability' and restrict movement and agency of the employee. This leads to a deep-seated exploitation as it violates the worker's rights to move freely and often place them under unsuitable living conditions.

Female migrant domestic workers in Lebanon are often confined within homes and subjected to gender-based violence, harassment, and long working hours. Women make up 76 percent of migrant workers as well as 99 percent of migrant domestic workers in Lebanon.²⁷ Yet, because migrants employed in domestic work are regulated under the kafala system, female domestic workers are not legally labelled as "workers" in the Lebanese Labor Law and thus, making it easier for migrant workers to be denied protection or compensation. This also makes it easier for female domestic workers to be exploited because in addition to labor discrimination, female domestic workers experience gender discrimination from socio-political factors such as limited access to education, reproductive healthcare and sexual or gender-based violence.²⁸

To elaborate, a focus on female migrant domestic workers from Sri Lanka can further clarify the circumstances under Lebanon's kafala system. In the article "The use and abuse of female domestic workers from Sri Lanka in Lebanon", Abu-Habib outlines the difficulties faced by Sri Lankan women, detailing the physical and psychological abuse faced by domestic workers. Some of these examples include barring migrant workers from practicing their religion, confiscation of travel papers, and extremely low-wage—Sri Lankan domestic workers are typically paid only \$100 US dollars per month.²⁹

Lebanon's use of the kafala system is significant to study outside the GCC context as it provides insight into the conditions of migrant workers, specifically female domestic workers. This leads the paper in how elimination of the kafala system or its reconstruction is pertinent to each country researched.

Policy Recommendations

Expanded Legal protections for Migrants

The kafala system's primary control over workers is in the unquestioning authority to kafeels dictated by the work contract. Throughout countries in the Middle East, these contracts should be made easier to navigate, comprehensive, and require legal solutions for fairness.

Oftentimes, legal rights are tied into citizenship. In the case of countries like the UAE, where national identity dictates citizenship and belonging, a primary reason why migrants feel rejected from society and undervalued is because of their cultural identity and background. Making the citizenship process easier and less arbitrarily selective on cultural traits will allow immigrants to see the Gulf region as a welcoming permanent residence. Extending legal citizenship to migrants helps them feel less alienated and speak up for themselves in cases of employment unfairness or employer abuse.

Source countries from which there are high volumes of people who immigrate to the Middle East, such as India, should also expand legal protections to these migrants. India is the top recipient of remittances from migrant workers in other countries, particularly Gulf countries, with \$71 billion US dollars being transferred to the country in the year 2013.³⁰ Making the deal for remittance clearer by providing these migrants with embassy contacts or resources abroad and supporting them in employment circumstances is vital to helping migrants everywhere.

Serious and unbiased government enforcement of worker-employer contracts under the kafala system must come to be if the kafala system continues to exist. The employer margin of earnings from the contract should be reduced and there should be guarantees of social services and extraneous benefits.

Expanding the legal protections of migrant workers in the Middle East must also include changing the legal definitions surrounding migrant workers as essential employees or personnel. For instance, in Lebanon, because the kafala system dictates the affairs of migrant workers, many are not protected under the general Lebanese Labor Law. This, in turn, makes it extremely difficult for migrant workers to navigate the legal system and enforces an unbalanced dynamic between the kafeel and the employer.

Allowing clear definitions of migrant workers and employment contracts through an official system may aid in giving migrant employees more agency to stand against abusive employers. Labor law throughout the Middle East should include an exact definition of migrant laborers, domestic workers, and civil rights ensured to all workers regardless of migrant status.

Abolition of Kafala

Although expanding legal protection to workers may benefit through short-term avenues, it is not enough to completely extinguish the exploitation migrants face under the kafala system. To do this, the kafala system should be abolished and in the specific case of Lebanon, may be replaced with an employee contract respecting the rights of migrant workers. Aya Majzoub, Lebanon researcher at the Human Rights Watch, comments on abolishing the country's kafala system, saying "A revised contract that recognizes and protects workers' internationally guaranteed rights would be a positive first step to ending the kafala system and protecting migrant domestic workers".³¹ This contract should adopt protections that establish a minimum wage, legal work hours which cannot exceed more than 10 hours at most, overtime pay, and access to travel and legal documents showing residency and migrant status. There are several aspects that are important to the contract, but the central concern with replacing the kafala system is allowing the migrant workers agency and ability to act against their employer in cases of abuse and exploitation. Although the researchers recognize the limits of this policy recommendation, especially considering the socio-political sphere of certain countries, the kafala system must be drastically reformed or abolished in its entirety.

This goal has already largely been achieved in Bahrain. In 2009, the country enacted a law that provided considerable freedom for migrant workers to switch employers, and furthermore established the Flexi-Permit system, which permitted migrants to sponsor themselves and work for multiple employers. Similar laws should be enacted in other Gulf countries to replace the current system; however, Bahrain's implementation could still be improved. According to a 2011 law, migrant workers were required to work for a single employer for a minimum of one year before being allowed to switch employers, an increase of the three months stipulated in 2009.³² Still, action towards worker rights is widely needed in the region. A variety of societal issues in the Middle East stem from the implementation of the kafala system throughout the Gulf States. An abolition of this system will promote equity among national sponsors and migrants and is necessary to create a protected working class in the Middle East.

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