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Prof. Tomoya Obokata
UN SR on contemporary forms of slavery,
including its causes and consequences
OHCHR

HTUR/LEX

28 March 2024

Input for report of the SR on slavery to the 79th session of the GA

Dear Prof. Obokata,

Please find attached the submission on behalf of the International Trade Union Confederation (ITUC) to the 79th UNGA report.

Yours sincerely,



Luc Triangle
General Secretary

Contribution to the report by the UN Special Rapporteur on contemporary forms of slavery including its causes and consequences to the 79th session of UN General Assembly

International Trade Union Confederation (ITUC)

The role of workers' organizations in preventing and addressing contemporary forms of slavery

- 1. Are trade union rights, as protected by ILO Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining), recognized in domestic legislative frameworks in your country? If so, please provide details including provision for remedies in case of breaches.**

Freedom of association means the workers can liberate themselves. Freedom of association is an enabling right, and organising is the most effective instrument to tackle slavery and forced labour. When freedom of association is respected and workers are allowed to freely organise, there is a guarantee that there will not be slavery, child labour or other unacceptable labour practices.

Therefore, compatibility of national legal frameworks and practice with the principles contained in ILO freedom of association and collective bargaining instruments (e.g. ILO Conventions Nos. 87 and 98) are of utmost importance for effective action against contemporary forms of slavery in the world of work.

Below we describe the case of Qatar where legal restrictions on trade union rights leave migrant workers particularly vulnerable to forced labour, including as a result of fraudulent recruitment practices.

Qatar has recently undertaken efforts at restricting the kefala system. However, Qatar's efforts to reform its laws remains insufficient to guarantee that workers' rights will be respected.

According to the recent ITUC Survey among 345 Nepalese migrant workers in Qatar, 99 per cent of respondents stated that they had no access to workers' freedom of association.¹ The existence of trade unions is fundamental to the continuous promotion of better working and living conditions for workers, and Qatar must now commit to ensuring that its law reforms benefit every migrant worker, to accelerate reforms and take the most crucial step in the ratification and implementation of the ILO Conventions on Freedom of Association and Collective Bargaining. Without such demonstrable commitments and as this survey confirms, Nepalese migrant workers who are working in Qatar, remain fundamentally unprotected. Similarly for Sri Lankan migrant workers, the ITUC [study](#) based on survey from 636 respondents revealed that 97 per cent of workers did not have access to a union or workers' association during their employment abroad. While according to the [survey](#) among 835

¹ ITUC, [Survey Analysis: Monitoring recruitment of Nepalese migrant workers to Qatar](#), 2023, p. 12

Bangladeshi migrant workers returnees, only 12 per cent of respondents were given the option to join a union in the destination country.

2. Have workers' organisations in your country played a role in preventing workers from being subjected to contemporary forms of slavery, or helping victims to move out of exploitative situations? If so, please provide details, which may include, but are not limited to:

The unions have played key roles in preventing workers from being subjected to forced labour and slavery. The ITUC has published a publication displaying trade unions actions for migrant workers in 10 countries.²

- a. Promotion of trade union rights for workers who may face a heightened risk of being exploited in contemporary forms of slavery, including women, young people, persons with disabilities, indigenous peoples, minorities, migrants, older persons, informal workers and LGBTQI+ individuals, who may or may not be unionised.**

Several unions have undertaken outreach to workers in sectors with high levels of informality in the form of training and awareness-raising on issues such as trade union rights, OSH standards, or social protection entitlements. For example, Indonesian trade unions have focused outreach activities on workers in domestic work, construction, and among street vendors to raise awareness about labour rights and social security entitlements. Trade unions in Benin have continued their outreach to informal workers through training and awareness-raising on issues such as OSH and financial management.³

- b. Promotion of ratification and national implementation of relevant ILO standards by Member States, including Conventions No. 29 (Forced Labour) and its Protocol of 2014, 87 (Freedom of Association and Protection of the Right to Organise), 98 (Right to Organise and Collective Bargaining), 105 (Abolition of Forced Labour), 138 (Minimum Age), 182 (Worst Forms of Child Labour) and 189 (Domestic Workers);**

Trade unions all over the world undertook significant efforts aiming at supporting the ratification of ILO forced labour and child labour instruments as well as freedom of association and collective bargaining Conventions and other standards that protect workers at risk of severe labour exploitation, such as Domestic Workers Convention.

Thanks to trade union campaigns in many of these countries, in the last 10 years 4 countries ratified Forced Labour Convention No. 29⁴ and 4 countries ratified ILO Abolition of Forced Labour Convention No. 105.⁵ Protocol to ILO Convention No. 29 adopted in 2014 has been so

² ITUC, [Trade unions in action for migrant workers](#), 2023

³ ILO, [Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice](#), 2019, p. 39.

⁴ Brunei, China, Cook Islands, South Korea.

⁵ China, Cook Islands, Japan, Vietnam.

far ratified by 60 countries.⁶ Accordingly, in the last 10 years six countries have ratified ILO Freedom of Association and Protection of the Right to Organize Convention No. 87⁷ and 3 countries ratified the ILO Right to Organize and Collective Bargaining Convention No. 98.⁸ Eight countries have ratified ILO Minimum Age Convention No. 138⁹ and six countries have ratified ILO Worst Forms of Child Labour Convention.¹⁰ In the last 10 years, thirty six states have ratified ILO Domestic Workers Convention No. 189.¹¹

c. Adoption and implementation of specific strategies/guidance on contemporary forms of slavery within their organisations;

In many countries, national social partner organizations have participated in the formulation and review of national equality and non-discrimination legislation and policies through national tripartite institutions.¹² Many social partner organizations have also adopted their own policies and programs to promote non-discrimination and inclusivity. Zimbabwe's National Union of the Clothing Industry Congress has amended internal policies and structures to improve the representation of migrant workers and persons with disabilities in the union's own decision-making processes.¹³

Several trade unions supported efforts to raise awareness of the risk of child labour and forced labour. In Brazil, a collaboration between employers' organizations and rural workers' organizations provided training and capacity building to farming households to raise incomes and reduce drivers of forced labour and child labour in rural communities.¹⁴ In Ghana, sectoral trade unions and employers' organizations worked with the Ghana Maritime Authority and the ILO to improve working conditions and reduce the risk of forced labour in the fishing industry,

⁶ 27 countries of the EU, Antigua and Barbuda, Argentina, Australia, Bangladesh, Bosnia and Herzegovina, Canada, Chile, Comoros, Costa Rica, Cote d'Ivoire, Djibuti, Israel, Jamaica, Kyrgyzstan, Lesotho, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mozambique, Namibia, New Zealand, Niger, Norway, Panama, Peru, Russian Federation, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, Thailand, UK, Uzbekistan, Zimbabwe.

⁷ Guinea Bissau, South Korea, Sudan, Iraq, Somalia and Uzbekistan.

⁸ Canada, Mexico, South Korea.

⁹ Bangladesh, Canada, India, Liberia, Mexico, Myanmar, Suriname, Vanuatu

¹⁰ Cook Islands, Cuba, India, Marshall Islands, Palau, Somalia.

¹¹ Antigua and Barbuda, Argentina, Belgium, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Finland, Grenada, Guinea, Ireland, Jamaica, Madagascar, Malta, Mauritius, Mexico, Namibia, Norway, Panama, Peru, Portugal, Sierra Leone, Spain, Sweden, Switzerland.

¹² ILO, [Achieving gender equality at work](#), 2023, p. 121.

¹³ Paliani Chinguwo, [Trade union revitalization: Experiences and key lessons from Southern Africa](#), ILO, 2022.

¹⁴ ILO, [IPEC+ Global Flagship Programme: Towards a world free from child labour and forced labour](#), 2022, p. 22.

with a focus on implementing provisions of Convention No. 188.¹⁵ In countries including Madagascar, Malawi, and Honduras, national employers' and workers' organizations have coordinated programs to raise awareness of the risks of child labour in the vanilla, tobacco, and coffee supply chains.¹⁶

d. Inspection of workplace and accommodations where these are provided by employers;

The conclusions of the ILO Committee on the Application of the standards (CAS) in 2023 outlined that inspection system in Italy is fragmented and poorly coordinated amongst the inspection bodies while also mandated the creation of a unified database of inspection. There is also a substantial risk that the extension to the agriculture sector of the European Directive on Transparent and Predictable Working Conditions, will lead to a surge in the occurrence of administrative irregularities and potential inspection prosecutions, without, however, directly addressing the severe risks of exploitation under article 603a of the Criminal Code. CGIL (Confederazione Generale Italiana del Lavoro) and FLAI (agriculture union of CGIL) has been campaigning to insist, that the inspectorate needs to make a clear distinction between the reports of non-compliance with the directive, and the cases of severe exploitation pursuant to art 603a. Unions' whistle-blowing activities have been growing over the past decade; the awareness-raising and organising campaigns have been joined in an increasingly structured way by the so called "Street Union", or "trade union caravans", with which enable unions to reach out and intercept this segment of workers, give them guidance and protection, and denounce forced labour exploiters. In addition, through the [observatory](#) 'Placido Rizzotto' CGIL produces yearly reports on the state of play regarding the phenomenon of caporalato in Italy, with data collected across sectors and regions, and on the implementation of the laws and different policies.¹⁷

e. Facilitation of access to education, vocational skills training, as well as financial and essential public services;

The Confederación General del Trabajo de la República Argentina (CGTRA) works to build awareness at vocational training institutions to enable migrants and refugees to access their services. With ILO support¹, the CGTRA and its partners bring together teachers, managers and administrative staff of vocational training centres from Argentina, and from other Latin American and Caribbean countries, to share experiences and learn from one another about working with migrant and refugee populations. Through training and support, vocational training centre staff are equipped to advise, support and refer migrants and refugees in matters such as regularisation of documents, validation of educational qualifications and recognition of professional skills. The CGTRA and the UOCRA Foundation, a labour training NGO, jointly set up a permanent vocational training and migration board composed of unions, state institutions and other stakeholders that work with migrants and refugees. The board meets periodically to discuss and resolve specific problems faced by migrants and refugees who attend vocational training centres.

¹⁵ ILO, "[Labour Conditions of fishers are improving in Ghana](#)", 2023.

¹⁶ ILO, [ILC.111/III\(A\)](#), 2023, p. 521 (Madagascar, Malawi); ILO, [IPEC+ Global Flagship Programme](#), 2022, p. 22 (Honduras).

¹⁷ Observatory, <https://www.fondazionerizzotto.it/>, 2024

f. Facilitation of access to justice and remedies (including legal, financial, immigration, subsistence or other forms of assistance) for workers exploited in contemporary forms of slavery.

Migrant construction workers from Türkiye (formerly Turkey) working on a Tanzanian railway construction site operated by a Türkiye-based construction company went on strike on 5 August 2023 after not being paid for seven months. The peaceful strike of around 2,000 workers was supported by the Confederation of Progressive Trade Unions of Turkey (DISK) along with its affiliated construction workers' union, Dev Yapı-İş. However, the workers were unsure about their rights in Tanzania and had no contact with government authorities. In collaboration with the ITUC and the ITUC Africa, DISK was put in contact with the Trade Union Congress of Tanzania (TUCTA) and the Tanzania Mines and Construction Workers' Union (TAMICO). The union organisations visited the workers on strike, informed them about their rights and got in touch with relevant government authorities. An agreement was reached with the representatives of the company through negotiations attended by officials from the Tanzanian Ministry of Transportation and Tanzanian Railway Company. Having received the first instalment of their unpaid wages on 18 August, the workers ended their strike and went back to work three days later.

3. Please provide any positive examples of collaboration or coordination with the following entities in preventing contemporary forms of slavery and protecting vulnerable workers and victims:

- a. Public authorities**
- b. Businesses/employers' organisations**
- c. Anti-slavery actors, human rights defenders and/or other civil society organisations**

The Konfederasi Serikat Buruh Seluruh Indonesia (KSBSI) or confederation of Indonesian labour unions, collaborates with government and civil society organisations to help local governments implement protection laws for Indonesian migrant workers and provide counselling services for migrant workers who depart overseas and those who return. This collaboration allows the KSBSI to contact migrant workers and their families and provide up-to-date information on government and NGO services both in Indonesia and abroad. Partnerships with women's organisations have helped the KSBSI's counselling and training services to be gender responsive and address issues related to violence, harassment and trafficking. These partnerships resulted in the development of Migrant Worker Resource Centers managed by the KSBSI together with the Ministry of Manpower, relevant local governments and women's organisations, such as the Koalisi Perempuan Indonesia East Java Region (Women Coalition of East Java). Migrant women who visit these "gender responsive information and one-roof integrated services" centres, supported by the ILO and UN Women, can access support from civil society, government bodies and unions under one roof, related to migration and recruitment abroad, and carry out administrative processes with the help of counsellors.

d. Other actors such as financial institutions, service providers, academia, media and regional/international organisations (e.g. ILO)

With support of ILO Fair Recruitment Initiative, [ITUC developed Recruitment Advisor website and Chatbot](#)¹⁸, a global recruitment and employment review platform offering workers easy

¹⁸ ITUC, [Recruitment Advisors](#), 2024

access to information about recruitment agencies and workers' rights when looking for a job abroad. Recruitment Advisor has coordination teams based in the unions in different countries (the Philippines, Indonesia, Nepal, Sri Lanka, Bangladesh, Kenya, Ghana, Nigeria, Uganda, Ethiopia, Hong Kong, Bahrain, Jordan). Together with several other organizations in each country, the team reaches out to the workers with the mission to raise awareness on the workers' rights to be fairly recruited based on [ILO General Principles and Operational Guidelines for Fair Recruitment](#)¹⁹ and to encourage workers to share and learn about fair recruitment through Recruitment Advisor and prevent workers from being subjected to forced labour.

The collection of information for Recruitment Advisor was done in collaboration with Maastricht University. The website was developed by Belgian based website developer, Webstanz and the chatbot developer is [Relief Application](#). The chatbot is undergoing an upgrade, in a first for the ILO and the International Trade Union Confederation (ITUC) to develop AI-powered chatbot using a Large Language Model, that for the first time can conversationally engage with migrant workers to provide simple and practical responses to questions they may have about labour and social protection rights in the Arab States, by Whatsapp and Facebook Messenger.

4. Are there workers' organisations dedicated to organizing and defending the rights of workers in certain sectors with higher risks of labour and/or sexual exploitation (e.g. agriculture, fishing, construction, services including hospitality, manufacturing, domestic work, and non-standard forms of employment) or at-risk populations (e.g. indigenous peoples, migrants and refugees, minorities, older workers, workers with disabilities and informal workers) in your country? If so, please provide details, including tailored prevention or protection activities.

Trade unions around the world are undertaking a variety of actions aiming at organizing and defending rights of workers in sectors with higher risks of severe forms of labour exploitation or groups of workers at risk of such exploitation.

Several trade unions have recently taken steps to amend internal policies and constitutions to expressly include under-represented groups of workers, including migrant workers and workers in the informal economy, while others conducted outreach campaigns to boost recruitment and support self-organization among at-risk groups, including women migrant workers and domestic workers.

For example, the Mozambique Workers' Organization–Central Union (OTM-CS) has taken steps to amend its constitution to include specific provisions on the protection migrant workers' rights and has launched a project to enhance the participation of migrant workers in trade union training, social dialogue, and collective bargaining at the company and branch levels.²⁰

Uganda's National Organization of Trade Unions (NOTU) has decided to amend its constitution to expressly open up membership to workers in the informal economy.²¹

¹⁹ ILO, [General Principles and Operational Guidelines for Fair Recruitment, 2016](#)

²⁰ ILO, [Migrant Workers' Rights to Freedom of Association and Collective Bargaining](#), 2023, p. 75.

²¹ ILO, [Interactions Between Workers' Organizations And Workers In The Informal Economy: A Compendium Of Practice](#), 2019, p. 46.

The Tunisian national trade union confederation (CGTT) added more than 1,500 new migrant workers to its membership over the two years. In Malaysia, the IDWF has coordinated a campaign to recruit and support self-organization among women migrant domestic workers in Malaysia.

The International Domestic Workers Federation (IDWF) started to organize Filipino Migrant Domestic Workers in 2017 and Indonesian Migrant Domestic Workers in Malaysia in early 2019 by engaging several Filipino and Indonesian migrant groups, and specifically reaching out to domestic workers. Through this engagement, the IDWF attempted to provide a safe space for migrant domestic workers to have an exchange of learning among themselves, and also provided access to training on issues such as gender equality, organizing, leadership and unionism. Through this process, domestic worker leaders started becoming aware of their issues and collectively established a group of Indonesian migrant domestic workers named PERTIMIG (Persatuan Pekerja Rumah Tangga Indonesia Migran) on December 15, 2019 with 30 domestic workers registered as members, and a group of Filipino migrant domestic workers Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas (AMMPO), Malaysia. [Source](#). In Hong Kong, China, local domestic workers joined Filipino, Nepali and Thai migrant women to form the Federation of Asian Domestic Workers' Unions.²²

Some trade unions took steps to organize and facilitate the inclusion of enterprises and workers in the informal economy in social dialogue and collective bargaining processes. For example, employers' and workers' organizations in Togo have set up a permanent bipartite consultation committee to engage with enterprises and workers in the informal economy to support their progressive formalization.²³ In Malawi, employers' and workers' organizations have engaged in negotiations at bipartite and tripartite levels on working conditions in sectors such as tobacco, with a high proportion of informal workers.

Addressing the issues raised under SDG Target 8.7. calls for a tripartite approach, involving the relevant workers employers and government agencies. In the fishing industry in Ghana, ITUC's affiliate Trades Union Congress and its affiliates the Maritime, and Dock Workers Union (MDU) and the National Union of Seamen Ports and Allied Workers (NUSPAW) are working hard to organise fishers and other workers in the marine fisheries space and to empower them with requisite knowledge and skills to assert their rights. The risk to injury is relatively higher so there is little room for ignorance and incompetence. Life-threatening injuries would be the consequence; and this is not very uncommon in practice. The ILO Accelerator Lab 8.7 project is supporting unions in empowering fishers by strengthening their capacity to organise and increase their knowledge and skills in advocating for the enforcement of national and international labour standards²⁴.

Unions in Jordan have sought to protect labour rights by building effective partnerships, both at the national level, such as the agreements concluded with the Ministry of Labour in 2017 (which are now renewed annually) in order to issue flexible work permits that enable refugee workers to work within his or her competence, if possible, without the need for a sponsor. Unions have also sought, through cooperation with both the International Labour Organization

²² ILO, [Organizing women migrant workers: Manual for trade unionists in ASEAN](#), 2021, p. 141; ILO, [Migrant Workers' Rights to Freedom of Association and Collective Bargaining](#), 2023.

²³ ILO, [The role of social dialogue and the social partners in addressing the consequences of COVID-19 in the informal economy](#), 2020, p. 3.

²⁴ Ghanaian times, [Opportunities for achieving target 8.7. of the Sustainable Development Goals \(Sdgs\) in the Fishing Industry in Ghana: The Ilo Factor](#), 2022

(ILO) and the Arab Trade Union Confederation (ATUC), to protect the rights of refugee workers, such as the right to organise, the right to collective bargaining, and protection from unfair treatment or arbitrary dismissal through the establishment of trade union committees that represent these workers, especially in the agriculture and public services sectors²⁵.

5. If any, please describe challenges or limitations experienced by workers' organisations in your country to prevent contemporary forms of slavery and protect victims, which may include:

Other barriers include excessive delays or arbitrary denial of trade union registrations, insufficient legal protection against anti-union discrimination, restrictions on collective bargaining (such as unduly high representativeness thresholds), and undue restrictions on the right to strike (including through excessively broad definitions of 'essential services' in which the right to strike is restricted).²⁶

a. Non-recognition of trade unions/workers' organizations or trade union rights in law and in practice;

Non-recognition of trade unions and trade union rights continues to pose major barriers in defending workers, including those particularly at risk of exploitation, from modern forms of slavery. Trade unions face various barriers in undertaking their legitimate activities. For example, according to ITUC Index, in 2023 73% of countries impeded the registration of unions or banned them, including in Belarus, Myanmar, Hong Kong, Central African Republic and Guatemala.

b. As a result of many of these barriers gaps in representation for many of the most vulnerable groups of workers have persisted. Limitations on the rights to organize and take collective actions, including bargaining;

Restrictive laws and burdensome administrative procedures continue to limit the effective exercise of trade union rights in many countries. According to ITUC Index, in 2023 9 out of 10 countries worldwide violated the right to strike. Working people in Canada, Togo, Iran, Cambodia and Spain faced criminal prosecution or dismissal following their decision to strike.

In the past 10 editions, the Global Rights Index has recorded an unprecedented increase in attacks on free speech and assembly from 26% of countries in 2014 to 42% of countries in 2023.

At the same time, 8 out of 10 countries violated the right to collective bargaining. Workers in the Netherlands, North Macedonia, Zimbabwe, Honduras, Indonesia, Montenegro and Serbia have seen their rights to collective bargaining severely reduced.

c. Union-busting and other forms of harassment and anti-union discrimination;

²⁵ Equal Time, *Impact of Forced Displacement*, 2023

²⁶ ILO, *ILC.111/III(A)*, 2023.

In the last 7 years, ILO supervisory bodies have noted serious cases of violence against trade union officials in several countries,²⁷ including cases where authorities have failed to adequately investigate violations,²⁸ as well as cases of arbitrary arrest, detention, and judicial harassment of union leaders and workers,²⁹ including in the context of public protests.³⁰

Other forms of anti-union discrimination, including inadequate legal protections and/or weak enforcement of labour laws in practice, have been similarly raised through ILO supervisory bodies.³¹

According to ITUC Index, in 2023 workers were arrested and detained in 69 countries, with prominent trade union leaders targeted in Myanmar, Hong Kong, Dominican Republic, India and Turkey. In 65% of countries working people had no or restricted access to justice. Trade union leaders and workers' rights advocates in Zimbabwe, China and Kazakhstan were prosecuted on trumped-up charges and their trials were often beset by a disregard for due process. In 2023, trade unionists were murdered in eight countries: Brazil, Colombia, Ecuador, El Salvador, Eswatini, Guatemala, Peru and Sierra Leone.

d. Lack of cooperation/coordination from various State/non-State actors;

Gaps and inconsistencies across policy and legislation exacerbate vulnerabilities to forced labour. Although several countries have adopted national action plans and similar measures to address forced labour in the last several years,³² such dedicated policy instruments are still rare while those in place are not always adequately resourced or implemented.³³ Despite ongoing efforts to close legal gaps, approximately one-third of countries still lack laws that clearly define, criminalize, and sanction forced labour.³⁴ Despite trade union campaigns calling for protecting labour rights of informal workers and for actions aiming at transition from informal to formal economy, the authorities in many countries still fail to sufficiently address these problems. Similar lack of action persists in relation to protection of migrant workers from risks of several labour exploitation. On the other hand, perpetrators often continue to enjoy impunity due to lack of coordination from various state actors. Continuing capacity limitations and lack of coordination across the labour inspection, other law enforcement, and judicial systems are reflected in the persistently low number of forced labour and trafficking cases

²⁷ For example, recent cases before the ILO CFA concerning Peru, Guatemala, and Colombia. ILO, [403rd Report of the Committee on Freedom of Association](#), GB.348/INS/4, 2023; ILO, [393rd Report of the Committee on Freedom of Association](#), GB.341/INS/12/1, 2021.

²⁸ For example, CEACR comments concerning lack of substantial progress in investigating recent killings of several trade unionists in the Philippines. ILO, [ILC.111/III\(A\)](#), 2023.

²⁹ See recent cases before the CFA, including Venezuela. ILO, [397th Report of the Committee on Freedom of Association](#), GB.344/INS/15/1, 2022.

³⁰ See cases before the CFA concerning Sri Lanka, China (Hong Kong), and Myanmar; cases referred to CAS concerning Belarus; or CEACR comments concerning the use of excessive force by security services against trade unionists and workers in Indonesia and Bangladesh. ILO, [GB.344/INS/15/1](#), 2022; ILO, [GB.344/INS/15/1](#), 2021; ILO, [Committee on the Application of Standards](#), CAN/PV.CCL.2, 2022.

³¹ For example, recent CFA cases concerning the dismissal of workers and trade union officials in Honduras and CAS cases concerning Hungary and Malaysia. ILO, [Case No. 3383 \(Honduras\)](#), 2022; ILO, [CAN/PV.CCL.2](#), 2022; ILO, [Committee on the Application of Standards](#), CAN/PV.14, 2022.

³² For example, Nigeria and Malaysia. ILO, [ILC.111/III\(A\)](#), 2023.

³³ ILO, IOM and Walk Free, [Global Estimates of Modern Slavery](#), 2022, p. 96.

³⁴ ILO (2024) Fundamental principles and rights at work at a critical crossroads.

identified for official investigation, as well as the low number of successful prosecutions leading to convictions for forced labour offences.³⁵

d. Limitations/challenges specific to certain employment sectors or groups of workers, including lack of representation for collective bargaining;

Important categories of workers – including rural workers, domestic workers, migrant workers, home-based workers, and workers in the platform economy – often remain outside the scope of key trade union rights legislation. It is important to note that the ILO supervisory bodies have systematically noted that Conventions Nos. 87 and 98 cover all employers and workers without establishing distinctions based on their contractual status. Other categories of workers, such workers in agriculture, fishing or transport sectors, may be subject to sector-specific regulations that similarly restrict the full exercise of trade union rights.³⁶

Many categories of workers that are at higher risk of forced labour are at the same time most often affected by excessive and abusive restrictions of their collective rights. These exclusions affect, for example, temporary workers, migrant workers those in the informal economy, workers in bogus self-employment, platform workers and workers in Special Economic Zones.

According to the ITUC Survey, in 2022, 77% of countries excluded working people from the right to establish or join a trade union. Migrant, domestic and temporary workers, those in the informal economy, platform workers and workers in Special Economic Zones were denied the right to freedom of association. Burundi, Haiti, India, Turkey and the United Arab Emirates were among the countries that excluded working people from union representation.³⁷ Platform workers are most often classified as self-employed and therefore in the majority of countries cannot form their unions or join the existing ones.

e. Limited access to workplaces and accommodations provided by employers;

Unions in many countries experience similar challenges in reaching out to vulnerable migrant workers especially to access workplaces and accommodations provided by employers. Unions must find ways to convince migrant workers a safe place outside workplaces and accommodations to be able to have discussion. Notably for foreign workers in an irregular situation who are victims of labour exploitation, they may be reluctant to talk to any one including union and more reluctant to cooperate with the inspection authorities due to risk of deportation. Immigrant workers without a permanent address in Norway are exploited in terms of wages and living conditions, often in combination. Several instances have been uncovered in Norway where employees are compelled to reside in insecure houses and apartments, resulting in consequences such as fire incidents due to electrical system faults. LO Norway has been insisting that the Labour Inspection Authority must at all times have unimpeded access to any place covered by the law.

f. Other practical difficulties such as lack of resources, expertise and membership, or reluctance/fear among workers to engage.

³⁵ ILO, IOM and Walk Free, *Global Estimates of Modern Slavery*: 2022, p. 87.

³⁶ See, for example, case No. 3387 (Greece) before the CFA concerning legal restrictions on the scope of collective bargaining for transport workers. ILO, [GB.344/INS/15/1](#), 2022.

³⁷ <https://www.ituc-csi.org/2023-global-rights-index-en>

In the course of implementing work plan or project focusing on migrant workers, ITUC and national trade unions encountered challenges in effectively reaching out to this vulnerable group. Migrant workers, gripped by fear, hesitate to engage with trade unions or workers' organizations due to concerns about potential blacklisting by recruiters or dismissal by employers. Similar challenges were encountered by the operational aspects of peer-to-peer website www.recruitmentadvisor.org aiming migrant workers as main user. Unlike commercial review platforms where customers have and use the power to assess services from service providers, migrant workers often refrain from sharing their experiences, fearing repercussions such as blacklisting or job loss. Recognizing these obstacles, the ITUC remains committed to supporting trade unions using Recruitment Advisor and other innovative technologies to safeguard the rights of migrant workers and empower them with information on their hands.

6. What practical recommendations would you make to concerned stakeholders (including Governments, businesses/employers' organisations, anti-slavery and civil society actors, international organisations and others) to enable workers' organizations (including centres and federations) to more effectively prevent and address contemporary forms of slavery?

Trade unions should be enabled to play their role in defending and progressing interests of workers. However, we still observe a growing trend of adopting repressive laws that are used to codify repression of workers' rights in many countries. Such laws should be urgently repealed. Trade unions should be allowed to decide freely about their constitutions and statutes, including the categories of workers and sectors they wish to represent. States should respect that the right to form and join trade unions and be represented by trade unions for the purpose of collective bargaining are fundamental labour and human rights that cannot be restricted by the type of contract (eg. self-employment or temporary agency contract), working in a particular sector (eg. agriculture or domestic work). Legislative frameworks should be reviewed accordingly and all barriers to collective organizing and representation should be removed.

Trade unions should be recognized as partners in adopting national forced labour and human trafficking plans, strategies and legislation. Involving labour actors (including labour administration and labour justice) will enable better policy coherence and efficiency.

Companies should recognize trade unions in their workplaces and should bargain collectively. They should recognize trade unions representing all workforce present in their workplaces, including outsourced workers or self-employed workers. They should refrain from any anti-union discrimination. Companies should make a public commitment to respect labour rights, including trade unions, freedom from forced labour, child labour and discrimination in employment and occupation. They should undertake due diligence to identify, address and remedy violations of these rights in their supply chains.

