

Labor: Freely Chosen Employment

Freely Chosen Employment, What is Forced Labor?

All human beings have the right to decide whether or not to engage in work. Any actions taken to impede on this right are considered a violation of a person's right to freely choose their employment. Following the terminology used by the ILO, this website uses the term "forced labor" as an all-encompassing term to describe all forms of work not entered into freely.

ILO Convention 29

According to ILO Convention 29, forced labor is "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

What does this mean? Basically, forced labor is comprised of the following two main components:

1. The worker does not voluntarily agree to work
2. The employer threatens any penalty for not working

The term "voluntarily" is important as it not only refers to the fact that all workers have the right to refuse work or quit at any time (with proper notification when necessary), but it also rejects work done as a result of coercion. If a person "agrees" to do work as a result of any type of coercion, this person has not voluntarily agreed to work and, therefore, is a victim of forced labor.

Convention 29 is careful to note that forced labor occurs as a result of a threat of "any penalty." Although the threat of physical harm or death is perhaps the most commonly-known threat, other types of penalties can be:

- Sexual
- Psychological

- Emotional
- Monetary
- Legal (such as threat of arrest or deportation)
- Task-related (such as threat to move to a less desirable or more dangerous job)
- Resource-related (such as threat to take away housing or food)
- Employment-related (dismissing worker under illegal circumstances, such as threat to dismiss for not agreeing to work overtime above legal limit)

ILO Convention 105

ILO Convention 105 adds to Convention 29 by specifically stating that forced labor cannot be used in the following circumstances:

as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;

1. as a method of mobilising and using labour for purposes of economic development;
2. as a means of labour discipline;
3. as a punishment for having participated in strikes;
4. as a means of racial, social, national or religious discrimination. 03

Identifying forced labour in practice 04

The table below taken from the ILO's Combating Forced Labour: A Handbook for Employers and Business (PDF), gives examples of common ways people enter into forced labor (column 1) and common threats that are used to keep that person in forced labor (column 2):

Lack of consent to work (the "route into" forced labour)

- Birth/descent into "slave" or bonded status
- Physical abduction or kidnapping
- Sale of person into the ownership of another
- Physical confinement in the work location — in prison or in private detention
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages
- Retention of identity documents or other valuable personal possessions

Menace of a penalty (the means of keeping someone in forced labour)

- Physical violence against worker or family or close associates
- Sexual violence
- (Threat of) supernatural retaliation
- Imprisonment or other physical confinement
- Financial penalties
- Denunciation to authorities (police, immigration, etc.) and deportation
- Exclusion from future employment
- Exclusion from community and social life
- Removal of rights or privileges
- Deprivation of food, shelter or other necessities
- Shift to even worse working conditions
- Loss of social status

NOTE: The ILO provides several exceptions to these descriptions of forced labor. Please thoroughly review the content of Conventions 29 and 105 to familiarize yourself with them.

03 International Labour Organization. "C105 Abolition of Forced Labour Convention, 1957."

04 Combating Forced Labour: A Handbook for Employers and Business (PDF)