



BSR Conference 2008 | Sustainability: Leadership Required Migrant Workers in Your Supply Chain: Risks and Opportunities

Breakout Session Summary
Thursday, November 6, 2008 | 2-5 p.m.

Speakers

- **Manolo Abella**, Consultant, International Labor Organization, and Senior Research Fellow, Centre on Migration, Policy and Society, University of Oxford
- **James J. Higgins**, International Program Manager, Forced Child Labor, U.S. Immigration and Customs Enforcement
- **Charlie Kernaghan**, Director, National Labor Committee
- **Tammy Rodriguez**, Director, Corporate Social Responsibility, Esquel Group, Hong Kong
- **Jeremy Prepscius**, Director, Asia, Business for Social Responsibility (moderator)

Highlights

- Companies should use available resources to manage labor migration issues: global dialogues, civil society, and U.S. embassies.
- Suppliers and companies need to work together without confrontation to understand the complexities of the situation and create cooperative solutions.
- Companies often have better access to, and higher levels of influence, on suppliers than civil society, multilaterals, or enforcement institutions.

Memorable Quotes

- “If these factories know you are watching, I think they sit up and pay attention.” — Charlie Kernaghan, National Labor Committee
- “We recognize that our management system failed in this case . . . millions of dollars have been spent [remediating the abuses against migrant workers] and this has been a very difficult lesson for our company.” — Tammy Rodriguez, Esquel Group
- “ICE would look at passport withholding as an indication of forced labor. . . [because] it gives an employer too much power over a worker, no matter what the circumstances.” — Jim Higgins, U.S. Immigration and Customs Enforcement





Business for Social Responsibility

Overview

Prespcius opened the discussion by introducing the panelists representing four critical perspectives: multilaterals, civil society, suppliers, and government.

According to Abella, labor migration currently suffers from gaps in workers' rights—a result of a lack of: effective implementation of laws, leadership, political will, institutions, and a global regulatory body. “I think it takes a particularly brave political leader, even in Western Europe, to say anything [in favor of better protection of] . . . migrant workers,” Abella said.

Kernaghan then described the National Labor Committee's (NLC) 2006 exposé report on labor conditions in Jordan's export processing zones. Since this episode, circumstances for migrant workers have improved tremendously; generally speaking, workers now have passports, there are few incidents of sexual harassment, wages are paid correctly, and the Jordanian Ministry of Labor is closely monitoring the situation. Just today, cooperation between a major U.S. brand, the NLC, and the Jordanian government led to the release of wrongfully imprisoned workers. Companies, he said, can also improve legal protection for migrant workers by supporting freedom of mobility under work permits; currently, permits are restricted to one employer.

Rodriguez, representing suppliers, spoke candidly about Esquel's recent experience with migrant worker abuses in Malaysia. In what she called a management system failure, Rodriguez said three main areas were mishandled: 1) recruitment, 2) irregular wage payment, and 3) worker grievances. Rodriguez highlighted the complex challenges of operating in a country like Malaysia, where migrant workers are not protected by any comprehensive legal framework and administrative management is shared between two government agencies. Is it sustainable to operate in a country where migrant labor is common, given the associated risks and costs? Rodriguez concluded that to shut down operations was neither feasible nor desirable, but instead, brands and suppliers should work together to create solutions.

Higgins next explained U.S. Immigration and Customs Enforcement's goal: to prohibit products made using forced labor or child labor from entering the United States. He encouraged brands to utilize his department and other U.S. government resources to address suspected cases of forced labor.

During the Q&A session, a member of the audience asked what immediate actions the private sector could take to address migrant labor issues. Prespcius recommended: 1) work with your suppliers, 2) engage with U.S. embassies, and 3) participate in global initiatives like the Global Forum on Migration and Development.

* * *

This summary is also available on www.bsr.org/bsrconferences/2008/session-summaries.cfm.

