Paradoxes of migrants’ exploitation in the Netherlands

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What is exploitation?

• ‘Exploitation’ central term in international conventions (most prominently: Forced Labour Convention, Palermo Protocol on Human Trafficking) ← yet, term undefined here

“systematic substantial underpayment and provision of poor, far too expensive housing” as indicators of exploitation (Netherlands Supreme Court 2019)

“[…] labour migrants in particular are seriously disadvantaged by rogue employers. The core of labour exploitation often consists of creating a financial bondage by keeping workers in a permanent position of dependency, often in relation to forced housing.” (Dutch Labour Inspectorate 2019: 35)

• Relevant for human trafficking victims’ temporary immigration status in the Netherlands (chapter 8B Aliens Act Implementation Guidelines)
Two groups of migrant workers

Migrant sex workers
- legal occupation, but affected by increasingly repressive regulation
- few(er) licenses for sex workers
- only sector in the Netherlands banning non-EU foreigners

Migrant farmworkers
- largest share of ±370,000 CEE migrants work in agriculture
- contribute to Euro 1.4 billion income from agriculture
- make the Netherlands largest agricultural producer in EU...
- ... & 2nd largest agricultural exporter globally
Visibilised migrant sex workers

- Migrant workers are foregrounded in discourses around the sex industry in the Netherlands ← main objective of proposed law on regulation sex work (WRS) is to avoid human trafficking

→ All sex workers affected by dominant frame of human trafficking, used to restrict legal profession through:
  → reduction of licenses
  → closure of streetwalker zones
  → proposed criminalization of unlicensed workers’ clients

→ Focus on human trafficking pushes migrant sex workers further into informality with greater vulnerability to violence as a consequence
Invisibilised migrant farmworkers

- Economic successes & concerns of Dutch agriculture prominent in policy debates, yet, migrant workers’ role in this invisibilised

- Media attention to & court rulings about few extreme cases of labour exploitation affecting migrant workers are quickly forgotten

← Yet, majority of migrant workers in horticulture affected by high degree of dependency on agency/grower
← Interlinked employment, accommodation (sometimes also transport & loan) contracts result in underpayment, enable coercion to accept unfair labour practices
Paradoxical consequences

- Selective visibilisation of small group of migrant sex workers’ realities justifies repressive policies that heightens risk of their & other sex workers’ exploitation

- Invisibilisation of vast migrant workforce in horticulture supports normalisation of their ‘regulated precarity’ → they pay for economic success of Dutch agriculture

→ Misrepresented & invisibilised realities of migrant workers heighten the risk of exploitation they face
Towards fair labour practices for migrant workers

Shift from criminal to labour approach to (migrant) sex work:
• ‘integrated governance of sex work’ to focus on decriminalization, destigmatisation & non-discrimination → minimalises (migrant) sex workers’ vulnerability to exploitation
• governance through Ministry of Social Affairs & Employment as first step

Shift towards decent (migrant) work in agriculture:
• more resources to & worker-driven labour inspection
• easier civil procedure to claim unpaid wages
• reintroduction of recruitment agencies’ licensing
• addressing retailers’ market power
Thank you!
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