

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)

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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 $\pm 370,000$ 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

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Thank you !

feedback welcome at
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