MODERN SLAVERY AND THE EUROPEAN LABOUR MARKET DYNAMICS

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Abstract

Many people think of slavery as a matter of the past with little relevance to today's world. But nonetheless, this institution continues to constitute a thriving research field for sociologists, historians, and economists. The present paper examines the issue of modern slavery as related to forced labour and labour exploitation, analyses the labour legislation of the European Union, and gathers several cases of forced labour/ labour exploitation involving Romanian workers. The purpose of the present paper is achieved using content analysis, a qualitative research method. The results suggested that, despite the European Union's extensive labour regulations, it still encounters situations of forced labour/ labour exploitation where basic worker rights and protection are not upheld; the findings highlight the need for greater consideration, further research, and solutions for this issue, together with special concern towards the clear distinctions between forced labour and labour exploitation.

Keywords: modern slavery, forced labour, labour exploitation, European Union labour market, European Union labour legislation

Introduction

Slavery has long been a polarising subject in economics since it provided an ample research topic. The main disagreement among economists is on whether the institution of slavery was economically successful and hence played a significant role in the social and economic development of today's most developed countries, which once exploited slave labour in a wide range of work areas. Slavery's economics and profitability have been a subject of discussion starting with references to Ancient Greece and Rome. For instance, as presented by Xenophon in his collection of Socratic dialogues, *Memorabilia* (3.11), the Greek philosopher Socrates comes to the conclusion that in order for an Athenian citizen to become wealthy, he or she may possess (1) a substantial farm, where slave labour is most likely involved; (2) a renting property that serves as both a temporary residence, and a brothel with

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slave girls and women as prostitutes; and (3) experienced slave craftspeople (Cartledge, 2002). Although the use of slave labour is not clearly acknowledged in the context of large farms, it can be seen that in Ancient Greece, the primary means of obtaining income included the exploitation of slaves, enabling slavery as profitable (Cartledge, 2002). Considering the example of Ancient Rome, slaves were used in the agriculture sector since, in contrast to a free labourer, masters only needed to provide for their shelter and food; slaves received no further payment, making their "employment" profitable (Hopkins, 1978). Another way that slave owners might earn significant profits was by allowing some of their slaves to start their own businesses. These slaves would either pay their owners a fixed sum of money each year or simply keep a part of their earnings (Burks, 2008; Johnston, 1903).

In the context of slavery and economics, it is relevant to mention the complex historical event known as the Transatlantic Slave Trade, which involved the trafficking of slaves from Africa to the Americas over the Atlantic Ocean. African slaves were less expensive and more profitable; hence Europeans favoured them for economic reasons (Walsh, 2011). After establishing international trade and having access to the African continent, Europeans learned that black people were more resilient, more submissive, and had superior labour capabilities than white people (Basset, 1896). There are important studies that argue that slavery was advantageous because it supported the economic and social advancement of the various states that participated in the slave trade (Darity, 1990; Inikori, 1992; Williams, 1944), even though perspectives on the profitability of the Transatlantic Slave Trade may differ as some other researchers do not agree on the profitability of Transatlantic slavery (Eltis, et al., 2016; Postma, 1990; Richardson, 1978;).

Slavery in Ancient Greece and Rome, but also the experience of the Transatlantic Slave Trade are only a few examples that paved the way for what is known today as modern-day slavery. The issue of defining modern slavery has proven challenging due to its complexity, therefore the international community has not yet come to a consensus in this regard. However, the International Labour Organization (ILO) defines modern slavery as a situation of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, or abuse of power (ILO, 2022). Modern slavery generates \$150 billion in annual profits through anything from forced labour and sexual exploitation to debt bondage and forced marriage, with \$51 billion being generated by forced labour such as domestic labour or agriculture (ILO, 2014). The economics of modern slavery in general, and forced labour in particular, encourage and benefit the perpetrators who engage in these activities, Moreover, as this phenomenon is genuinely connected with poverty and economic underdevelopment, it has a damaging impact on the global economy (Bales et al., 2009). The extensive labour legislation reflects the European Union's interest and efforts in protecting and providing labourers with a suitable working environment. However, as further explored in this study, there are cases of forced labour and labour exploitation inside the borders of the European Union that address

this problem within the dynamics of the European labour market.

The purpose of the paper is to investigate the issue of forced labour and labour exploitation in the context of the European Union's labour market dynamics, as worker exploitation is profitable for perpetrators and it becomes "increasingly frequent in the context of a developing shadow economy" (FRA, 2015, p. 2; Europol, 2013, p. 12). Considering this context, the aim of this paper also examines the EU's labour legislation to bring attention to the EU's commitment to decent work. The geographical focus of analysing various cases of forced labour and labour exploitation involving Romanian workers is determined by Romania's migration status. A United Nations Migration Report (IOM, 2015) revealed that between 2000 and 2015, Romania was the second country in the world (after Syria, a civil war-torn country) that experienced a major increase in the number of its diaspora population. Furthermore, according to the Organisation for Economic Co-operation and Development (OECD, 2019), the Romanian diaspora is the world's fifth biggest. Because employment is the most prevalent reason for Romanians to migrate to other countries in the EU (OECD, 2019), the possibility of Romanian workers to be subjected to forced labour or labour exploitation is significant.

The present paper's purpose was accomplished using a qualitative research method called content analysis. Through the content analysis there was undertaken a literature review on how forced labour is a challenging part of the European labour market's dynamics. The content analysis focused on modern slavery and the economics of forced labour, European Union's labour legislation, and several cases of forced labour where Romanian workers were involved. In all, 41 sources were examined, including 2 books, 6 online newspaper articles, 12 national and international organisations reports, 17 European Union related documents, and 4 academic articles. Jstor, ScienceDirect and Francis and Taylor, Eur-Lex, International Labour Research, The Guardian, Aljazeera, Official Journal of the European Union. were the main databases used. The primary keywords employed were modern slavery; forced labour; forced labour economics; labour exploitation; EU labour legislation; EU decent work; garment industry and forced labour; agricultural sector and forced labour; construction sector and forced labour; exploitation of Romanian workers.

The remainder of this paper is organised in the following manner: Section 1 explores the phenomenon of modern slavery together with the economics of forced labour; Section 2 outlines European Union's labour legislation with its commitment to decent work; Section 3 presents several cases involving Romanian workers who were subjected to forced labour within the European Union's borders; Section 4 emphasises the results and discussions related to forced labour and labour exploitation as problematic parts of the European labour market's dynamics. Some final remarks conclude the paper.

1. Modern slavery and the economics of forced labour

It is quite challenging to define modern slavery since it encompasses a truly complex reality. Modern slavery is widely condemned since it occurs all over the world, yet even though more than 300 international treaties addressing slavery, including modern slavery, have been ratified since 1815, the term has not always been defined similarly in these agreements (Skinner, 2009). For instance, having a look at the ILO's definition of slavery, which states that it is a situation of exploitation that a person cannot refuse or leave due to threats, violence, coercion, deception, or abuse of power (ILO, 2022) and also search the definition of the non-governmental organisation Anti-Slavery International, which states that it is a situation in which a person is exploited by others for personal or commercial gain; whether tricked, coerced, or forced (Anti-Slavery International, 2023), it is noted that both definitions mention the way modern slavery is restrictive and done without the victims' agreement, but only the non-governmental organisation mentions features of an economic-financial nature.

Considering that modern slavery encompasses a wide range of profitable illicit activities, as well as because of its effects on the global economy, it is important from an economic perspective. The influence of modern slavery on the economic underdevelopment of certain countries and the global economy is first linked to the phenomenon of globalisation. Although a multitude of positive consequences have resulted from the acceleration of globalisation (Fischer, 2003; Mukherjee & Krieckhaus, 2012; Tsai et al., 2012), this acceleration has also determined a series of negative effects at the international level (Cardoso, 1996; Bardhan, 2004; Honey, 2004). As ILO has mentioned, modern slavery and human trafficking are harmful aspects of globalisation (ILO, 2005). More specifically, Bales, Trodd and Williamson (2009) point out that one of the aspects of globalisation is that the goods we commonly consume are made in different parts of the world. In all this context favoured by globalisation, forms of modern slavery appear at some point in the manufacturing process (Bales et al., 2009). Therefore, the current problem is that although the percentage of goods produced through modern-day slavery is modest. it actually blends in with the greater percentage of goods produced under free and legal conditions. Due to this reality, it is extremely difficult to identify, alert about, and resolve situations where different types of modern slavery are being exploited in the production process (Bales et al., 2009). Despite the fact that the relationship between modern slavery and its harmful impact on the world economy is exceedingly complicated, one of the main negative effects are the fact slave labourers can bring down the wages of free employees in the same industry in which they work, and that modern slavery is argued to distort local economies by displacing slaves and their families from the position as consumers in local economies (Bales et al., 2009; Cockayne, 2021).

As previously stated, even though modern slavery damages the global economy and has a detrimental impact on the social and economic development of certain countries, it should be highlighted that those who engage in such activities obtain greatly from this matter. In the report Profits and Poverty: The Economics of Forced Labour, the ILO shows that \$51 billion is obtained from forced labour such as domestic work or agriculture (ILO, 2014). When discussing the economics of forced labour, it may not come as a surprise that one of the most common forms of modern slavery, forced labour, is very profitable. However, because forced labour is so widely practised around the world, the researchers were able to highlight specific business features that are used for employing forced labour. An important aspect in the context of the profitability of businesses involving forced labour underlines the fact that the actors who tend to use forced labour are producers and middlemen (Allain et al., 2013). Forced labour is most frequently used by producers who manage labour-intensive, poorly mechanised businesses that require unskilled labour; however, intermediaries represent entities that are not directly involved in the production process, but mediate victims of forced labour and companies that need labour, making decisions regarding the distribution of tasks and the resolution of potential conflicts (Allain et al., 2013; Bonet et al., 2013). The enormous profits that this reality produces are noted to represent the economic effects of forced labour. Forced labour is one of the most lucrative manifestations of this phenomena in the context of modern slavery. The negative effects of forced labour on the economy have also brought to light several business practises that those who engage in this activity use to maximise their earnings.

2. European Union's legislation and commitment to decent work

The European Union (EU) has prioritised advancing social development and enhancing the working and living conditions of Europeans ever since the Treaty on the Functioning of the EU came into force in 1957. Therefore, the EU's labour legislation has contributed to enhance living and working conditions, protect social cohesion, and promote high employment and solid social protection. Since EU labour law is extensive, the European Union's 2009 Charter of Fundamental Rights and other various Directives had the most beneficial impact on the working environment (Scott, 2017). Several the articles in the Charter of Fundamental Rights are significant to individuals' rights and working conditions, and they are relevant since they address issues such as forced labour as well as labour exploitation: The Working Time Directive (2003), Agency Worker Directive (2008), Transfer of Undertakings Directive (2001), Employment Equality Directive (2000), Racial Equality Directive (2000), and Equal Treatment Directive (2006) are significant pillars that support the EU's efforts to protect worker's rights and combat exploitative practises in the workplace, in addition to the aforementioned articles of the EU's Charter of Fundamental Rights.

Article's	Article's Content		
Number			
Article 1	Human dignity		
Article 5	Prohibition of slavery and forced labour		
Article 15	Freedom to choose an occupation and right to engage in work (Article		
Article 21	Non-discrimination		
Article 27	Workers' right to information and consultation within the undertaking		
Article 29	Right of access to placement services		
Article 30	Protection in the event of unjustified dismissal		
Article 31	Fair and just working conditions		
Article 32	Prohibition of child labour and protection of young people at work		
Article 34	Social security and social assistance		
Article 38	Consumer protection		
Article 47	Right to an effective remedy and to a fair trial		

Table 2. Articles from the Charter of Fundamental Rights of the European Union (2009) relevant for workers' protection

Source: Scott, 2017

The universal concept of decent work has been taken into consideration by and is a driving force behind EU's labour rules and regulations. The decent work concept, as developed by the International Labour Organisation (1999) and reflected in the United Nations Development Goals (UNDP, 2015), encompasses four basic elements, such as, employment; standards and rights at work; social protection and social dialog and tripartism (COM (2022) 66 final). By establishing a stable institutional and economic environment, the element of employment aims to encourage employment; the standard and rights at work element seeks to respect, promote and realise the fundamental rights at work, namely freedom of associations, eliminations of forced labour and anti-discrimination; the objective of the social protection component is to provide access to healthcare and a steady income in the event of job loss, illness, or injury at work; in order to gain higher salaries and strengthened working conditions, the social dialogue and tripartism dimension aims to build strong industrial connections and engage in successful social dialogue (COM(2022) 66 final). Furthermore, the EU's effort to promote decent work aims to be all-encompassing, paying particular attention to the situation of workers who are particularly at risk, including minorities, older workers, people with disabilities, migrant workers, and those who work in the informal economy (COM (2022) 66 final). More specifically, the EU actively promotes the idea and practise of decent work on a European level as well as globally through a variety of projects and regulations, such as the ones outlined below (Table 3).

- EU policies and initiatives with outreach beyond the EU	 Promoting decent work in global supply chains through setting frameworks for sustainable finance, ensuring sustainable production and consumption, etc. via: Initiatives covering Decent Work (Corporate Sustainability Due Diligence Directive, Circular Economy Action Plan). Promoting decent work in specific sectors (Farm to Fork Strategy, Raw Materials Initiative). Increased efforts to combat forced labour and child labour (EU Anti-Trafficking Directive, Conventions of the International Labour Organization (ILO) on forced labour and child labour).
- EU bilateral and regional relations	requiring its trade partners to adhere to international labour standards, including those requiring them to promote decent work through national laws and practises, effective labour inspection, and to comply with international labour standards (European Neighbourhood Policy, Eastern Partnership).
- EU in international and multilateral fora	Supporting the United States in the application of decent work-related instruments, especially in the context of the UN 2030 Agenda for Sustainable Development (engagement with organisations such as International Labour Organisation, World Trade Organisation, International Monetary Fund, etc.)
Engagement with stakeholders and in global partnerships	Promoting bipartite and tripartite European social dialogue at cross-industry and sectoral level (interaction with the civil society organisations, global partnerships and multistakeholder initiatives).

Table 3. How is EU promoting decent work?

Source: COM (2022) 66 final

The EU's continuous effort on ensuring decent work and fighting against forced labour and labour exploitation is highly illustrated in its complex and comprehensive labour legislation, together with its international and regional collaborations, commitment and involvement with different actors who promote proper working conditions and protection against exploitative practices. The following section of the present paper is presenting different cases of forced labour within the EU's borders which put under the question mark some parts of the EU's activity of preventing such practices.

3. Forced labour and the European labour market

It's generally accepted that the European labour market is concerned particularly with the free movement of workers but also with other types of regulation which impact Europe's labour market (Eurofound, 2022). The European Foundation for the Improvement of Living and Working Conditions (Eurofound), which provides knowledge to assist in the development of better social, employment, and work-related policies in accordance with Regulation (EU) 2019/127 (Eurofound, 2023), is one of the most significant EU agencies in the context of the labour market. The European labour market has been a continuing objective ever since the European Economic Community was established in 1957. Recent occurrences have influenced and challenged the characteristics of the European labour market, including migration, the entry of new Member States, as well as a general ageing of the labour force (Eurofound, 2023).

One of the most difficult issues that the EU as a whole and the European labour market are dealing with is the phenomena of forced labour, where the problem of labour exploitation is further prevalent. This section is going to cover cases of forced labour that have occurred in the manufacturing, construction, and agricultural sectors because these are the work areas that are most prone to use forced labour (ILO, 2022).

According to Clean Clothes Campaign (CCC) Romania is the biggest garment production country in Europe, top export destinations of garments being Italy, the United Kingdom, France, Spain, and Belgium (CCC, 2019). The forced labour cases involving Romanians in the garment sector emphasises how frequently workers are not paid the legal minimum wage for their regular working hours, how often factories in this industry don't pay overtime, and how little of a living wage the salaries of employees cover (Ajder et al., 2018). Without receiving any remuneration in the preceding months, employees must put in extra time to meet their production target. Moreover, because the payslip only shows the regular working hours, overtime information is not included. Workers are frequently required to meet high targets that are hard to meet during normal working hours, yet refusing to work extra leads to conflict between staff members and supervisors (Ajder et al., 2018). In accordance with the ILO, employees who must put in additional hours to finish the tasks allocated to them while earning a minimum wage are considered forced labourers (ILO, 2007). Romanian garment workers are frequently subjected to bullying, harassment, yelling, and dismissing threats. In order to fulfil production targets, employees aren't allowed to speak with one another or take breaks, and they have to find someone to replace themselves if they need to use the bathroom (Ajder et al., 2018). A specific example occurred in 2019, when a garment factory in Covasna, Romania, was shut down without giving its employees any advance notice or compensation. After long hours, little and delayed wages, insults from the factory owner, limited toilet breaks throughout the workday and other unfavourable working conditions, 30 textile employees were overnight unemployed (Oddone, 2019).

Cases of Romanian employees being subjected to forced labour may be also observed in the agricultural sector. Since Romania joined the EU in 2007, Italy has taken in more Romanian workers compared to those from other countries (UNAR, 2014). As an outcome, cases of Romanian workers whose labour is exploited in Italy's agricultural sector have been observed. Starting around 2013, cases of Romanian women being exploited, including sexually, while working in greenhouses and farms in Sicily were reported (Palumbo & Sciurba, 2015). The Romanian women were routinely abused sexually, their wages were little or not paid, and they were forced to live in isolated sheds in abhorrent conditions (Tondo & Kelly, 2017). More specifically, they were working between 10 and 12 hours a day, inhaling dangerous chemicals, not having toilets, and enduring the heat and cold of the summer and winter without receiving payment, or receiving roughly 15 euros per day (Palumbo & Sciurba, 2015). Cases of modern slavery and labour exploitation of Romanian workers in Germany can also be identified in the agriculture sector. Here, supervisors shout at them, treat them rudely, and urge them to work faster than normal. In addition, there are no or few breaks throughout the workday, inappropriate housing conditions, and a persistent worry of being forcibly dismissed when their employer no longer needs them (Teleleu.eu, 2020). Additionally, Romanian workers typically do not get formal pay slips and are paid less than the minimum wage required by law (Teleleu.eu, 2020).

Another sector where Romanian workers are subjected to forced labour and labour exploitation is the construction field. In 2013 the International Trade Union Confederation (ITUC) signalled a case where about 50 Romanian workers were being subjected to forced labour and labour exploitation. When the workers arrived in Germany, they were hardly paid and received no pension contribution, holiday pay, or sick pay, despite a recruiting firm in Bucharest promising regular employment and a pay check (ITUC, 2013). Moreover, the Romanian workers reportedly have slept in empty apartments with no furniture (ITUC, 2013). In recent times, 2022 more exactly, the Independent Anti-Slavery Commissioner of the United Kingdom's Home office has called attention to the case of about 500 Romanian workers who were victims of modern slavery as they were working for a gang on construction sites in London Between since 2009 (Independent Anti-Slavery Commissioner, 2022; McLoughlin, 2022; Robinson, 2019).

Conclusions, discussions, and recommendations

Modern slavery is a reality that continues to represent a problem that has to be resolved immediately on a global and European level. Due to its complexity, modern slavery does not yet have a widely agreed definition, although it is undoubtedly that forced labour is one of this phenomenon's most profitable forms. Considering that forced labour is such a profitable and widespread form of modern-day slavery, specialists have succeeded in emphasising business aspects that entail this sort of labour. One of the most prevalent traits is that producers and intermediates are the ones who employ forced labour, and that this kind of modern slavery includes labour-intensive, poorly mechanised firms that rely on unskilled labour. It's interesting to note that, even though forced labour is extremely lucrative for those who engage in it and for those who profit from the exploitation of the labour force of those who have fallen victims to this type of modern slavery, it really has a variety of negative impacts on the global economy. In further detail, it is related to the underdevelopment of certain low-income countries as well as the distortion of local economies caused by the removal of victims and their families from the role of consumers in local economies.

As previously stated, the EU has done and continues to make enormous efforts to eradicate modern slavery generally and forced labour specifically. It encompasses extensive legislation concerning the topic of forced labour and offers several regulations and directives that promote high labour standards, the protection of employees worldwide, and their freedom of movement. The EU has consistently aligned itself with international fora regarding the concept and reality of decent work, in addition to the European and local initiatives towards the protection of workers from illicit practices, including forced labour. Due to its involvement in bilateral and regional relations, international and multilateral fora, and politics and initiatives with a reach beyond the EU, the EU has proven itself as a trustworthy partner in the battle against forced labour and the pursuit of decent work. Within the boundaries of the European labour market, however, cases of forced work and labour exploitation have long been reported.

The EU is not avoided by the emergence of situations of forced labour and labour exploitation in the most common economic sectors that are prone to these types of workers', and often human, rights violation. The focus of the present paper has been on a number of examples of Romanian workers being subjected to forced labour and other forms of labour exploitation within the European labour market's framework. In the garment, agricultural, and construction industries, it was observed that, in addition to social and economic problems including poverty or the lack of education, the prevalence of forced labour had started increasing after Romania gained EU membership and people had easier access towards the Western, wealthier countries. Whether we're addressing the garment industry, agriculture, or the construction sectors. Romanian workers who have been the victims of forced labour and labour exploitation have encountered similar experiences: low or no salaries, long workdays, few or no breaks during the workdays, rude and aggressive behaviour from the supervisors, terminations without notice or compensation of any kind, the involvement of deception to determine them to accept the job, unfavourable working and living conditions, even sexual abuse (if we refer to the case of Romanian women exploited in the agricultural sector in Italy). Most of these cases have been addressed by local and European authorities; nevertheless, in certain situations, perpetrators go unpunished, and the problem is that new circumstances of forced labour and labour exploitation continue to occur along the lines of the European labour market.

A further discussion that arises is which is exactly the difference between forced labour and labour exploitation, and who should make some clear distinctions in this regard. This is in addition to the enormous issue represented by the cases of forced labour and labour exploitation, which needs to be addressed by an integrated social, political, criminal, and legislative effort of the EU and its member states. The literature (Davies, 2019: Davies & Ollus, 2019: Skrivankova, 2010: Andrees, 2008) discusses the perception of labour exploitation as a "continuum". Within the spectrum of working conditions, at one extreme are slavery, servitude, forced labour and other severe forms of criminal exploitation, and at the other extreme we find decent work and various indicators of work (France, 2016). In the middle of these two extremes are numerous practices categorised as labour abuse or "routine" labour exploitation, which may be considered irrelevant or trivial if treated in comparison to extreme forms of exploitation (France, 2016; Davis 2018; Davis & Ollus, 2019). The main point of debate that this paper may determine is whether we discuss forced labour or labour exploitation. Some might argue that the cases presented here qualify as instances of forced labour due to the lack of wages, sexual abuse, or inhumane living and working conditions, while others might counter that the cases are more appropriately categorised as situations of labour exploitation due to the low pay or consent to perform the job in question.

Forced labour and modern slavery continue to be problems that demand attention on an international level. The EU has consistently worked to combat the issue of forced labour, not only domestically but also regionally and internationally. In addition to considering and committing to the international goal of decent work, the EU legislation protecting workers provides so. Nonetheless, there continue to be cases of forced work and labour exploitation in the European labour market, and it seems as though there is no long-term solution for eliminating them now. Considering the present paper, some policy recommendations regarding the issue of forced labour and labour exploitation are as it follows:

- With the support of the EU, each Member State should promote public awareness campaigns and information sessions about the risks of forced labour and labour exploitation.
- Given the EU's approach to promote the concept of decent work, it should be more individual-focused, as it appears to be centred on a macro level of action.
- To prevent and combat forced labour and labour exploitation, labour inspectors should be adequately trained; especially, these entities should be concerned with the rights of workers and work conditions, not just work safety and health standards.

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Forced labour and the European labour market	Eurofound, 2022; CCC, 2019; Ajder et al., 2018; ILO, 2017; Oddone, 2019; UNAR, 2014; Palumbo & Sciurba, 2015; Teleleu.eu, 2020; ITUC, 2013; Independent Anti-Slavery Commissioner, 2022; McLoughlin, 2022; Robinson, 2019.	European Foundation for the Improvement of Living and Working Conditions; Clean Clothes Campaign; ILO Research; Aljazeera; Daily mail; The Guardian; Red Lion Chamber.	EU labour market, garment industry and forced labour; agricultural sector and forced labour; construction sector and forced labour, exploitation of Romanian workers.	13

Appendix A Literature Review sources by topic

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