Editorial: Shifting the Focus: From Corporate-led to Worker-centred Mechanisms for Eliminating Forced Labour in Global Value Chains

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Abstract

This Editorial introduces a special issue of *Anti-Trafficking Review*, which examines measures to ensure corporate accountability for forced labour in value chains. It begins by explaining why multinational corporations are able to escape liability for business practices that foster labour exploitation in their value chains. It discusses the failure of voluntary attempts to hold lead firms in value chains accountable before examining two types of corporate-led mechanisms that harden voluntary corporate social responsibility techniques (transparency and human rights due diligence laws). It contrasts them with worker-driven mechanisms. After describing the contribution of each article in the Special Issue, it concludes by identifying some of the key challenges to eliminating forced labour and labour exploitation in global value chains.

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Introduction

More than fifteen years ago, academics, labour advocates, the International Labour Organization (ILO), and the United States government under the Obama administration identified forced labour as a core component of human trafficking and elevated it on the global policy agenda.[1] The increased attention on forced

[1] J A Chuang, 'Exploitation Creep and the Unmaking of Human Trafficking Law', *American Journal of International Law*, vol. 108, no. 4, 2014, pp. 609–649, https://doi.org/10.5305/amerjintelaw.108.4.0609; J Fudge, *Constructing Modern Slavery: Law, Capitalism and Unfree Labour*, Cambridge University Press, Cambridge, 2025. See also

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labour as a global problem coincided with, and was propelled by, efforts at the United Nations to hold multinational corporations accountable for assessing, minimising, and remedying human rights harms, including forced labour, resulting from their business practices.[2] This Special Issue of *Anti-Trafficking Review* explores different measures for holding multinational corporations accountable for forced labour in labour and supply chains, how different governance mechanisms came to be adopted, their impact on the workers they are supposed to protect, and possible strategies that labour advocates and workers can use to make these measures effective.

This Editorial briefly sets out the broader context in which the articles included in the Special Issue are located. First, it explains the role of multinational corporations in creating and sustaining global value chains, how their contracting practices result in a governance gap, and how this gap contributes to forced labour. Second, it describes the shift from private and voluntary forms of corporate social responsibility to mandatory attempts to make corporations accountable for forced labour in their value chains. Third, it contrasts forms of mandatory corporate-led labour governance with worker-driven initiatives that are designed to amplify workers' voices as a way of tackling forced labour in value chains. After discussing the contributions within the Special Issue, it concludes by highlighting the challenges posed in the current nativist political climate for addressing forced labour in value chains.

Global Value Chains and the Governance Gap

The contemporary global economy is driven by multinational corporations (MNCs), which outsource production to other companies and create long subcontracting chains (called value or supply chains) across national borders.[3]

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an earlier Special Issue of *Anti-Trafficking Review* that charted the expansion of the parameters of anti-trafficking initiatives beyond sex and undocumented migration to include forced labour: N Piper, M Segrave, and R Napier-Moore, 'Editorial: What's in a Name? Distinguishing Forced Labour, Trafficking and Slavery', *Anti-Trafficking Review*, issue 5, 2015, pp. 1–9, https://doi.org/10.14197/atr.20121551. A more recent Special Issue discussed the relationship between forms of exploitation prohibited by international law, such as forced labour, modern slavery, and human trafficking, and 'everyday' forms of labour exploitation: J Quirk, C Robinson, and C Thibos, 'Editorial: From Exceptional Cases to Everyday Abuses: Labour Exploitation in the Global Economy', *Anti-Trafficking Review,* issue 15, 2020, pp. 1–19, https://doi.org/10.14197/atr.201220151.

2 I Landau, *Human Rights Due Diligence and Labour Governance*, Oxford University Press, Oxford, 2023.

3 D Danielsen, 'Situating Human Rights Approaches to Corporate Accountability in the Political Economy of Supply Chain Capitalism', in D Brinks, J Dehm, K Engle,

Companies within these value chains often rely on recruitment and employment agencies to recruit and manage migrant workers 'sourced' from other countries.[4] This process of off-shoring and in-shoring jobs has challenged the capacity of national labour laws and unions to regulate the terms and conditions of labour.[5] Moreover, as several articles in this Special Issue demonstrate, workers in the lower tiers of value chains are often recruited from groups who are marginalised on the basis of gender, race, ethnicity, caste, language, and citizenship, since their lack of social status and networks makes them more vulnerable to exploitation and, thus, easier to control.[6]

Increasingly concentrated in a few firms located in advanced economies, MNCs are typically the key actors in these chains, and they have the power to shape the environment in which they act.[7] Countries in the Global South want to attract orders from MNCs based in more advanced economies. Thus, MNCs can often choose amongst a wide range of suppliers located in a host of lower-cost countries to obtain goods, components, and services, which can lead to regulatory arbitrage. Combined with repressive states and the lack of capacity of local actors, this competition between states for business often means that local labour markets, particularly in the Global South, are poorly regulated.[8] Moreover, MNCs' contracting practices—price strategies, delivery schedules, and penalty clauses, for example—mean that suppliers compete on price and efficiency, which can lead to low wages, unpaid and compulsory overtime, and coercive forms

supply chain capitalism, University of Pennsylvania Press, Philadelphia, 2021, pp. 224–241.

4 S W Barrientos, '"Labour Chains": Analysing the Role of Labour Contractors in Global Production Networks', *The Journal of Development Studies*, vol. 49, no. 8, 2013, pp. 1058–1071, https://doi.org/10.1080/00220388.2013.780040.

5 G LeBaron and N Phillips, 'States and the Political Economy of Unfree Labour', *New Political Economy*, vol. 24, issue 1, 2019, pp. 1–21, https://doi.org/10.1080/13563467.2017.1420642.

6 The articles by Campos-Vásquez *et al.,* Soto Bernal *et al.*, Standow *et al.*, and Bhattacharjee in this Special Issue illustrate how different forms of marginalisation operate in specific locations to make certain kinds of workers more vulnerable to forced labour and forms of coercive labour control like gender-based forms of harassment and violence.

7 U Akcigit *et al.*, *Rising Corporate Market Power: Emerging Policy Issues*, Staff Discussion Notes, International Monetary Fund, 15 March 2021, https://doi.org/10.5089/9781513512082.006; B Selwyn, 'Poverty Chains and Global Capitalism', *Competition & Change*, vol. 23, issue 1, 2018, pp. 71–97, https://doi.org/10.1177/1024529418809067.

8 M Anner, 'Monitoring Workers' Rights: The Limits of Voluntary Social Compliance Initiatives in Labor Repressive Regimes', *Global Policy*, vol. 8, issue S3, 2017, pp. 56–65, https://doi.org/10.1111/1758-5899.12385; J Breman, *At Work in the Informal Economy of India: The Perspective from the Bottom Up*, Oxford University Press, New Delhi, 2013.

of control, such as gender-based violence and harassment, and debt bondage.[9] Instead of value trickling down the chain, huge multinational firms located in advanced economies use their geographic flexibility and market power to extract large mark-ups at the expense of suppliers and workers in the Global South.[10]

Additionally, across sectors as diverse as deep sea fishing and shipping, on the one hand, and construction and agriculture, on the other, suppliers and contractors in global value chains frequently rely on labour recruiters and employment agencies to assemble an obedient and low-wage workforce composed of migrant workers, who often lack political and legal rights, fluency in local languages, and social networks.[11] Recruiters and employment agencies compete for contracts to supply labour, and many of these intermediaries charge migrant workers costly fees to obtain employment in another country. This practice of charging migrant workers for some or all the costs of recruitment, including recruitment fees, can result in large debts owed by migrant workers, who cannot leave exploitative working conditions because their travel documents have been seized or they are threatened with violence and other forms of retaliation.[12] Recruiters often operate in both migrant-sending and migrant-receiving countries, making it is difficult to regulate transnational labour chains.

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[9] M Anner, 'Squeezing Workers' Rights in Global Supply Chains: Purchasing Practices in the Bangladesh Garment Export Sector in Comparative Perspective', *Review of International Political Economy*, vol. 27, issue 2, 2020, pp. 320–347, https://doi.org/10.1080/09692290.2019.1625426; M Anner, 'Predatory Purchasing Practices in Global Apparel Supply Chains and the Employment Relations Squeeze in the Indian Garment Export Industry', *International Labour Review*, vol. 158, issue 4, 2019, pp. 705–727, https://doi.org/10.1111/ilr.12149; K Marslev and L Whitfield, 'Labour-Market Dynamics and Worker Power in Apparel Global Value Chains', in J Lay and T Tafese (eds.), *Decent Work In Global Supply Chains*, *Sustainable Global Supply Chains Annual Report*, Research Network Sustainable Global Supply Chains Report, 2024, pp. 74–88, https://www.sustainablesupplychains.org/wp-content/uploads/2025/03/00_SustainableGlobalSupplyChains-Report2024.pdf.

[10] World Bank, *Trading for Development in the Age of Global Value Chains*, World Bank Group, 2020, pp. 84–86, https://www.worldbank.org/en/publication/wdr2020.

[11] Business and Human Rights Centre, 'Migrant Workers in Global Supply Chains', n.d., https://www.business-humanrights.org/en/big-issues/labour-rights/migrant-workers-in-global-supply-chains.

[12] U Kothari, 'Geographies and Histories of Unfreedom: Indentured Labourers and Contract Workers in Mauritius', *The Journal of Development Studies*, vol. 49, issue 8, 2013, pp. 1042–1057, https://doi.org/10.1080/00220388.2013.780039.

Thus, there is a mismatch, known as the 'governance gap', between the scale and impact of MNCs' use of global value and labour chains to disperse production processes and workforces across many different countries and the ability of nation states to manage the adverse consequences of globalisation.[13]

Voluntary Initiatives to Eliminate Forced Labour and Labour Exploitation

For over a quarter century, labour advocates in the Global North and Global South have joined forces to condemn labour exploitation in global supply chains, targeting prominent consumer-facing MNCs with consumer boycotts.[14] In response, MNCs have adopted an array of corporate social responsibility (CSR) initiatives, such as supplier codes of conduct, certification schemes, and social auditing, to address violations of labour rights in their labour and supply chains.[15] These CSR initiatives are often run by for-profit corporations that report directly to the MNCs that engage them, which compromises their independence.[16] In part to address the poor public relations optics resulting from the close commercial relations between MNCs and for-profit social auditors and certifiers, MNCs have increasingly joined industry or issue-specific multi-stakeholder initiatives (MSI). MSIs involve representatives from business, labour, and government in promoting corporate accountability for labour exploitation in global value chains. As Genevieve LeBaron explains in her article in this Special Issue, CSR has grown into a dynamic industry involving a range of private, public, and civil society actors that develop and deploy numerous social performance measurement tools used by non-state actors to codify, monitor, and, in some cases, certify firms' compliance with labour rights.

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13 J Bair, 'Contextualising Compliance: Hybrid Governance in Global Value Chains', *New Political Economy*, vol. 22, issue 2, 2017, pp. 169–185, https://doi.org/10.1080/13563467.2016.1273340.

14 G W Seidman, *Beyond the Boycott: Labor Rights, Human Rights, and Transnational Activism*, Russell Sage Foundation, New York, 2007.

15 J Esbenshade, *Monitoring Sweatshops: Workers, Consumers, and the Global Apparel Industry*, Temple University Press, Philadelphia, 2004.

16 Researchers have discovered several problems that compromise the integrity of social auditing, including confidentiality requirements that prohibit auditors from reporting problems discovered through audits externally and limiting audits to first-tier suppliers instead of extending them down the chains where forced labour and labour exploitation are more likely to be found. G LeBaron, *Combatting Modern Slavery: Why Labour Governance Is Failing and What We Can Do About It*, Polity Press, Cambridge, 2020; M Anner and M Fischer-Daly, *Worker Voice: What It Is, What It Is Not, and Why It Matters*, US Department of Labor, 2023, https://www.dol.gov/sites/dolgov/files/ILAB/Worker-Voice-Report-Final-3-6-24.pdf.

While labour rights activists continued their efforts to challenge and strengthen these forms of private labour governance, they also hoped to achieve corporate accountability standards at the intergovernmental level. They joined with human rights advocates to seek stronger business and human rights standards at the United Nations.[17] Traditionally, human rights obligations set out in international law have only applied to states. An attempt in the early 2000s by a sub-commission of the UN Commission on Human Rights to develop a set of norms placing human rights obligations directly on corporations failed. In 2005, Kofi Annan, the then UN Secretary-General, appointed John Ruggie, Professor of International Affairs at Harvard University, as Special Representative for Business and Human Rights to address businesses' responsibility to respect human rights. In 2011, Ruggie proposed the United Nations *Guiding Principles on Business and Human Rights* (UNGPs) as 'a roadmap for helping to bridge the governance gaps and imbalances that must be addressed for global supply chains and globalization itself to become socially sustainable'.[18]

Composed of thirty-one principles, the UNGPs were Ruggie's attempt to develop authoritative standards of expected behaviour from businesses regarding human rights. A form of 'soft' law since they are voluntary, the UNGPs offered human rights due diligence (HRDD) as a process for businesses to meet their obligation to respect human rights without disrupting any of the legal doctrines (such as limited liability, separate legal personality, and contractual privity) that enable lead corporations in value chains to escape legal responsibility for harms resulting from their business practices.[19] HRDD has three interconnected components:

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[17] Landau.

[18] J G Ruggie, 'Making Economic Globalization Work for All: Achieving Socially Sustainable Supply Chains', Shift Project, February 2017, https://shiftproject.org/making-economic-globalization-work-for-all-achieving-socially-sustainable-supply-chains. The UNGP set out guidelines for implementing the 'Protect, Respect and Remedy' Framework, which consists of three complementary and interdependent pillars: (1) the state duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication; (2) corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the human rights of others and to address adverse impacts with which they are involved; and (3) greater access by victims to effective remedy, judicial and nonjudicial. See: Office of the United Nations High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, HR/PUB/11/04, 2011.

[19] In an article published in 2014, Ruggie noted that the legal form of the corporation, which was designed to facilitate capital formation for investment when 'only people—natural persons—were owners', today has 'been stretched to apply to multinational corporate groups with subsidiaries, joint ventures, contractors, and other types of affiliates in up to 200 states and territories around the world, each of which is legally

(1) identifying actual or potential adverse human rights impacts; (2) preventing and mitigating those impacts; and (3) accounting for impacts and the responses to them. The UNGPs provide guidance about the scope and complexity of due diligence obligations, how to prioritise redress for adverse human rights impacts, and when and how to disclose information to stakeholders. However, the guidelines are ambiguous about the extent to which states should supervise, or even mandate, corporate HRDD and the extent to which processes and outcomes are mandatory. This 'strategic ambiguity' helps to explain the UNGPs' remarkable success.[20] Adopted unanimously in 2011 by the forty-seven members of the Human Rights Council (selected from member states of the UN General Assembly), the UNGPs have been widely taken up by large MNCs.[21]

About the same time, the United States experimented with mandatory forms of corporate accountability for forced labour in their value chains. Signed into law by President Barack Obama in 2010, the *Dodd–Frank Wall Street Reform and Consumer Protection Act* contained a provision requiring companies to conduct supply chain due diligence and, where necessary, to obtain thirdparty verification to ensure that the 'conflict minerals' used in their products were not sourced through forced labour.[22] The same year the California legislature passed the *California Transparency in Supply Chains Act*, which requires large corporations to disclose the extent of their efforts to eradicate modern slavery, forced labour, and human trafficking from their supply chains in five areas: verification, audits, certification, internal accountability, and training. Its goal is to provide consumers with information

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construed as a separate and independent entity'. J G Ruggie, 'Global Governance and New Governance Theory: Lessons from Business and Human Rights', *Global Governance*, vol. 20, 2014, pp. 5–17, p. 13, https://doi.org/10.1163/19426720-02001002. For a discussion of how key aspects of corporate and private law serve to cocoon MNCs from legal accountability for the harms caused by their business practices, see J Fudge and G Mundlak, 'Peeling the Onion: On Choices Judges Make in Transnational Labour Litigation', in B Langille and A Trebilcock (eds.), *Social Justice and the World of Work: Possible Global Futures*, Hart, 2023, pp. 249–260.

20 Landau.

21 Earlier inter-governmental initiatives included the 1976 OECD *Guidelines on Multinational Enterprises*. Annexed to the OECD Declaration on International Investment and Multinational Enterprises, these guidelines set standards for responsible business conduct in a range of domains, from taxation through to science and technology, industrial relations, and employment. In 1977, the ILO adopted its own instrument directed at governments and private actors: The Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. This declaration sought to engage multinational enterprises in the task of compliance with ILO conventions and recommendations. See Landau.

22 *Dodd–Frank Wall Street and Consumer Protection Act of 2010, Pub.* L. No.111–203, 124 Stat. 1376 (2010), 12 USC 53.

regarding companies' efforts to eradicate forced labour so that consumers can make 'more educated purchasing decisions.'[23]

The Shift to Hard Law

These laws anticipated the broader shift from voluntary CSR initiatives to mandatory obligations for MNCs either to report on CSR initiatives or to implement HRDD after the Rana Plaza building collapse in 2013, in which more than 1,100 workers employed in garment factories in the building were killed and more than 2,500 injured. Many of the garment manufacturers in the building supplied prominent brands and retailers, which had codes of conduct requiring suppliers to meet labour standards. Indeed, in the days and weeks preceding the building's collapse, several suppliers had successfully passed social audits.[24] This tragedy clearly demonstrated the failure of voluntary CSR initiatives, and it led to increased public pressure on governments to impose requirements on MNCs designed to address forced labour in their supply chains.

Governments in the Global North responded by introducing two types of laws that impose obligations directly on MNCs: disclosure laws and due diligence laws. The former address either human rights violations in general or forced labour, modern slavery, and human trafficking in particular.[25] They require firms to report on the steps, if any, they have taken to identify and mitigate the problem within their operations and supply chain. Transparency laws do not require these firms to do anything to rid their value chains of forced labour. As Jonelle Humphrey explains in her article in this Special Issue, AngloAmerican jurisdictions, including the United States, the United Kingdom, Australia, and Canada, have favoured laws requiring large corporations to only disclose their efforts to address forced labour, modern slavery, and human trafficking. The problem with transparency laws is that there is no evidence that they are effective in addressing forced labour. Indeed, a parliamentary review of the UK's *Modern Slavery Act 2015* reported in

23 *California Transparency in Supply Chains Act of 2010, California Civil Code, sec.171443;* State of California Department of Justice, https://oag.ca.gov/SB657.

24 Worker Rights Consortium, 'The Lesson of Rana Plaza: Corporate Self-Regulation Is a Formula for Disaster', 21 April 2023, https://www.workersrights.org/commentary/10-years-after-rana-plaza-collapse-founding-group-behind-the-accord-on-health-and-safety-calls-on-fashion-industry-to-learn-their-lesson.

25 In 2014, the European Union (EU) adopted the Non-Financial Reporting Directive requiring companies to report on matters pertaining to human rights. See European Union, *Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 Amending Directive 2013/34/EU as Regards Disclosure of Non-Financial and Diversity Information by Certain Large Undertakings and Groups.*

2024 that the 'current legislation is too limited to have significant practical impact'.[26]

By contrast, several European countries and the European Union have adopted laws requiring companies to conduct HRDD.[27] These measures cover broader human rights issues (and often environmental harms) and impose affirmative due diligence obligations, penalties for inadequate compliance, and, in some cases, liability where companies contribute to human rights abuses. These laws differ widely in terms of approach and design details.[28] A common limitation of HRDD laws is that they do not require MNCs to involve workers and their representatives at all levels of the value chain in the design, implementation, and operation of grievance and remedial procedures.[29] Moreover, research has revealed that most companies opt for managerialist-oriented approaches to HRDD and try to cascade responsibilities and costs in their supply chain.[30] Still, it remains unclear whether—and under what conditions—such laws can be used to mobilise and empower workers in global supply chains. Marie Diekmann's article in this Special Issue demonstrates that social actors, including vulnerable migrant workers employed in German supply chains, can use such laws in unexpected ways to achieve their goals.

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26 UK House of Lords Select Committee, *The Modern Slavery Act 2015: Becoming World-leading Again*, Report of Session 2024–2025, https://committees.parliament.uk/committee/700/modern-slavery-act-2015-committee/publications.

27 S Deva, 'Mandatory Human Rights Due Diligence Laws in Europe: A Mirage for Rightsholders?', *Leiden Journal of International Law*, vol. 36, issue 2, 2023, pp. 389–414, https://doi.org/10.1017/S0922156522000802; S Velluti, 'Labour Standards in Global Garment Supply Chains and the Proposed EU Corporate Sustainability Due Diligence Directive', *European Labour Law Journal*, vol. 15, issue 4, 2024, pp. 822–850, https://doi.org/10.1177/20319525241239283.

28 G Holly *et al.*, *Mandatory Human Rights Due Diligence Laws: Key Design Features and Practical Considerations*, Danish Institute for Human Rights, September 2025, https://www.humanrights.dk/publications/mandatory-human-rights-due-diligence-laws-key-design-features-practical-considerations. Holly *et al.* have helpfully identified four general approaches to due diligence enacted by these laws—as 1) a process; (2) a standard of care; (3) a standard of outcome; or (4) as a defence—and eleven key design features (pp. 5, 9).

29 I Martin and J Falardeau-Papineau, 'Impact on Remedies of the Use of Corporate Governance Norms to Address Forced Labour', *International Journal of Comparative Labour Law and Industrial Relations*, vol. 40, issue 4, 2024, pp. 403–436, https://doi.org/10.54648/ijcl2024016; I Landau and S Marshall, 'Will Remedy Remain Rare? The Potential of Mandatory Human Rights Due Diligence to Redress Modern Slavery', in H Shamir *et al.* (eds.), *Modern Slavery and the Governance of Global Value Chains*, Cambridge University Press, Cambridge, 2025, pp. 126–158, https://doi.org/10.1017/9781009591102.006.

30 V Dupont, D Pietrzak, and B Verbrugge, 'A Step in the Right Direction, or More of the Same? A Systematic Review of the Impact of Human Rights Due Diligence Legislation', *Human Rights Review*, vol. 25, issue 2, 2024, pp. 131–154, https://doi.org/10.1007/s12142-024-00724-9.

Worker-driven Corporate Accountability

Scepticism in academic, policy, and advocacy circles about the effectiveness of top-down CSR approaches has shifted attention to bottom-up approaches based on worker participation and voice.[31] Worker-driven social responsibility (WSR) initiatives aim to make lead companies liable for working conditions in their supply chains and put workers and their representative organisations, rather than corporations, in the driver's seat. As Anannya Bhattacharjee's article in this Special Issue explains, WSR initiatives involve worker organisations (both trade unions and civil society organisations), suppliers, and MNCs entering into enforceable and legally binding agreements, whereby corporate brands and retailers commit to using their supply chain relationships and leverage to support raising labour standards at certain worksites or sectors. These agreements, which are known as enforceable brand agreements, are the fulcrum of WSR initiatives. They have emerged in diverse geographical contexts and sectors, and originate from different movements (e.g., migrant rights, labour, gender justice) with varying demands (e.g., around wages, health and safety, forced labour, gender-based violence); as such, the specific features, parties, and implementation arrangements of WSR agreements all vary.[32] Key features of WSR models are the involvement of workers and their representatives in determining and monitoring standards, and access by workers to legally binding complaint mechanisms that are enforceable against lead firms. As Mareike Standow, Nandita Shivakumar, and Thivya Rakini suggest in their article in this Special Issue, MNCs could draw on these features of WSR initiatives to provide more effective grievance and remedial mechanisms as part of their HRDD obligations. Their article shows how a WSR initiative designed to eliminate gender-based violence in an Indian garment factory provided grievance and remedial mechanisms that leveraged workers' agency and amplified their voices.

This Special Issue

The articles featured in the Special Issue explore various aspects of the shift from voluntary CSR to legally required or legally enforceable initiatives to address forced labour in global supply chains. They range in geographic context from the Global North, including the European Union, the United States, Canada, and Germany, to countries in the Global South, such as Peru, India, and Indonesia,

[31] O Outhwaite and O Martin-Ortega, 'Worker-driven Monitoring – Redefining Supply Chain Monitoring to Improve Labour Rights in Global Supply Chains', *Competition & Change*, vol. 23, issue 4, 2019, pp. 378–396, https://doi.org/10.1177/1024529419865690.

[32] J Fudge and G LeBaron, 'Regulatory Design and Interactions in Worker-driven Social Responsibility Initiatives: The Dindigul Agreement', *International Labour Review*, vol. 163, issue 4, 2024, pp. 575–598, https://doi.org/10.1111/ilr.12440.

as well as Asian migration corridors. The articles are written by academics, labour activists, and corporate accountability advocates.

The Special Issue opens with **Genevieve LeBaron**'s article, in which she argues that it is time to take stock and consider whether the recent spate of 'hard' law mechanism to hold corporations accountable for forced labour in their supply chains is, in fact, an advance over CSR. Taking a wide-angle lens, she examines what is required of MNCs by transparency laws, due diligence legislation, forced labour import bans, and multilateral trade efforts, and suggests that they reinforce and rely on, rather than replace, CSR tools like social audits. She concludes that these hard laws will likely increase the market for CSR without requiring MNCs to change the business practices that create the conditions in which forced labour and labour exploitation flourish.

Drilling deeper into a how corporate accountability mechanisms work within a specific jurisdiction and industry, the article by **Christian Campos-Vásquez, Jaris Mujica, Ángel Peñaloza González, Nicolás Zevallos Trigoso, and Alonso Flores Macher** examines a set of regulations, managerial instruments, and trade standards (largely influenced by free trade agreements) that appear to ensure strict control of the Amazonian timber supply chain to determine whether this regulatory assemblage has stopped the forced labour associated with illegal logging in Peru. Despite the appearance of strict legal control, their detailed empirical investigation of the traceability scheme reveals that the dense institutional framework is permeable to illegal timber flows and, as a result, has failed to address forced labour in the supply chain.

Jonelle Humphrey's article examines the factors that led to the enactment of either transparency or HRDD legislation in different countries in the Global North. She shows how key features of Canada's political economy—the significance of the oil, gas, and mining sectors to Canada's economy, the role of key corporations, civil society organisations, political parties, trading partners, and institutional heritage—led to the enactment of a transparency law that requires corporations to do nothing more than to report on their efforts to address forced labour in their supply chains. Looking at the experience of other Anglo-American jurisdictions that have enacted transparency laws, she suggests that such laws are a dead end instead of a first step towards making MNCs accountable for the harms their business practices foster.

Treating the implementation of HRDD laws as an opportunity to make corporations accountable for eliminating forced labour in their supply chains, **Jason Judd and Sarosh Kuruvilla** argue that new forms of disclosure by corporations are required. Under voluntary due diligence initiatives, most firms disclose their plans, policies, and processes regarding human rights risks, making it hard for regulators, consumers, and investors to measure either effectiveness or progress. By contrast, Judd and Kuruvilla argue that a risk-based due diligence

process should measure labour outputs and information about sourcing countries. They present twenty-five metrics they developed to measure both lead firm sourcing practices and supplier firm labour rights and working conditions. Not only are these metrics useful for regulators to assess how lead firms covered under due diligence legislation are addressing human rights harms in their supply chains, but they also argue that their metrics can be used by lead firms themselves to assess the level and salience of risks of forced labour and other violations of key labour standards.

The fifth article in the Special Issue discusses a stubborn and widespread problem in labour chains: the imposition of recruitment expenses and fees on workers in the recruitment process and its relationship to debt bondage and other forms of forced labour. Based on in-depth interviews with almost 4,000 foreign migrant workers in Japan, Malaysia, and Thailand conducted between 2020 and 2025, **Ana Maria Soto Bernal, Lisa Rende Taylor, and Mark Taylor**'s article investigates how effectively the 'Employer Pays Principle' (EPP)—which requires all fees and related costs of recruitment of workers in their supply chains to be borne by employers, not jobseekers and workers—is supported by MNCs and implemented across their supply chains. They found that most workers in Southeast Asian labour chains are paying recruitment fees for their jobs, including workers that are supposed to be recruited under the EPP policies of global buyers. The problem, they conclude, is structural and economic, as MNCs have not voluntarily revised their pricing policies to accommodate the costs of ethical recruitment.

The final four articles in the Special Issue concentrate on the agency and efforts of workers and their advocates to develop ways to address forced labour and other forms of labour exploitation in value chains. Noting that it is impossible to appreciate the effects of any law simply from reading the legal text, **Marie Diekmann** presents a case study of a wildcat strike by migrant truck drivers (mostly from Uzbekistan and Georgia) against a Polish trucking firm that was part of an integrated German transport supply chain, and how the truck drivers leveraged the German HRDD law (*German Supply Chain Act* (GSCA)) to achieve payment of their unpaid wages. Taking place in Gräfenhausen, Germany, in 2023, the strike, which lasted over ten weeks and involved hunger strikes, attracted the attention of the Federal Office for Economic Affairs and Export Control (BAFA), which serves as the administrative supervisory authority for compliance with the GSCA. Basing their claim for unpaid wages on the GSCA enabled the drivers to hold German companies at the end of the supply chain accountable, despite lacking direct contractual relationships with them. Diekmann's study demonstrates how cultivating solidarity infrastructures with labour and migrant advocates, churches, and trade unions was critical to bringing the dispute to the attention of the regulator and to successfully using the GSCA to resolve it.

Focusing on a WSR initiative implemented in a garment factory in Dindigul (located in the Indian state of Tamil Nadu), **Mareike Standow, Nandita Shivakumar, and Thivya Rakini**'s article uses participatory action research to examine the role of freedom of association and meaningful stakeholder engagement in enhancing grievance mechanisms.[33] Taking the UNGPs (especially the criteria set out in Principle 31) as the benchmark for effective grievance mechanisms in due-diligence processes, they evaluate the impact of the grievance mechanisms provided in the 2022 Dindigul Agreement, which is the first example of an enforceable brand agreement in India and Asia. Designed to address the widespread and pernicious problem of gender-based violence and harassment (GBVH) in a garment factory that employs mostly women workers, many of whom are Dalits or internal migrants, the Dindigul Agreement put in place a cooperative remediation system involving workers, the local union, and management through structured activities and pre-defined procedural guidelines. After documenting how the grievance mechanisms operated within local realities, the authors conclude that the grievance mechanisms in the Dindigul Agreement meet the requirements set out in Principle 31 of the UNGPs and serve as an example of how to implement meaningful stakeholder engagement in the supply chains as required under HRDD laws.

Broadening her analysis beyond the Dindigul Agreement to include the Central Java Agreement for Gender Justice in Indonesia (2025), **Anannya Bhattacharjee** draws upon her experience in developing and implementing the two WSR initiatives in Asia designed to address gender-based violence and harassment in garment factories. She argues that effective anti-GBVH supply chain agreements in the garment industry must be founded in freedom of association and embedded within appropriate labour movement ecosystems.[34] She introduces the concept of 'labour movement ecosystems' to illustrate the need both to develop an understanding of the labour movement that goes beyond traditional unionism, and to develop and deploy an intersectional perspective needed to address the practices of gender-based violence and harassment that are deeply rooted in garment value chains that source from Asia. Bhattacharjee shows how the agreements were designed to facilitate bargaining across scales (the supplier and the brands), implement an intersectional perspective sensitive to a variety of social relations of power, promote women's trade union leadership, and cultivate equal partnerships between civil society organisations based in the Global North and Global South. She concludes that this type of labour movement ecosystem is critical for developing freedom of association and bargaining structures that

[33] Thivya Rakini is the State President of the women-led Tamil Nadu Textile and Common Labour Union (TTCU).

[34] Anannya Bhattacharjee is a founding member and International Coordinator of Asia Floor Wage Alliance (AFWA), an Asia-based labour alliance across eight production countries and party to the Dindigul and Central Java Agreements.

span the local, national, regional, and global scales that make up garment supply chains.

In a comment rounding out the contributions to the Special Issue that are about worker-centred approaches to identifying and responding to labour violations in MNCs, **Sandar Linn** draws on examples from Southeast Asia to argue that MNCs should move beyond traditional audit-based models and adopt strategies that prioritise worker involvement, transparency, and long-term accountability.

The Special Issue concludes with **Ayushman Bhagat**'s review of Stephanie Limoncelli's recently released book *Advocacy, Inc.: INGOs and the Business of "Modern Slavery"*.[35] Bhaghat explains that the book provides a much-needed critique of anti-slavery international non-governmental organisations (INGOs) for their entanglement with corporate interests that reproduce the very inequalities and exploitative systems they purportedly aim to dismantle. He further points out how, in her engaging and thoroughly researched book, Limoncelli demonstrates how the framing of 'modern slavery' as a business concern casts MNCs as both the victims of modern slavery, through their exposure to reputational risks, and as major actors in eliminating modern slavery.

Conclusion

Mandatory initiatives requiring MNCs to address forced labour, human trafficking, and modern slavery are an attempt to 'shore up the fading legitimacy of global neoliberal capitalism—an economic, political, and social project that promotes profitability and accumulation as the measures of economic and social activities, which are encouraged through a core set of policies, including liberalisation, deregulation, privatisation, recommodification, and globalisation'.[36] However, the current attack on multilateral institutions such as the World Trade Organization, United Nations, and International Labour Organization, which was initiated by the first Trump administration and is currently deepening under his second administration, has not disrupted corporate concentration or neoliberalism but simply turned it in a nationalist and nativist direction. Key states in the European Union have taken a step back from HRDD legislation, and the European Union has watered down the Corporate Sustainability Due Diligence Directive to make it less onerous for businesses.[37] While the existing crop of HRDD laws does not

[35] S A Limoncelli, *Advocacy, Inc.: INGOs and the Business of "Modern Slavery"*, Stanford University Press, Stanford, 2026.

[36] Fudge, pp. 204–5.

[37] G Leali *et al.*, 'Macron and Merz Call to Abolish EU Law on Ethical Supply Chains', *Politico*, 20 May 2025, https://www.politico.eu/article/macron-merz-supply-chain-green-ethical.

require worker-centred grievance mechanisms or worker-centred remedies, it is still possible that in certain contexts workers and advocates may be able to use them in innovative ways to bring pressure upon MNCs to address forced labour and other forms of labour exploitation in their supply chains.

Bans prohibiting the importation of goods made in whole or in part with forced labour have become an increasingly popular tool for addressing forced labour in global value chains. Developed and implemented first by the United States, forced labour import bans are unilateral trade restrictions that prohibit the importation of goods made in whole or in part with forced labour into domestic markets.[38] As part of trade agreements with the United States, the following countries—Canada, Mexico, Cambodia, and Malaysia—have either implemented or agreed to introduce forced labour import bans, and more countries are expected to follow.[39] On 19 November 2024, the European Union formally adopted a regulation prohibiting products made with forced labour. But unlike the US forced labour ban that only applies to imported goods, the EU also bans the exportation of goods made with forced labour from the EU.[40]

Despite their common label, forced labour import bans differ widely in key design features: whether a ban is directed at, for example, a shipment, workplace, supplier, importer, or industry; the legal framework and institutional context, including aspects such as the burden of proof, or processes available to contest a decision to ban; and the administrative culture and practices in which they are inserted. While there is evidence that importers against whom a preliminary ban has been issued have compensated workers who were reasonably suspected of being in situations of forced labour, there is nothing in any of the existing forced labour import bans that requires the officials administering the bans to consult with

[38] J Fudge and G Mundlak, 'Transnational Labour Law and Governance: Advancing Workers' Rights in Global Value Chains', *Comparative Labor Law and Policy Journal*, forthcoming.

[39] *Tariff Act of 1930*, s 307; *Uyghur Forced Labor Prevention Act*, Pub. L. No. 117-78, 135 Stat. 1525; *Canada-United States-Mexico Agreement Implementation Act*, SC 2020, c. 1 and Customs Tariff, S.C. 1997, c. 36, Ch. 98, Item No. 9897.00.00; *Acuerdo que establece las mercancías cuya importación está sujeta a regulación a cargo de la Secretaría del Trabajo y Previsión Social* (Agreement Establishing the Goods Whose Importation Is Subject to Regulation by the Ministry of Labor and Social Welfare) of 17 March 2023; M E Newton, 'New Trade Deals Offer Real Hope on Combatting Forced Labor', *Diplomatic Courier*, 3 November 2025, https://www.diplomaticourier.com/posts/new-trade-deals-offer-real-hope-on-combatting-forced-labor.

[40] Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on Prohibiting Products Made With Forced Labour on the Union Market and Amending Directive (EU) 2019/1937. The Regulation will apply as of 14 December 2027. The regulation applies within the EU and to exports out of the EU.

the workers affected by them or to require the importers subject to the bans to compensate the affected workers.[41]

Led either by MNCs domiciled in countries in the Global North or powerful states, primarily the United States, neither HRDD laws nor forced labour import bans, as currently designed, amplify the voices of workers in the Global South as part of the solution to eliminating forced labour in value chains. By contrast, WSR initiatives are specifically designed to do this by involving different forms of workers' representation, promoting freedom of association, and providing a meaningful role to local unions.[42] The challenge is to devise ways to scale WSR initiatives beyond specific factories and suppliers to cover sectors, such as garment, that cover a number of different countries.[43] WSR initiatives, like CSR and HRDD measures, rely on the market power of MNCs to ensure that suppliers respect labour rights.

None of the current tools for eliminating forced labour in value chains directly address the central problem: the concentrated power of MNCs within the global economy and the contracting practices that result in forced labour. Much needs to be done to level the playing field between MNCs and the countries in the Global North in which they primarily reside, on the one hand, and workers, suppliers, and states in the Global South, on the other. The enforcement of robust antitrust and competition laws, equitable taxation regimes that capture and distribute the profits that MNCs siphon off value chains, and changes to elements of corporate law are needed to prevent corporate behemoths from exploiting workers and degrading the planet in pursuit of unsustainable profits.

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[41] J Gordon, 'The U.S. Forced Labor Import Ban: A Tool for Raising Labor Standards in Supply Chains?', *University of California Law Journal*, vol. 76, issue 4, 2025, pp. 1025–1095.

[42] Fudge and LeBaron.

[43] Fudge and Mundlak.