

Regulating Transnational Labor

Karen Shire

Institute of Sociology and Institute
of East Asian Studies
University Duisburg-Essen
MPIfG Scholar-in-Residence
2021/2022

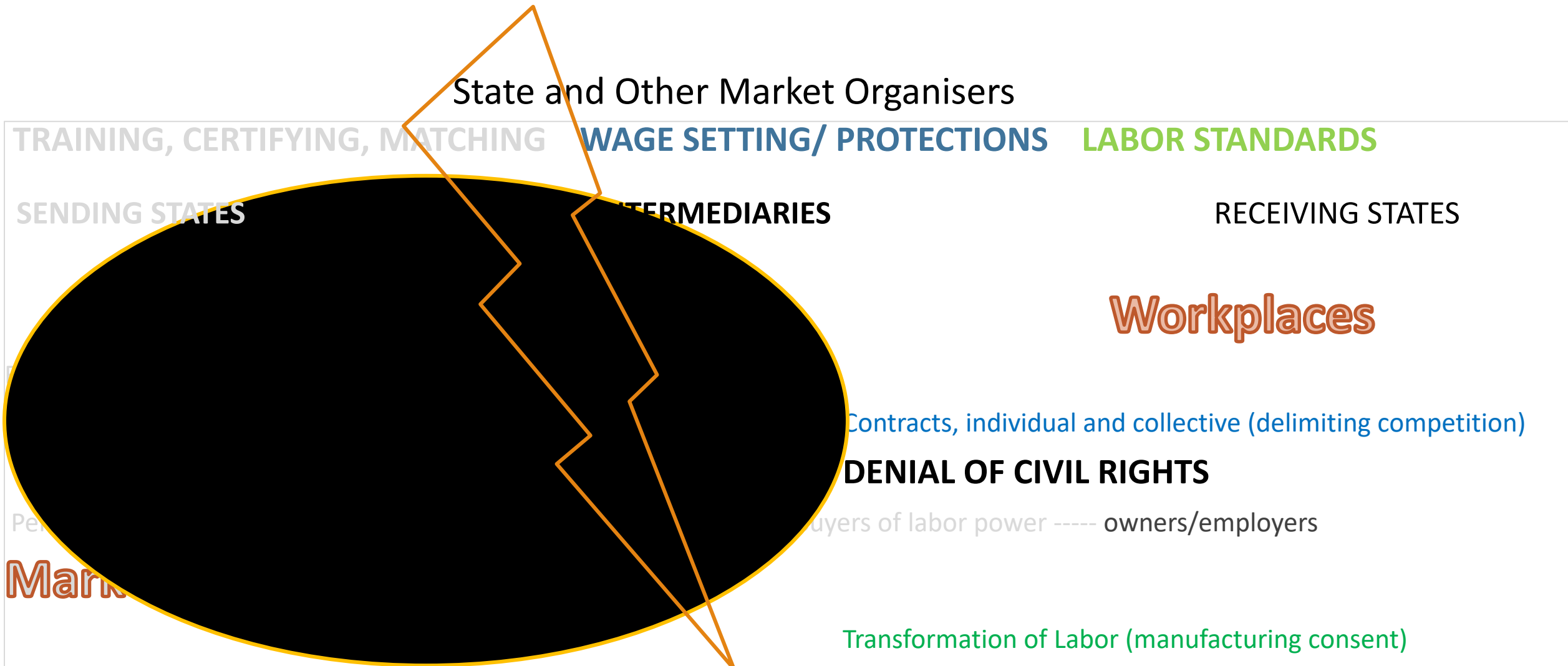
Talk 1: Theorizing Regulatory
Challenges of Transnational Labor

**Talk 2: Cross-Border Labor Market
Intermediaries**

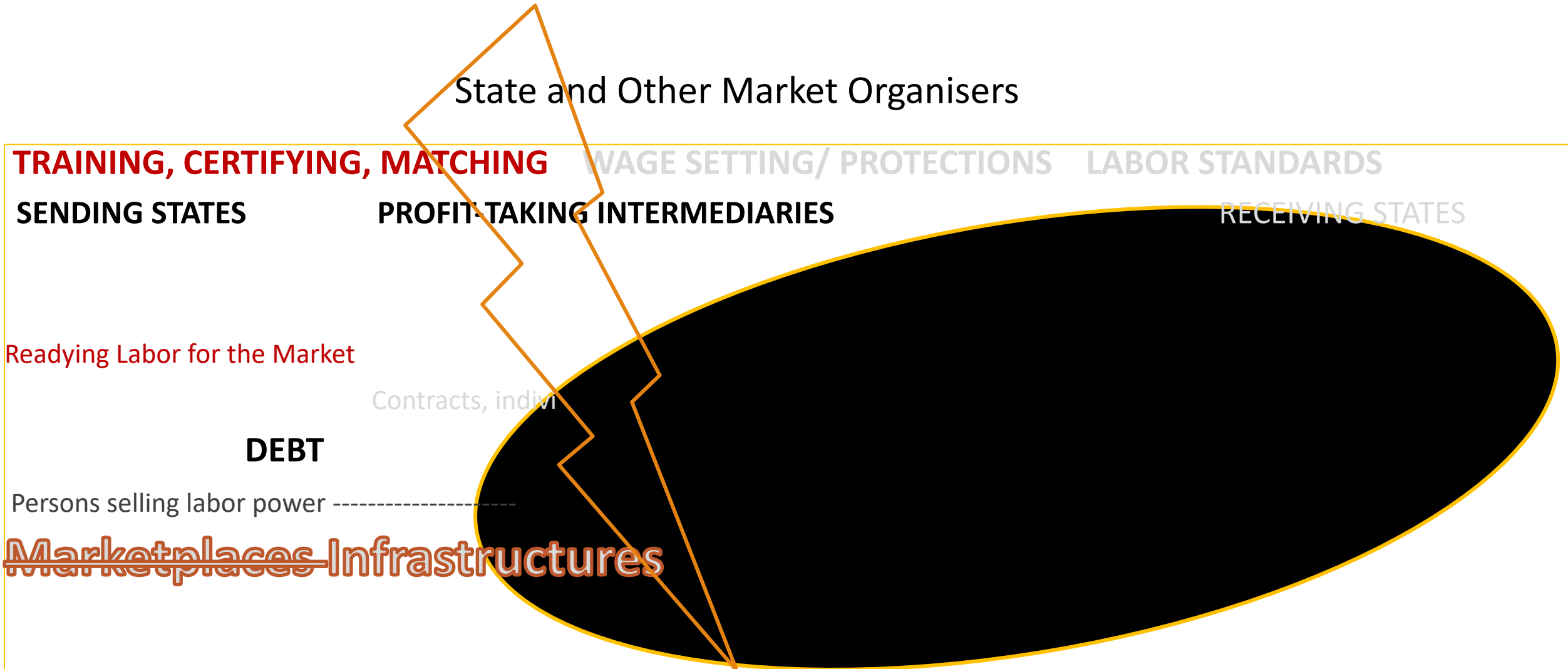
Talk 3: Trafficking, Forced, and
Informalized Labor



Perspective of global labor governance research

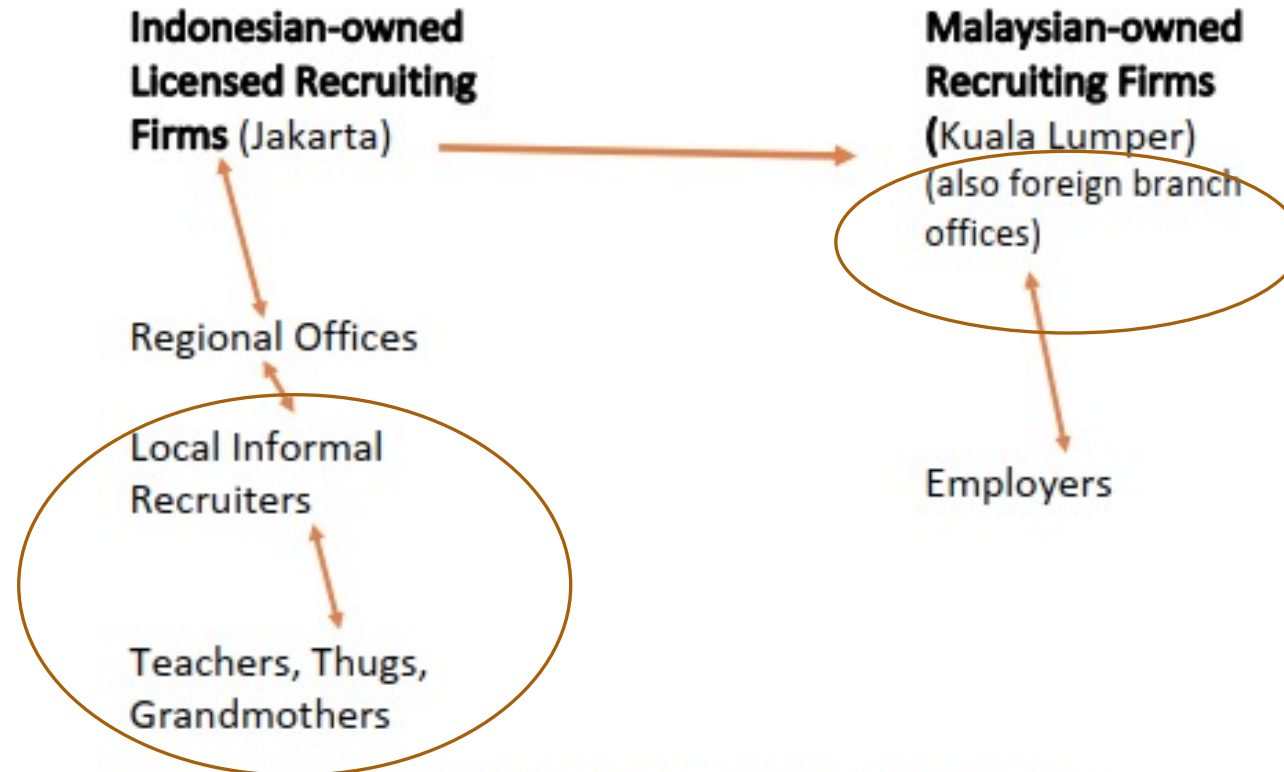


Perspective of migration infrastructure research

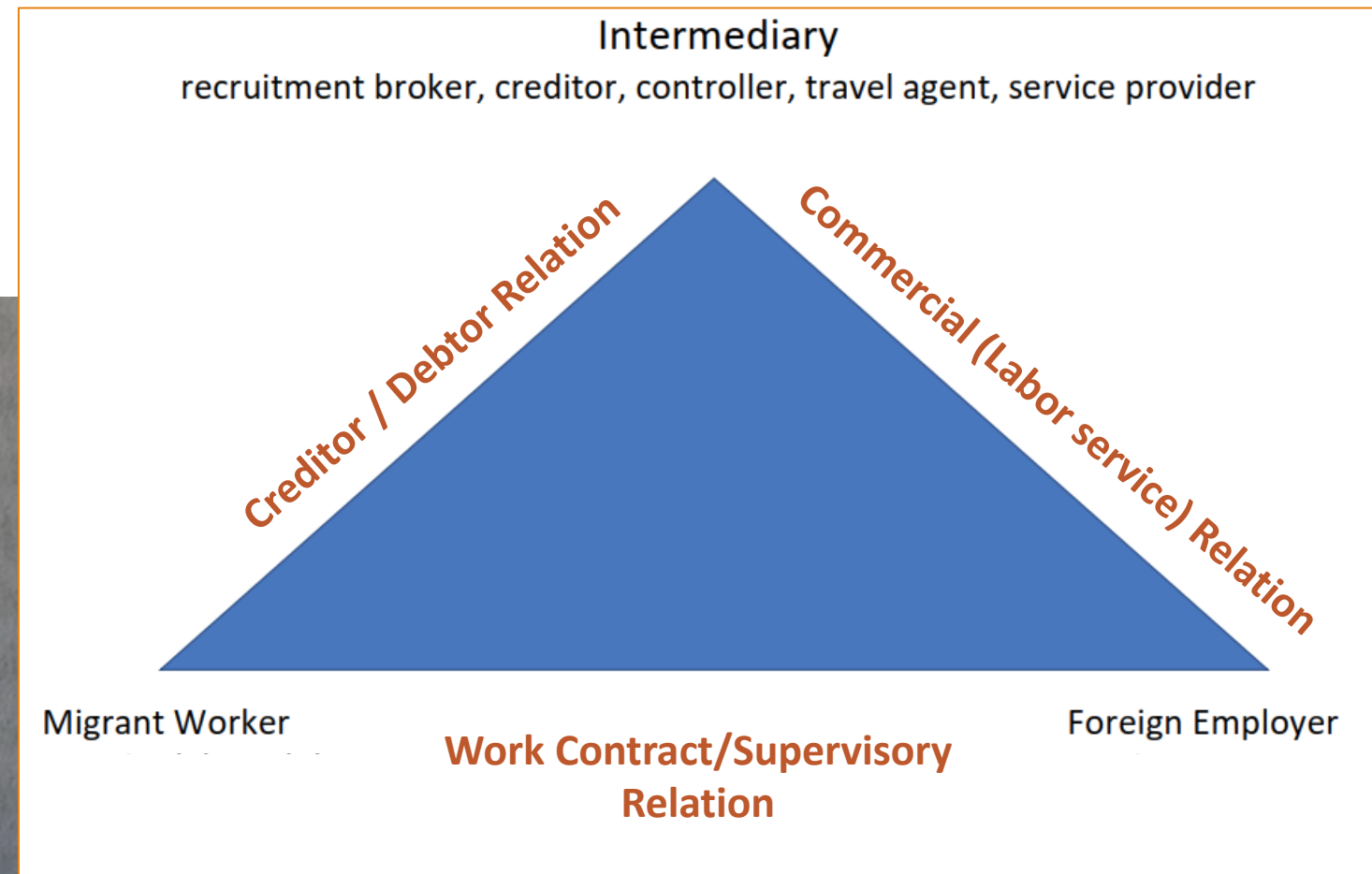


Cross-Border Labor Market Intermediary Networks

Indonesian outmigration rules ↔ *Malaysian immigration controls*
(bilateral agreements on labor migration)

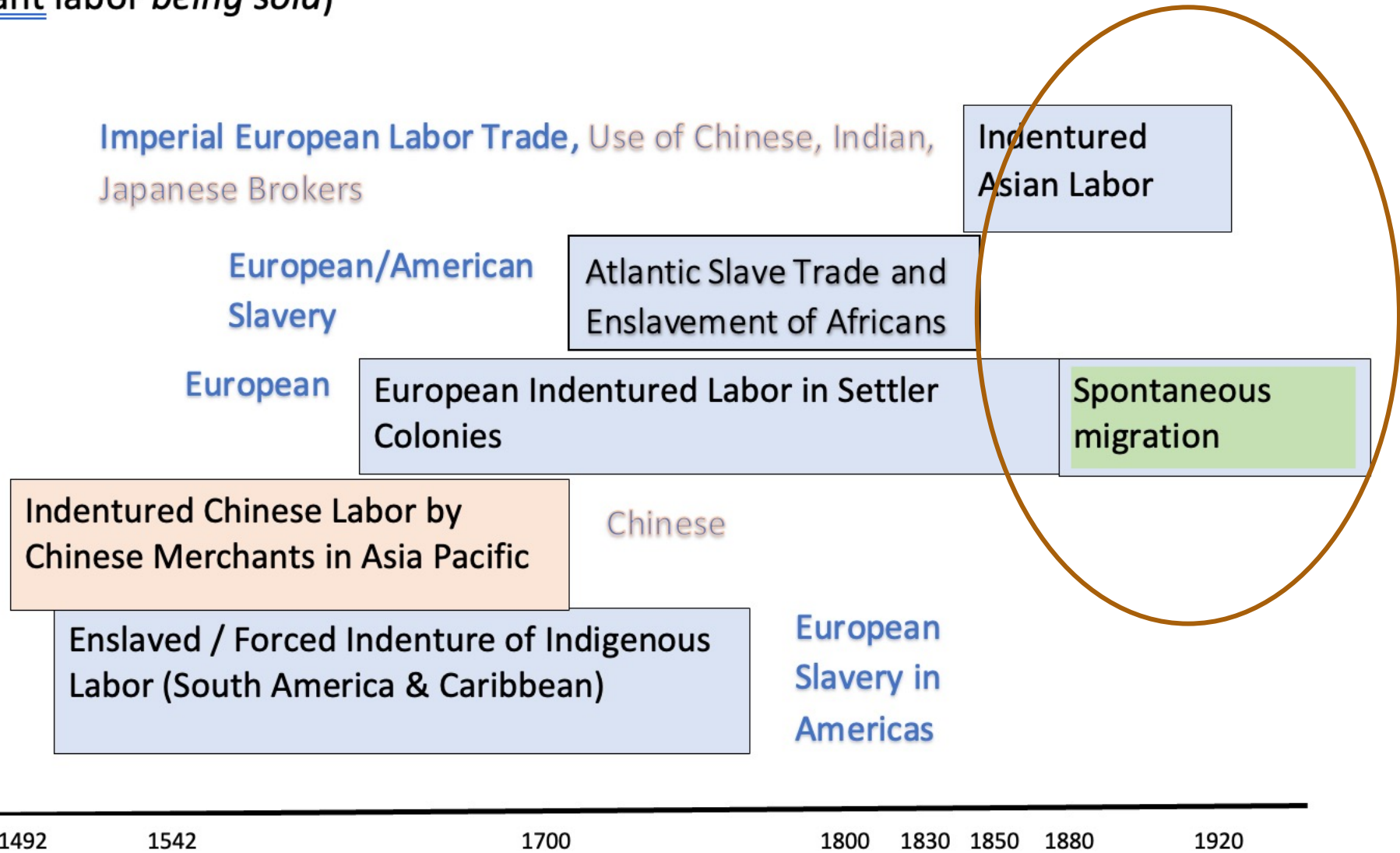


(KS inspired by Lindquist, J. 2012: The elementary school teacher, the thug and his grandmother: informal brokers and transnational migration from Indonesia. *Pacific Affairs*, 85(1) 69-89)



Source: Shire, K. et al. 2018: Private Labor Market Intermediaries in Cross-Border Labour Markets in Europe and Asia: International Norms, Regional Actors and Patterns of Cross-Border Labour Mobility, pp 155-183 in Quack/Schulz-Schaeffer/Shire/Weiss Hrsg. Transnationalisierung der Arbeit. Wiesbaden: Springer

The World Labor Market for Labor Power (migrant labor *being sold*)



Year 1492 1542 1700 1800 1830 1850 1880 1920

Compiled by KShire from Potts 1990, p. 201, extended based on Northrup 1995, Hoerder 1980. Dates are approximate as forms overlapped in time), KEY: blue refers to European-driven mass deliberate migrations, rose to Asian-driven mass deliberate migrations, green to contemporary spontaneous migration (The terms deliberate and spontaneous based on Portes 1995)

Intra-European Labor Mobilities in 19th/20th Century

England dependence on Irish labor (by 1851, 700,000 Irish workers in England)

“The rapid expansion of English industry could not have taken place if England had not had in the large and poor population of Ireland a reserve army of labour of which to avail itself” (Engels 1845, cited in Potts 1990: 133)

France and Germany both drew labor from Belgium, Spain, Italy

- Early 20th C France turned to the Magreb, by 1886 1.2 million foreign workers
- Germany later, by 1910 1.3 million – especially in hard-coal mining, drawn from the Eastern Provinces (Poznan, West Prussia, East Prussia), “Ruhr Poles”
- TEMPORARY LABOR – Germany imposed “Karenzzeiten” and “Inlandslegitimierung” tying migrants to one employer

“...the development of capitalism in Germany was closely linked with the recruitment of foreign workers, and these were exposed to extreme forms of exploitation... At the beginning of the 20th century every sector of the German economy employed large numbers of migrant workers of both sexes” (Potts 1990, p. 136)

Labor Market Contraction from 1880 - 1920

Territorial / ethnic / sectoral divide (Potts, 1990, Northrup 1995)

- Asian indenture in tropical commercialized agricultural (plantations), mining and infrastructure construction
 - Public intervention (colonial authorities) to stabilize flow and keep peace with China and India
- European 'free wage labor' in temperate metropolises and settlement colonies

Until 1880s however, most exchanges were private, by “foremen and recruiters who not only signed up workers, but also supervised them, offered credits” with large fees, etc.

Inspired by Swiss cities (1880s) German municipal exchanges became a world model (in 1908 125 visitors, including from Japan and Russia) – 1935 German law granted monopoly to public labor market administration (Wadauer et al. 2012)

ILO 1919 Resolution on Treatment of Foreign Workers; 1933 Free-Charging Employment Agencies (1949; 1997)

Background photo by KShire, photograph of Italian mine workers from Polcenigo in the Borbeck-Essen coal mines in 1912 shown at the Zeche Zollverein Ruhr Museum, Essen

Erinnerungsfoto aus Privatbesitz in Italien

Resurgence of a world market for labor

- ILO Convention 181 reversed restrictions on fee-charging employment services
 - Private flanking and replacing public exchanges
 - Exchange of labor services without employment
 - Diversification of employment contracts and increasing shares of migrant labor
 - Migration markets for temporary labor premised on the re-circulation of labor
 - Covering a broader set of sectors (in technical sectors, in health and care services, logistics)
- Rise of illegality, informality, trafficking, and force labor (to come in Talk 3)