

Regulating Transnational Labor

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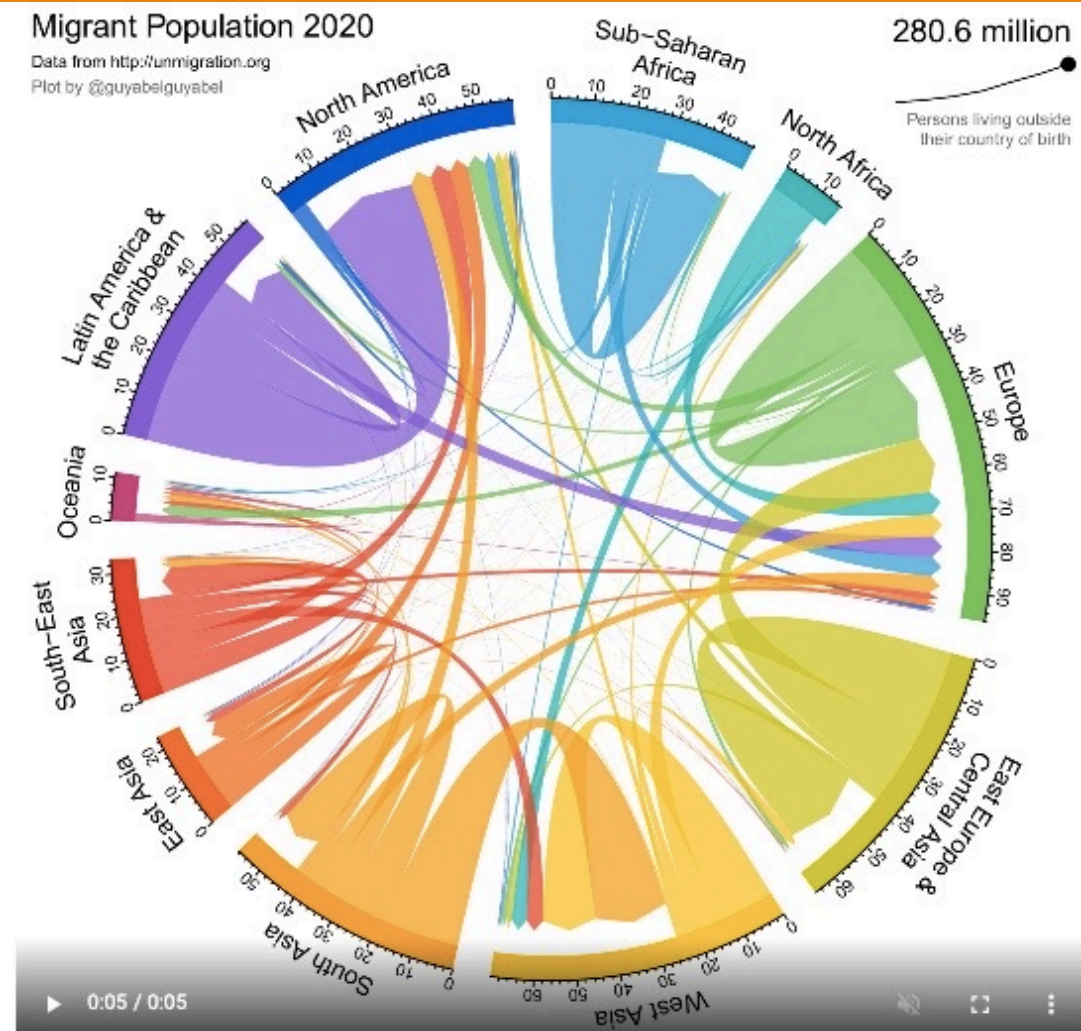
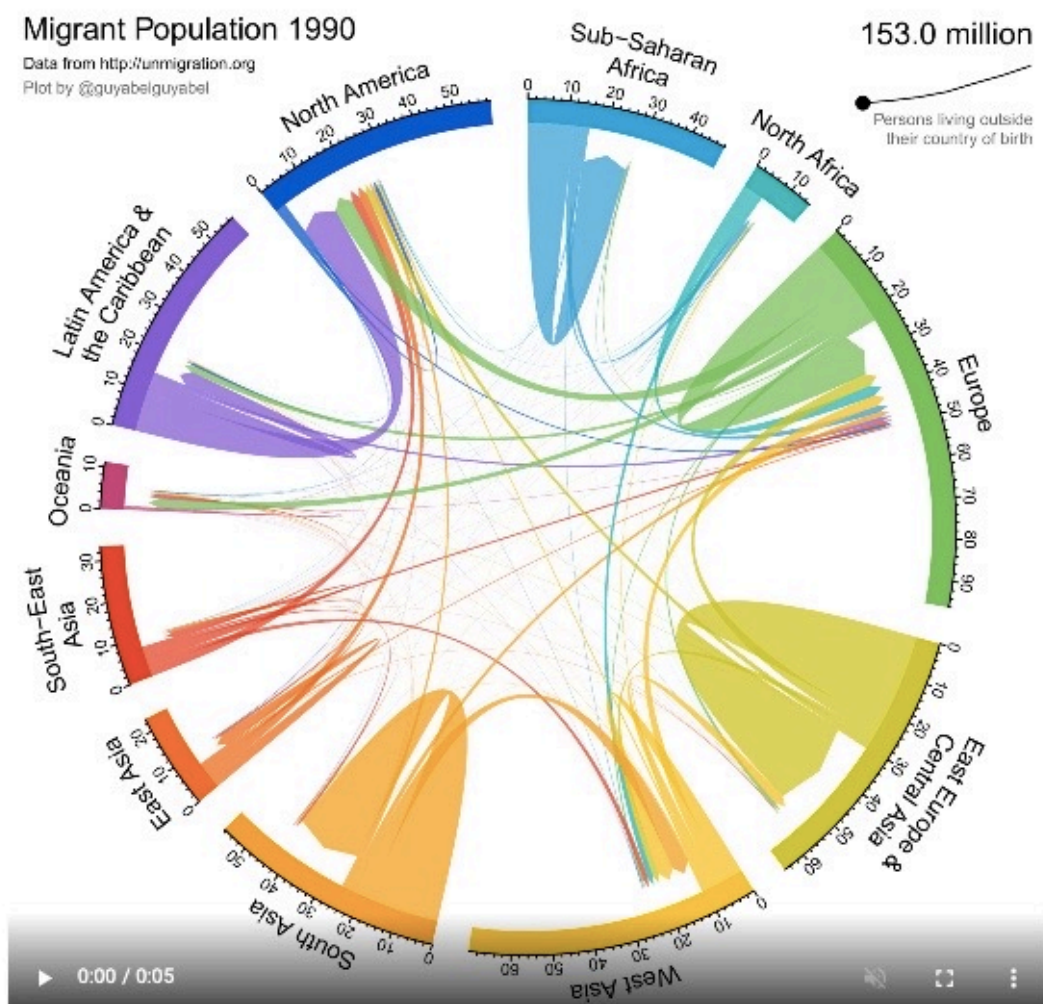
**Talk 1: Theorizing Regulatory
Challenges of Transnational Labor**

Talk 2: Cross-Border Labor Market
Intermediaries

Talk 3: Trafficking, Forced, and
Informalized Labor



SHIRE -- REGULATING TRANSNATIONAL LABOR
Meeting of Vietnamese college students with Japanese education brokers in Tokyo, 2018, Photo by An Huy Tran



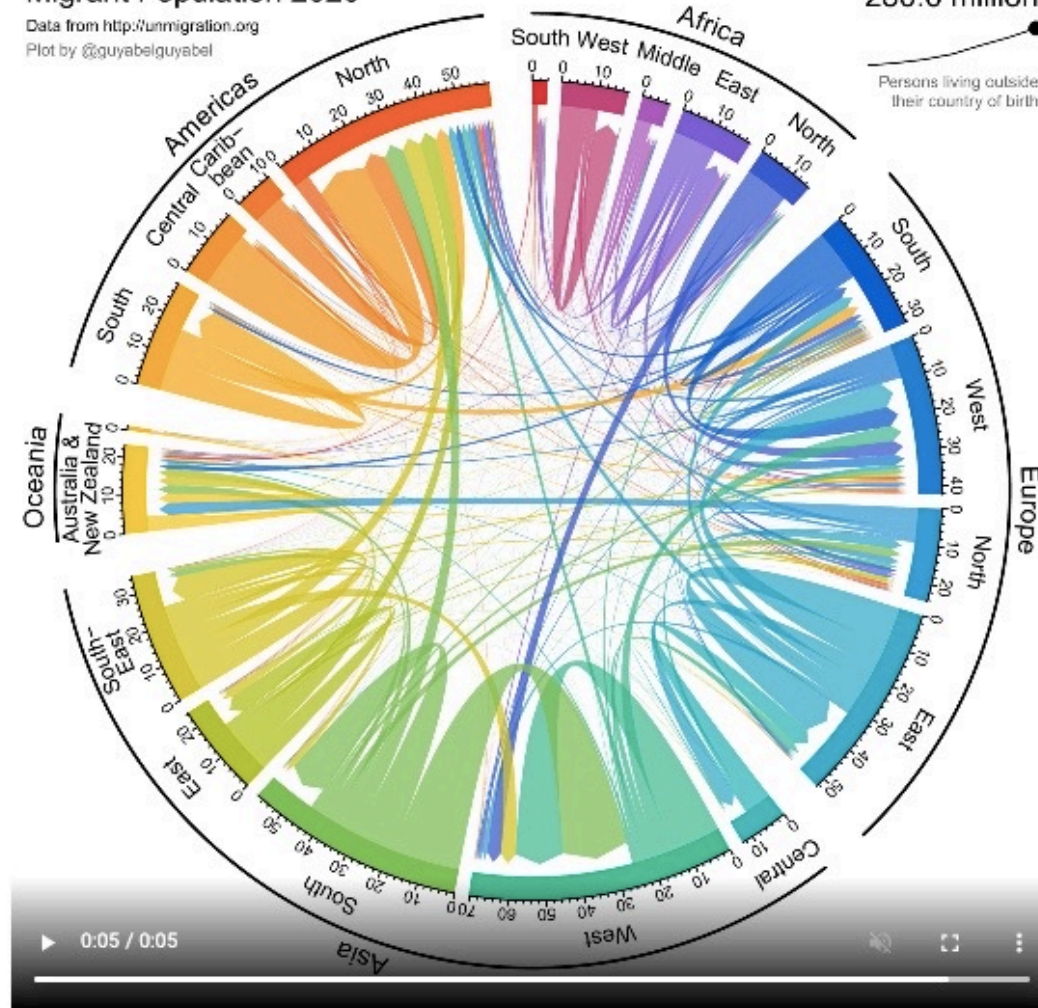
Source: Abel, Guy 2022. Global migrant population visualized using animated chord diagrams, based on United Nations DESA [International Migrant Stock Data](https://data.un.org/en/topic/migration/international-migrant-stock) available on-line also as an animated time series, at <https://guyabel.com/post/global-migrant-chord-diagrams/>

Migrant Population 2020

Data from <http://unmigration.org>
Plot by @guyabelguyabel

280.6 million

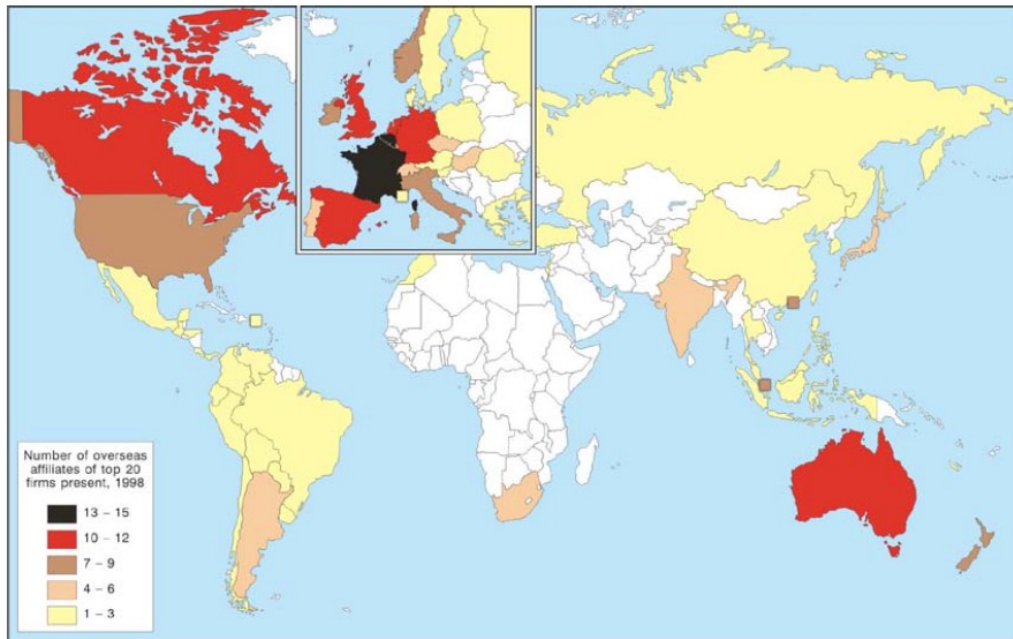
Persons living outside
their country of birth



Source same as Slide 2

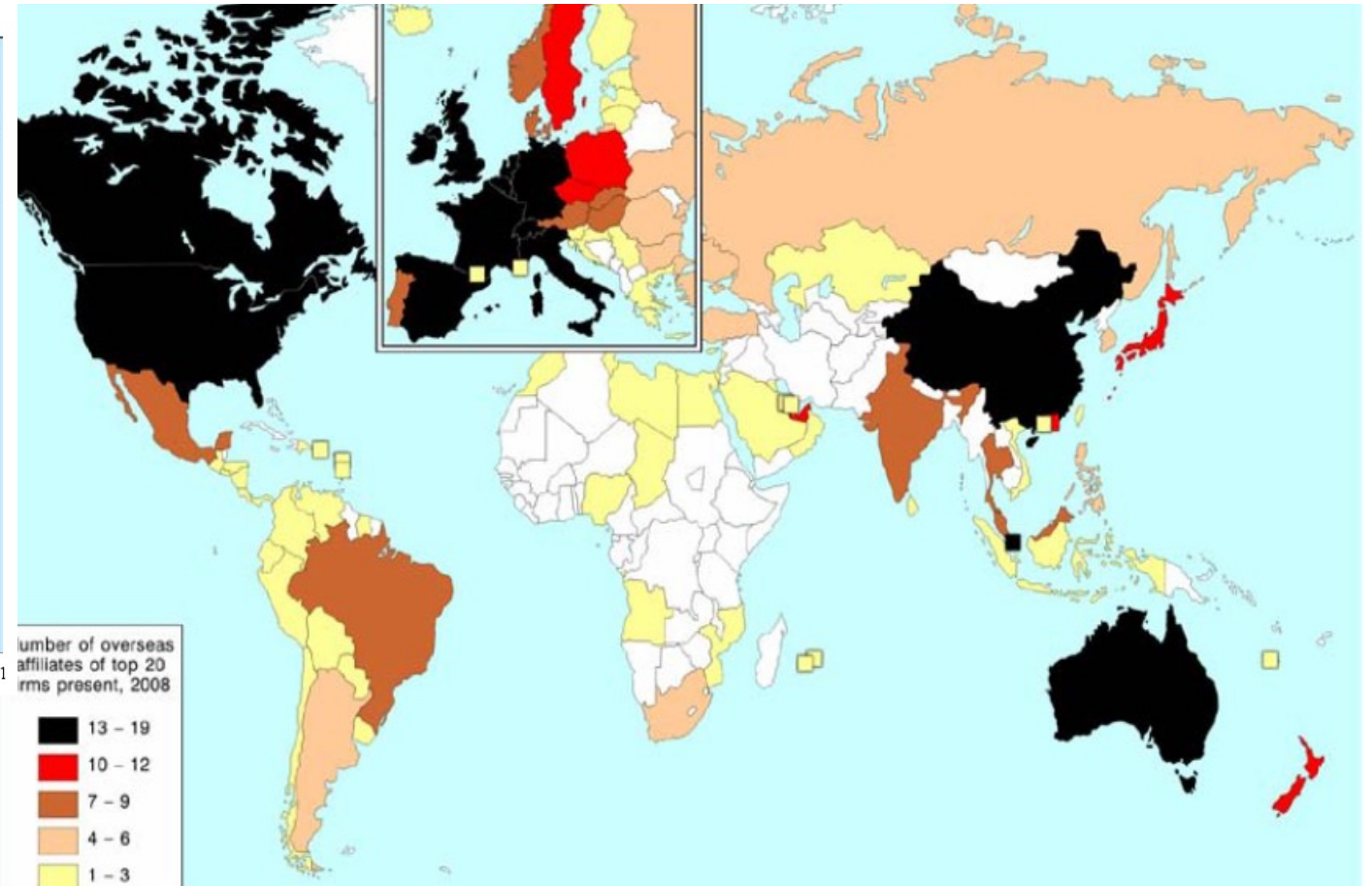
Expansion Top 20 Global Staffing Firms 1998 und 2008

Figure 1: Number of overseas affiliates of top 20 firms present, 1998



Quelle: Coe, Johns & Ward 2011

Source: Coe, Johns & Ward 2011



Emergence of cross-border labor exchanges – driven by subcontracting, indirect and triangular employment relations

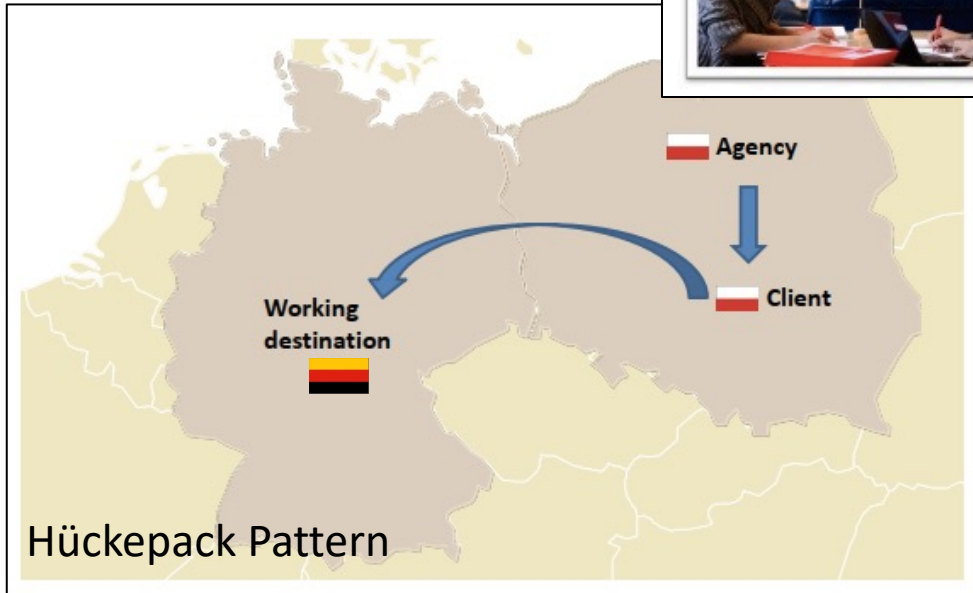
Location of Employment Contract Nature of Employment Relation	Country of origin	Country of destination
Direct	Posted worker	Migrant worker
Indirect	<i>Huckepack Überlassung</i>	<i>shokai</i>
Triangular	Posted agency worker	Migrant agency worker

Source: modified from Shire et al. 2018

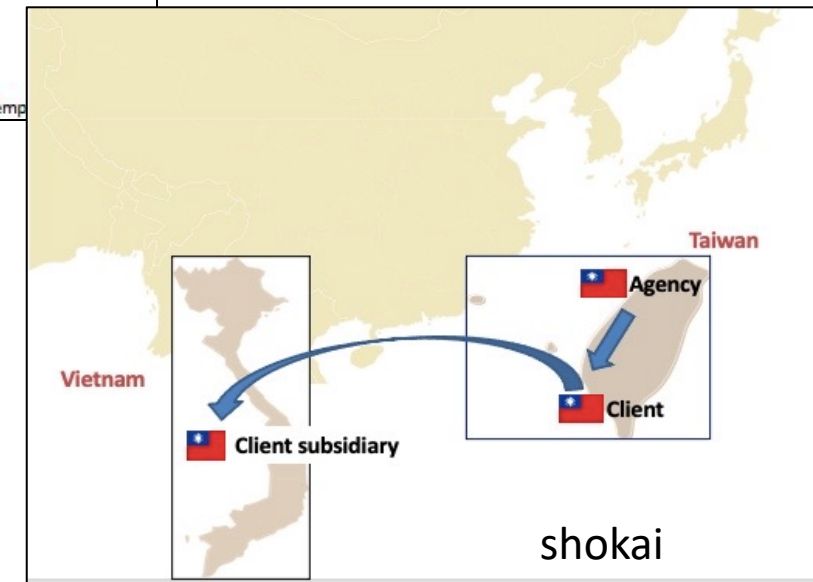
Cross border labor markets defined as exchanges of labor power that are "neither fully contained nor constrained by national boundaries" (Djelic & Quack 2003)



Transnational labor regulation is the generation of rules shared and enforced by multiple public authorities covering the recruitment, exchange and transformation of labor power across territorial jurisdictions



Source of Diagrams: H. Kraehe for DFG SH82/5-1,2 (PI Shire) Grenzüberschreitende Arbeitnehmerüberlassung. Die Konstitutierung von Märkten und transnationaler Regulierung im interregionalen Vergleich



Toward an economic sociology of cross border labor markets

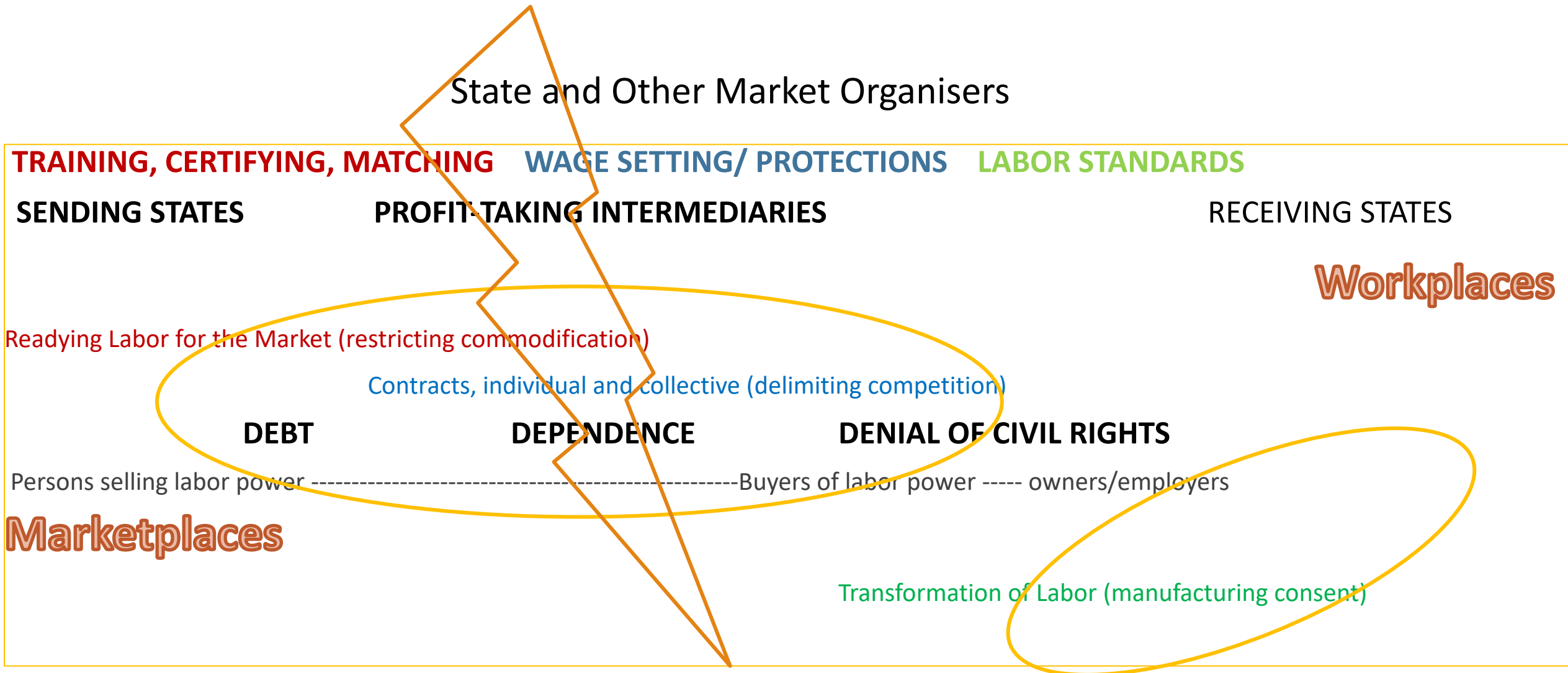
ECONOMIC SOCIOLOGY OF *SPONTANEOUS MIGRATION*

- How migrant labor impacts on destination labor markets (Priori 1979; Sassen in Portes 1995; Bauder 2006)
- “...immigrant workers do not exist because there are arduous and badly paid jobs to be done, but, rather, arduous and badly paid jobs exist because immigrant workers ... can be sent for to do them” (Castells 1975: 54)
- Spontaneous (contemporary) vs. deliberate (historical) migration patterns (Portes 1995)

ETHNOGRAPHIES OF *MIGRATION INFRASTRUCTURES*

- Shifting research from the experiences of migrants to how migration operates (Lindquist et al. 2012)
- Driven by ‘changes in laws, state policy and migration policies’ of sending states (Levitt & Glick-Schiller 2004; Rodriguez 2010)
- Driven by internal migration in export processing zones and global value chains/production organizations (e.g. Bangladesh, India, China)
- “(M)igration can be more clearly conceptualized through a focus on infrastructure rather than on state policies, the labor market or migrant social networks alone” (Xiang & Lindquist 2014: 122)

Toward a social order of cross-border labor markets



Transnational labor regulations under construction



Multiple Market Actors and Negotiating Power Resources

- Sending and Receiving States, but especially the democracies of the world
 - Value chain liability laws of **investing states**
 - State diplomatic missions of **sending states**
 - Due diligence of **receiving states**
- Associational and Social Power Resources
 - Institutional transfers of social partners in well regulated employment systems
 - Fighting debt, dependency and denial of civil rights in advanced economies
 - Capacity building
- Private Intermediaries versus Public Authorities
 - Licensing and monitoring
 - Re-capacitating public labor exchanges

Foregrounding Forms of Commodification in the Scope of Regulatory Initiatives

- how fictional is commodification? How sure is a double movement? Are social coalitions more likely in market struggles (over commodification) or workplace struggles (over exploitation)? (Burawoy 2010)