Transcript of ‘Decent Work and Labour Exploitation’

Season 4, Episode 3, Transforming Tomorrow

[Theme music]

Paul: Hello, and welcome to Transforming Tomorrow from the Pentland Centre for Sustainability in Business. I'm Paul Turner.

Jan: And I'm Professor Jan Bebbington.

[Theme music]

Today we're discussing fair and decent work, and how workers in the UK can become exploited.

[Theme music]

Paul: Do you feel you treat your workers decently, Jan?

Jan: Well, one hopes so, doesn't they? But we need to know what decent means then. What do you think decent means, Paul?

Paul: You don't hit people.

Jan: Oh, uh, yes, I agree.

Paul: No, no, no, no. I'm just checking. This is what I'm, I'm not asking you for a definition of decent, [Jan laughs] I'm checking you don't hit people.

Jan: No, um, not, not in my, uh, overall scheme of things, I can tell you that.

Paul: Do you shout at people a lot?

Jan: No. I'm not a good shouter.

Paul: Do you lock them, do you lock them in their offices for hours on end until they finished something you want them to do?

Jan: No. [laughs nervously] What else is on your list? Your list is horrendous, Paul!

Keep going.

Paul: Do you have a whip which you deploy if they're not meeting expectations?

Jan: No, I don't.

Paul: Have you been arrested by the police on at least five occasions for abuse?

Jan: No. Does four count?

Paul: Well, I, I believe that it's when you get to five that you've gone over from indecent to decent and stuff…

Jan: …yeah…

Paul: …so that's, uh…

Jan: …yeah…

Paul: …so, so you, you're, you're still on four, so that's fine.

Um, that's, that, I'm using your own words, [Jan laughs] because you wouldn't have asked 'does four count' otherwise?

Um, because I think that when we think about good quality work, and we've talked on these podcasts before about, we've talked about human trafficking. We've talked about modern slavery. We've talked about forced labour.

But there might be a scale here, and things at certain ends of that scale might not be considered of issues of decent work and bad labour practices, but maybe they build up to something that might end up, uh, forced labour and modern slavery.

Jan: Yeah, and I think the, the key there to what you're saying is that you don't have to be in forced labour to have a bad, uh, employer and to be in a bad employment relationship.

So it is, indeed, a, a continuum across, and the best thing you can do is spend as much time as possible at the decent end of that scale.

Paul: And in order to discover whether you are a bad employer, because believe it or not, Jan, that's the reason we have got this episode. It's nothing to do with the work this person has done. [Jan laughs] It's purely to bring them in and ask them whether you are a good employer. We've got someone who works for you.

Jan: Indeed, indeed. And, um, um, I've, I've prepped her to have all the right answers. Um, yeah, no, I think it's very good. Good to interrogate.

Paul: Good to interrogate, to find out, but I don't know if there is a way of finding out whilst you're in the room, whether, you know, you have told them what to say and what answers to give and what your employment practices are like.

But we're just gonna have to live with that for this particular podcast. Because as well as being someone who works for you, at the moment, we're gonna bring someone else who also helped to author the report, 'Decent Work: A Review of Evidence for Effective Prevention and Detection of Labour Exploitation', along with yourself and Kilian Gailard, who is now at the Fair Work Agency.

Someone who has worked on modern slavery, um, and issues surrounding labour exploitation in the fashion industry, as part of their PhD. And someone who is now a part of the Corporation for Safer Ocean Industries Project, which we'll talk about on a future episode of this podcast at the Pentland Centre.

And that is Dr Ophelia Chidgey. Hello, Ophelia.

Ophelia: Hi, Paul. Hi, Jan…

Jan: …hello…

Ophelia: …thank you for having me…

Jan: …what a surprise to find you here!

[Jan and Ophelia laugh]

Paul: Yes, you, you've been prepped for lots of questions about your work on decent work Ophelia. But I couldn't put the questions in that I wanted to ask you about Jan, because obviously Jan saw certain questions. So I need to ask you now, how bad is it working for Jan?

Ophelia: I think firstly, I, I've been prepped on the questions, but in no way I have been prepped in, in what I should answer to the questions.

Um, obviously working for Jan is fantastic. I am, I'm incredibly fortunate…

Paul: …of course that's what you'd say. Of course, that's what Jan would tell you to say.

Jan: But then here's a really important point. So if you are going to survey what workers are doing, you don't do it with their boss around. And you do it in, in forums that allow people to have anonymity.

So one day when I'm out, Paul, you better pop around the office and have a wee, a wee word to Ophelia just to double check.

Paul: So, Ophelia, when Jan's not looking, if at any point you can see, make a hand gesture like this, uh, I will know that that hand gesture, which no one who's listening to this podcast can see, which is part of the point, it's a secret hand gesture. I will know that I need to report Jan to the relevant authorities after this podcast because she's a really bad employer.

Does that, does that sound fair?

Ophelia: That's very fair. I, I will let you know if needed.

Paul: Yes.

Ophelia: I don't, I don't foresee this, but it is good to have those systems in place.

Jan: Yeah, I agree…

Paul: …it is. We, we, we need to have a way for you to be a whistleblower. Um, so that, that, that's fine.

So assuming, because this is what you've said, Jan is actually an okay employer, we'll push that to the side, and then get you to tell us a bit more about your background, how you came to be interested in labour exploitation, and therefore be involved in the work that you are, have been doing, on decent work.

Ophelia: Um, yeah, so my background, I started off, uh, slightly differently, in politics and international relations, and then sort of fell into, business and human rights through, like, my masters.

Um, and here I got really interested in corporate social responsibility and, actually, the impact that businesses have as major players globally. They, they are organisations that have such a big impact on the world, but also on people, you know, through employment, through their practices, through their, what they produce. Um, and I sort of got more interested in this way.

It was when, when I started my PhD, which is looking at human rights and businesses with a specific focus on the garment industry and women, women's experiences at work.

Um, alongside this, I've been an activist with Amnesty International UK for more than five years, I think. Um, here looking at again, the impact of business and human rights. Um, currently working or currently advising on a campaign, um, with garment workers and the impacts of brands on garment workers and their supply chains.

Jan: So from that background, Ophelia, how have you ended up working both in terms of, uh, this Decent Work report, which in some ways also led you to the, the Safer Ocean Industry's work…

Ophelia: …mmm…

Jan: …but what's the connection between that PhD and Decent Work report?

Ophelia: So the theme that runs through both is labour exploitation, um, and the conditions of workers. So going from garment workers, uh, in garment supply chains through to, um, how workers are experience labour exploitation in the UK, and the systems that contribute to that.

And then through to my current work on Safer Ocean Industries, so labour exploitation within ocean industries and how workers experience this exploitation, as well as how businesses can help, um, combat that exploitation and sometimes how they contribute to that exploitation, and how then we can tackle that.

Jan: So taking that as a core, could you define for our listeners labour exploitation? And perhaps how it's distinguished from decent work at one end of that continuum, that we talked about at the opening and, you know, forced labour, modern slavery at the other?

Ophelia: Yeah, I think, uh, what Paul was saying was really interesting, and those questions about the conditions of what makes labour exploitation and what we think of when we think of labour exploitation and modern slavery.

And as you said, it's really a continuum, and we have decent work as one, not set experience at one end, and then modern slavery and extreme labour exploitation as again, not set experience, at the other.

And then in between those two points, we have sets of circumstances and things that may happen that can stack up to, and workers can move from one part to another part and back. It's not, labour exploitation is not one set experience, it's a set of experiences and conditions that, uh, don't allow workers to have choice. And keep them trapped in certain experiences that, um, give them less choice and then they have less freedom within their employment and less freedom, sort of, outside of their employment as well.

Paul: So the word continuum has been mentioned a few times, um, mostly by Jan, because Jan likes to use big words sometimes just to confuse us.

Assuming it's absolutely nothing to do with, say, the Q Continuum in Star Tre,k or any other continuum that you will come across in lots of science fiction, what does it mean when it comes to labour exploitation?

Ophelia: Yes, totally unrelated to Star Trek, I have to say! [Jan laughs]

Um, it means that it's, it's, almost like a scale, you could say. So decent work is at one end, and labour exploitation, modern slavery is at the other. And then there's lots of things that can happen in between.

So you can start off in a, a situation with an employer where you are experiencing decent work, and then small things can stack up. But this can look like different things, and they can be very unnoticed, and that, as you move through the continuum.

So this can include, you may initially have a secure contract, and then this may change. And then, so you may then start moving into where you have an insecure contract. You then can experience, or start experiencing, unpredictable hours.

There might be a background where there is recruitment debt that is being taken out of your wages, illegally. Um, accommodation might actually be tied to the employer, so you may then experience, uh, a degrading in the conditions of your accommodation.

Um, and then your, your pay may not, uh, level to national minimum wage requirements. Um, there might be things taken out of your wages, for example, for uniforms or cleaning products, if you are in certain industries, that are taken out illegally from your wages.

And then these things stack up to a situation where you've moved from a decent work situation through the continuum, bit by bit, to a situation of

modern slavery or labour exploitation, where as a worker you no longer have choices to leave that employer, or to live in decent accommodation or to have, uh, proper wages.

Jan: What I found really interesting about how you describe that, Ophelia, is it not, it's not just one thing that breaks, that turns decent work into exploitative work, but it's, it's several things breaking.

And do those elements tend to go together in particular industries or particular kind of work settings, where your hours are uncertain, your pay is uncertain, and all of these other things start stacking up?

Ophelia: Yeah, so especially through the Decent Work project that we did, we focused on certain industries that are, I guess, known for having these conditions.

So hospitality, for example, frequently uses zero hours contracts. The hours are often extremely irregular. And this doesn't necessarily mean that everyone on a zero hours contract who works variable hours is in a situation of labour exploitation, but it does make it much easier for that to happen.

Uh, other types of employment, sort of agriculture, for example, or, um, picking fruits and vegetables can be extremely seasonal, so fluctuates very highly, has large amounts of migrant labour, which can be brought in to help combat labour shortages.

Um, other industries such as construction can have very complicated, um, supply chains with a lack of transparency. Lots of workers project, a different project type work that then means that you have different amounts of labour for different projects, um, and zero hours contracts, insecure contracts, for example.

Jan: That's a, a pretty heady mix then that makes insecure work could have many elements to it. And, and, you know, we, we, some of them might be helpful, like having choice over your hours is helpful, but then that to morph into no choice over your hours is really unhelpful.

Paul: It, it almost sounds there, Ophelia, as well, as if it could be possible for you to slip into labour exploitation almost without realising it. Maybe even from the perspective of both an employer and an employee, whereby one little practice happens that you don't notice, and then another one builds up on top of that.

Would you say that might be a fair assessment, or would it always be something that one party is gonna know is happening?

Ophelia: No. Definitely a situation where both employee and employer can not know that they're slipping into that circumstance.

We've heard lots of stories through the project, and since then, of situations where workers can actually be, um, quite happy. They're employed, they're accommodation is good, they are, you know, picked up for work and, and, um, dropped off to work. They can not necessarily feel or experience labour exploitation.

However, when interventions have happened, things, more information is then provided to the workers. So, for example, situations where workers are being paid regularly and they work regular hours, but then they realise that, or have been informed that, they're not being paid national minimum wage and they're being paid, you know, half or a quarter of what they're legally supposed to be.

And similarly, on the other side, employers can not know that what they are doing, um, actually does constitute labour exploitation and, and breach the law. So, for example, um, taking deductions from wages for equipment and uniform, that is actually illegal.

Um, or as we were saying, um, regulations change, circumstances change, rules change, and employers, what they may have previously been doing is now not acceptable, and deemed labour exploitation and they haven't kept up with that.

Jan: So we've talked about, um, the continuum, the various elements that come together. What I'd like to turn to now is how does labour exploitation arise? What, what drives that?

And we've talked about it in sort of general example terms, but to know about that a bit more systematically would be good.

Ophelia: So how labour exploitation arises, because it can be on this continuum, and it's one of those things that is considered a wicked problem. So it, it's sort of relatively difficult to define. It's got a lot of contributing factors. There is no one known solution and the goalposts sort of keep moving and changing.

Um, so therefore it's, sort o,f considered a systems problem. And there are several things within these systems that can contribute to labour exploitation, and then take away from labour exploitation in various ways.

So people can be made vulnerable by the system itself. So rather than it, the examples being of there is a, a vulnerable worker who then has a bad employer, it's that there is a worker, for example, who might be a migrant worker, and then the system around them compounds and allows for labour exploitation to happen.

So there can be different types of vulnerabilities that workers experience, including structural vulnerabilities, which might be policy design, for example, immigration policy that ties one worker to one employer where they are unable to change their employer without being removed off their visa, and therefore not allowed to work in the country at that point.

Um, market, labour market deregulation and employment laws, for example, um, zero hours contracts, and discrimination and inequality, that happens everywhere. That also adds to these things and intersectionality. So, um, racism, class, caste and gender all, all add into this.

There can be individual vulnerabilities. So some studies which have been done that identify that, um, cognitive impairments and serious mental health issues, substance abuse issues can, um, put people in positions where they're more easily exploited.

Um, as I mentioned, intersectionality and as well as language and literacy can be a really big problem, as we talked about before, about seasonal labour for agriculture, where we have that labour shortage.

So we have migrant labour to come and fill, to do that farm work, literacy, um, and language skills might not match up, and that can make a worker more vulnerable. They might not be able to read their contracts, they might not be able to read their payslips. So that can add to that.

And then there's situational vulnerabilities. So again, a lot of farming work, for example, is geographically isolated, very socially isolated in parts of the country that you don't have a lot of other people or infrastructure. Um, and multiple dependencies on employers can add to this.

So if, uh, a worker is being housed by the employer, um, all of their income comes from the employer, um, and they have an insecure legal status, or they

are tied to their employer because of their, their, um, visa, then that, all of these things can add up to create or hold somebody in a situation of labour exploitation where they then can't remove themself.

Paul: This takes us really to the report that you were the co-author on, along with the person sat next to you, who, like we say, obviously influenced massively your personal experiences of the report. But also, uh, Kilian, who is now at the Fair Work Agency.

Now, the report was authored, it was aimed at supporting the foundation, the establishment, the Fair Work Agency, becoming a thing. So what is it now that it exists? How does the Fair Work Agency operate? What does it do?

Ophelia: The Fair Work Agency was mandated under the Employment Rights Act. And they sort of, part of this project was, was kind of partly answering that question, is like, what is needed in this space from the government and from a new agency moving forward? So not just agenda setting, but also the system it sits within. Like what part is it gonna play in that system?

And part of this was identifying that labour market enforcement has traditionally been really fragmented. So the Fair Work Agency really brought together lots of different, um, government bodies and agencies, including the GLAA, National Minimum Wage Enforcement, Employment Agency standards, and really brought them together under, under one roof.

Which was really important when we were working with through the project and identifying that this fragmented work is one of the things that, in the UK, really prevents good labour exploitation identification, and enforcement. So I think it's, in its development, it really challenges and addresses one of those aspects of labour exploitation, in the UK specifically.

I think it also was identifying, through its, like, agenda setting. So part of the project was to draw knowledge from industry experts, and experts on labour exploitation about what its agenda should be. So I think that agenda is still being formed in response to some of the research.

And focusing a lot on the labour market enforcement systems, again. So how can it best work on identifying labour exploitation, preventing labour exploitation, and addressing labour exploitation? Um, especially early.

So one of the other things we identified is, in the UK we're not necessarily very good at identifying these issues early, um, and intervening in a systems way, or

intervening through policy or prevention. And really we're focused on, um, what happens after and addressing failures in, you know, market regulation or addressing labour exploitation.

Paul: It almost sounds, Ophelia, like there was an issue of treating the symptoms rather than the cause then. That was, that was what you, what was happening. Rather than, you know, looking at the, the root effect, the root causes of everything. Is that something that you feel will happen now maybe more than was happening previously?

Ophelia: Yeah, absolutely. And I think even just the framing and understanding through the project that developed, um, and hearing from, especially, you know, civil society, worker representations, academics and unions, to really identify that, actually, by the time we're at that late stage of exploitation and that person has been identified, it's too late really, and there's so much other exploitation that isn't identified. And if you can get there at the start and help prevent the labour exploitation, you've done a lot of work, uh, already.

Jan: And that's one of the things, Ophelia, that I liked about the, the project, is also a sense of foresight.

So, um, our government colleagues were thinking about, okay, if we have a government policy to build X number of houses, then you do a labour market survey and you realise you don't have enough workers in the UK presently to be able to do that, then you know you're gonna have some sort of immigration regime to bring people in.

If you can plan for that to operate in a way that actually prevents exploitation, then you've, you've sort of done the job in a really efficient kind of way, rather than to some down, some way down the line hope you'll be able to detect what and remedy what's going on.

'Cause I think detection's not, not easy, um, for some of those reasons that you identified in terms of where the workers are, what kind of agency they have. Um, you know, there are indeed bad employers, but there are also employers that are just not on the ball enough to be decent employers.

So I think prevention just seems like such a grand idea.

Ophelia: Absolutely. And the workforce is changing as well. So it's something that needs to be applied to these changing circumstances. So we have an increase in, sort of, platform and gig economies. And these platforms that

facilitate workers, but actually these workers are not, they're not employees of these organisations. They're contracted in on zero, zero hours contracts and are not entitled to any labour rights really under that circumstance.

And there's a real shift to that in the economy at the moment. So being preventative will also help with other future things that happen. You know, we have AI now, and tech facilitated employment, and so being preventative would, would help be in front of those developments as well.

Paul: So what did you actually undertake then as part of your research for this report, and as the support for the eventual foundation of the Fair Work Agency?

Ophelia: Yeah, so the project itself had several phases. We started, um, with an evidence synthesis of all of the literature that was available, discussing labour exploitation across academia, as well as reports from civil society, NGO, um, NGOs and government.

Um, we drew this together to produce briefing notes, and case studies, and a literature review, which sort of also fed into the final report. And also provided these materials through briefing notes and case studies that we then used in the second phase.

And the second phase was really about bringing together all of the relevant stakeholders to co-create this knowledge that we needed to inform the Fair Work Agency's development, um, and to understand what labour exploitation looks like in the UK at the moment.

Um, so we did this through three multi-stakeholder seminars. This included government, um, trade unions, NGOs and civil society, other academics. And we structured them through three facilitated sessions. Um, one focusing on drivers of exploitation, one on protection and detection, and one on sort of future and emerging risks, to facilitate these discussions and draw out what is the best knowledge that we have right now up to date, which might not even be published yet?

And when we're in the room with all of these people, who have all of these different perspectives on labour exploitation, how can we bring that knowledge together to answer these questions?

And I think it was identifying that there wasn't any one group of stakeholders that had the answer, because everyone was working, a little bit siloed, in their individual projects and, and in their individual streams.

So it was really bringing that together to have a whole view of what we discussed before about the whole system of this problem and all of the things that feed into it, be it policy, um, employers, immigration policy, and, and what it all looked like together.

Paul: You, you talked there about the potential for potential risks, future risks as well. Do you feel that if this report had been done 10 years ago and if it was done 10 years in the future, what you'd find would be totally different in terms of potential for exploitation because the world is just changing so much?

Ophelia: Yeah, totally. And, and not even 10 years, you know, two years apart, each time I think we'd find something really different, especially with this age of technology that's really facilitating work happening in really different ways.

The policy environment is different. So there are so many differences that really contribute to these worker experiences. We've had changes in visa structures, um, you know, new platform work, um, policy change, appetite for policy.

Also, there are other things that, that, indirectly go into things like funding for organisations who support workers, um, support and mechanisms like the national minimum wage mechanism, how we define labour exploitation, and modern slavery. I think even that, in itself, how we, how we define it and how we are capturing these workers is, is completely different.

Paul: And I know you've obviously concentrated on the UK, 'cause this is all the UK. Could you see that it would be different in different parts of the world as well? What would be regarded as labour exploitation in different countries compared to over here?

Jan: I know from the work we did, um, just 'cause you know, thinking about that Paul, there was like, there were some really good examples from Australia, which in, in some ways they were ahead of, um, thinking about some things in the UK were, but then equally there were things that were really good about the UK and, and elsewhere.

So I think, um, all countries are probably trying to learn from each other. And, and if something particularly egregious happens in one country, knowing about

that maybe helps you do some more prevention work in another country, 'cause you didn't know it was possible. So I suppose there's a bit of a mixed feast, isn't it?

Ophelia: Yeah, I think it's very mixed and it's really based on appetite to want to address labour exploitation as well. And the differences in the environments and, um, enforcement bodies and, you know, detection, um, also really input this.

So we know that there are countries that actively use large bodies of sort of modern slavery labour. Um, that's quite sort of, almost built into a lot of things, um, that there are examples, especially in these high risk industries like construction, so in different countries.

And then as Jan said, we have countries like Australia and other countries who are talking and working on these things and are trying to improve their regulatory environments and their overall systems to help reduce labour exploitation.

But as each country has its own environment and system, labour exploitation happens in different ways. And I think we see that in how, sometimes, criminal organisations can be involved in labour exploitation. And unfortunately they're really effective at working around different regulations and working around systems to not be detected and exploiting new loopholes in laws. So they operate differently in, in different countries wherever they can find the loopholes.

Jan: And there, there was one example I really liked, which was the idea of a sort of like a, a sanctuary visa. So if, as a worker, you've been exploited and it's been identified by the authorities, quite often you're then in a position of being deported, um, because of, you know, visa issues, et cetera.

But that seems really rotten, that you've just been enormously ripped off and now you're gonna be chucked out of the country. So some countries have a sort of a sanctuary visa system, whereby your visa doesn't get cancelled and so you are, have been identified as a victim, um, supported in, in getting redress, but at the same time supported to carry on into more decent work than you've been in before.

So that's not a feature of the UK system, but it's a really interesting, innovative feature of another system, and something that the UK, if they wish to, could adopt, could learn from, et cetera.

Paul: It really ties in with the discussion we had a year ago with Kyla Raby around human trafficking there, Jan, whereby you've got to make sure that the victims of this are recognised as victims and not treated almost as you know, you, you've brought this to our attention, thank you very much, but we're getting rid of you now, and we don't care what happens to you in the future.

You've got to, to see things from the perspective of victims and those who are suffering. And no matter what their status might be in your country, whether they're residents, or whether they're immigrants, or whatever.

Jan: Yeah. So all of that then, I mean, there were lots of recommendations, so we might not be able to go through them all today.

So what, what recommendations were you able to do, um, on the basis of this work?

Ophelia: Yeah, so I think there were a lot of recommendations because there were the, lots of different levels of the system that you can interject at to be preventative or to tackle, to tackle this system.

Um, and actually, Paul, you kind of touched on one there where we're talking about worker voice and about making sure that we're capturing, in a meaningful way, and incorporating worker voice into these, uh, grievance mechanisms or, um, as we're designing policy so that the prevention is effective.

Um, we talked before about how workers can become dependent on their employers, which means that they don't have choices. And reducing worker dependencies can be an important way of doing that, be that through improved reporting mechanisms or, um, different visas, as Jan said, different visa systems, um, or changing policies to not allow zero hours contracts. Those changes can really reduce worker dependency and help prevent workers slipping into that dependency and labour exploitation situations.

Other things that were identified through the project were, for effective prevention, there's a really good ILO benchmark, which is, one labour inspector per a hundred thousand workers. And at the moment in the UK we fall massively short of that, of that statistic, and that benchmark.

So investing in those processes and those people, um, you know, within the Fair Work Agency, or within the government, on having, having that enforcement and detection is really important.

And stronger accountability overall. So there are some countries that have really great due diligence legislation, and the UK has made some really good moves in that space. But there's, there's room, there's room for improvement in, in due diligence.

There are some countries in Europe that are doing a really fantastic job of implementing due diligence, and holding companies to account through legal mechanisms and fines that really help shift norms and help protect workers.

Another really important point that, actually, really comes back to the development of the Fair Work Agency, and one of the really big issues we found that, you know, systematically contributes to maintaining labour, labour exploitation, is that there's a lack of collaboration and information sharing, really across government, across agencies, across enforcement that means that people are working in silos, there are duplications of resources.

Nobody is talking with each other to really effectively tackle labour exploitation. Which means that a lot of the resources fall short and a lot of the programmes and a lot of the attempts to tackle labour exploitation then fall short, because they don't all have the information that they need, and they're not sharing resources in a way that would maximise those efforts.

Paul: So what exactly is it that you are doing now then, uh, Ophelia? Where, where has your career taken you to that you've ended up working with Jan on a permanent basis? And does it tie in at all with the work that you've done with Jan and others on decent work?

Ophelia: Yes, I'm very fortunate to be working with Jan more long term, which is great. And, um, there are definitely similarities in the work we're doing. You know, labour exploitation is a really big theme that travels through all of the, all of the work that I've done, and will continue doing.

So we're currently working on a project on Safer Ocean Industries. Um, and my part within that project specifically is looking at, um, the conditions of workers, and labour exploitation of workers, as well as the impact on communities that these industries have. So that we can better develop tools for businesses so that they can identify and reduce their impact on, on both, or their negative

impact on workers and communities that they have. And improve their social sustainability through their supply chains.

Jan: And from our perspective at the Pentland Centre, it was great because we knew Ophelia was out there and she was a super researcher, but she wasn't that interested perhaps in working, uh, for a university.

So we had her on the contract for the Decent Work Project, which was basically the bait, I dunno, is this bad working practice? [Ophelia laughs] I dunno, I'm now, now doubting my own story!

And that, that made her see that you could be really impactful in a research sense. And the, the Safer Ocean Industries, um, project, if you like, is a really nice follow on, on a continuation in that. So, so we're really relieved to get the chance to work with somebody we've worked with before, who knows the university, is a graduate of this university, but also knows the terrain that we're working on really well.

Ophelia: Mm-hmm. And the, and the project really was, the project is really excellent. Like it's very impact focused. It's really focusing on the lives of workers and communities, and what we can do to prevent harm and, and improve the lives of those people.

Paul: You very definitely though, Jan, did just admit to using very exploitative practises in order to….

Jan: …no…!

Paul: …get Ophelia to work for you…

Jan: …she was properly paid the whole time. It's a, it's a competition for talent that's so strong… [laughs]

Paul: …as has been pointed out, just because you are being paid well doesn't mean you are not being exploited.

[Jan laughs]

Paul: Uh, before we bring in, uh, the human resources team from the University, [Jan laughs] and the police, to deal with this properly. Just one final question.

So it's impossible to do anything alone when it comes to sustainability in business. And so with regards to eliminating exploitation practices, who needs to get involved and how, for there to be more progress?

Ophelia: I think this is a really important question, and I think it was really baked into a lot of the Decent Work project that we did, that we really focused on, you have to have as many stakeholders in the room as possible. You need to have representatives that have different views of this system of labour exploitation.

So for example, you need to have workers and worker voice in the room. You need to have government officials. And I think one of the things we learned is you can't just have government, like there's so many different parts of government. There are so many different agencies and bodies and departments that have different mandates, they're working on different things. You need to have representatives from all of those.

Civil society, NGOs that are working on the ground, they're seeing on the ground what the consequences of action or inaction have been. As well as bringing in key academics who've been working and researching in these fields and are producing really, really great research, um, to support this space.

And also, to facilitate these discussions I think you also need that additional person. You need the facilitator to bring all of those people together and facilitate those conversations, and to extract that information to, to be put forward.

Paul: Well, Ophelia, thank you very much for joining us and providing us with such wonderful insight into this area. You haven't made the hand gesture I suggested, but if you see me in person at any point and feel the need, please do.

But otherwise, thank you very much for all your contributions today.

Ophelia: No, thank you so much for having me.

[Theme music]

Paul: Well, Jan, now that Ophelia has left, I'm sure she has gone straight to the relevant authorities. Uh, yeah. I'm really worried about the exploitative practices that you even admitted to, [Jan laughs] um, on this podcast. Let alone the ones you're not admitting to.

But it is really interesting though, [laughs] on a serious note, to see the range of labour exploitation that there is, and how it can be so easy to start off with something unnoticed, insignificant, even unintentional, but there's the potential for it to stack up and build into something that becomes what we might think of when we do immediately think of labour exploitation.

Jan: Indeed. And, and like many of our listeners will have, you know, jobs with, you know, not, not everyone, but many of our listeners will have jobs with, you know, clear hours, clear rates of pay, entitlement to holiday leave, sick leave, et cetera. But that's not the case across the board. And especially in some sectors that's less the case.

But you might be just thankful you've got a job and it's, and it pays something and it, and you don't realise you may be being paid under minimum wage and that you have more entitlement than, than, uh, your employer's giving you.

Um, but likewise, an employer might, you know, feel very financially stressed and be trying to cut corners and find themselves breaching people's, um, um, rights to decent work as well.

So it's a, it's a real, I guess, um, Ophelia sort of articulated it really well, is that it's quite a squidgy thing. If there was one thing to change, we'd change it, but it's not, it's a, it's a constantly evolving set of interacting pieces that, that create bad outcomes in this context.

Paul: And as she stressed as well, even two years ago, the situation would've been so different, and the things you need to think about would've been so different to the case it is now, and will be in two years.

So you've got everyone involved having to take all of that in mind. And you might think you're doing such a good job by your employees, but be inadvertently doing something that two years ago was perfectly fine, but now isn't.

And then in two years time, what you're doing would be considered the most heinous thing around because, but you haven't necessarily changed it and not realised you need to change it.

And yeah, just knowing that there's people out there who will be going through this without realising it, but eventually something's gonna tip it over to be something that they do notice. There's gonna be a tipping point.

Jan: And, um, for our listeners, you might want to go back to a podcast from last season from Alice Martin, from the Work Foundation, when she introduced us to the UK Employments Rights Act.

Because that's tried to codify and, and bring together a new standard for what decent work means, um, in the context of changing work. So that's a nice podcast to maybe refer back to, if this has piqued your interest in thinking about how the UK is, um, you know, moving forward in this area.

Paul: Yes, that's, uh, season three, episode 31, 'Do You Know Your Employment Rights?' And I'd also direct people towards season three, episode two, 'Human Trafficking'.

That was the episode we did with Kyla Raby, and where we talked about the importance of understanding the perspective and treating the people who have been affected by labour exploitation or modern slavery, human trafficking, whichever the aspect is, and understanding their side of things and not just, you know, treating them as collateral in certain respects.

Jan: Exactly.

Paul: Well, it, it's been another great conversation, Jan, um, on another project that you're involved with. Um, but good to get the perspective of that.

So thank you very much for listening, everyone. Until next time, it's goodbye from me, Paul Turner.

Jan: And goodbye from me, Jan Bebbington.

[Theme music]