Protecting Workers from Exploitation in Neoliberal States: A Social Harm Perspective

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Protecting Workers from Exploitation in Neoliberal States: A Social Harm Perspective

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Abstract

Neoliberal states have, over recent years, developed definitions of, and solutions to, contemporary labour exploitation. Whilst this represents progress, four critical observations are made, inspired by a social harm perspective. First, new criminal-legal powers to fight exploitation focus on extreme abuse (trafficking, forced labour, modern slavery) and thus restrict the nature of the problem. Second, these powers have been introduced, paradoxically, at a time when routine labour exploitation appears to be increasing. Third, despite the new laws, access to justice remains out of reach for most workers. Fourth, labour market inspectorates continue to adopt a 'light-touch' approach to workplace regulation. In light of these four critical observations, the paper concludes that the neoliberal fight against, and framing of, labour exploitation, though sometimes well intentioned is, by virtue of its conception, more bluster than bite.

Key words*:* Exploitation, Harm, Labour, Neoliberalism, Regulation, Work

Introduction

This article adopts a critical social harm perspective (Hillyard et al., 2004; Pemberton, 2015) to investigate and interrogate the ways in which neoliberal developed-world states now claim to be tackling labour exploitation. Out of this social harm perspective, four critiques of the recent neoliberal fight against trafficking, forced labour and modern slavery are advanced, drawing

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on the UK as a case-study. The main argument of the article is that we must be wary of claims made by states to be on the side of labour in the face of work-based exploitation and harm. This may be true in some extreme cases, but it is certainly not uniformly true. Put another way, the neoliberal state is often torn between the demands of labour and the demands of capital and its framing of contemporary labour exploitation is essentially a compromise that offers insight into this tension and how it is pragmatically and politically managed.

Neoliberal states share both basic principles and history (Harvey, 2005). Most obviously, neoliberalism is linked to: global competition driven by western corporations; allowing the logic of the market to dominate; intense commodification; individualism trumping collectivism; deregulation; privatization; a shift in power from labour to capital; and a weakening of social transfer and redistribution (Brenner et al., 2010; Ferguson, 2010; Peck, 2001a; Peck and Tickell, 2002). Given these trends and tendencies, it is hardly surprising that scholars have documented that pay and working conditions in neoliberal states have been deteriorating and the importance of the standard employment contract has been in decline (Blanton et al., 2015; Blanton and Peksen, 2016; ILO, 2016; Scott, 2017a; Stone and Arthurs, 2013; Weil, 2014). Moreover, there have also been direct linkages made between changing employment conditions under neoliberalism (especially around greater work insecurity and/ or intensity) and actual physical and psychological harm to workers (Quinlan and Bohle, 2009; Quinlan et al., 2001; Schrecker and Bambra, 2015; Sumner et al., forthcoming).

Given the above, what is particularly interesting is the way that neoliberal states still develop solutions to the workplace problems they help to generate: but in ways that are non-threatening and in ways that seek to preserve the status-quo. This creates a paradox. On the one hand, neoliberalism is associated with worker exploitation and harm, or at very least increasing worker insecurity and vulnerability. On the other hand, neoliberalism is positioned as saviour, with states developing new policies and laws to purportedly protect workers. With this paradox in mind, it is interesting that David Harvey (one of the leading critical scholars on neoliberalism) argues that states typically produce legislation and regulatory frameworks that advantage corporations. At the same time, he argues, states also construct a 'benevolent mask full of wonderful-sounding words…to hide the grim realities of the restoration or reconstitution of naked class power' (Harvey, 2005: 119).

Thus, when neoliberal states purport to be protecting the interests of workers it is sensible to subject this claim to critical scrutiny rather than to accept it at face value. Does new trafficking, forced labour and modern slavery legislation, for example, really show that neoliberal states are willing to

address contemporary forms of labour exploitation? Or, are these moves more limited, and possibly strategic and even cynical, in nature? To be sure, we should celebrate attempts to combat extreme exploitation, but we should also recognise that they represent a relatively small victory for workers who, under neoliberalism, appear to be losing traction.

Whether neoliberal solutions to protect workers from exploitation and harm are genuine, or whether they are a strategic and even cynical 'benevolent mask', the article will argue that they are necessary but deficient. They fail to address the structural conditions governing working conditions and a more critical 'social harm' approach is required (Hillyard et al., 2004; Pemberton, 2015). A social harm approach calls one to look beyond basic neoliberal residual safety-nets for labour to consider a wider range of solutions to tackle workplace exploitation. It also requires one to adopt a more open and nebulous definition of labour exploitation that focuses beyond existing legal and policy demarcations. In short, a social harm approach calls us to question not only the neoliberal solutions used to combat exploitation but also the definition of exploitation itself adopted by neoliberal states (Scott, 2017b). It is through a critical social harm perspective that the UK's recent and very prominent framing of exploitation around trafficking, forced labour and modern slavery will now be examined.

Neoliberalism and the Regulation of Labour

Across the world deregulation is seen to be a feature of neoliberal capitalism. In the UK, the case-study for this article, it is clear that the government is keen to follow such an agenda. In 2010, for example, a review of UK employment law was announced and as part of this the government celebrated the fact that the UK has one of the most lightly-regulated labour markets amongst developed countries (BIS, 2012: 4). The government went on to stress though that despite this fact 'we are not complacent' (ibid.). Similarly, and following a 'Red-Tape Challenge' (announced in 2011), the UK government proudly concluded: 'the UK already has the lowest burden of regulation in the G7, according to the World Economic Forum' and quoted the Business Secretary as saying: 'we are extending the scope of our deregulation target to cover the actions of regulators, going further than ever before to tackle troublesome red tape'.[2] The 2010 review of employment law and 2011 challenge to cut red-tape were followed by the 'Beecroft Review' (Beecroft, 2011), which proposed

[2] Available at: https://www.gov.uk/government/news/government-going-further-to-cut-red-tape-by-10-billion

the further freeing of capital from the 'shackles' of regulation (most infamously by advocating an easier system for worker lay-off).

It would be simplistic, however, to assume that neoliberalism is always about deregulation. Indeed, capital will often call on the state in order to regulate to serve its interests. Indicative of this, is the way in which governments have been used to curtail organised labour and reduce worker collectivism and union action. In the UK, for instance, there were nine acts of Parliament from 1980-1993 (all under a Conservative government) designed to restrict trade unions: the Employment Act 1980; the Employment Act 1982; the Trade Union Act 1984; the Public Order Act 1986; the Employment Act 1988; the Dock Work Act 1989; the Employment Act 1990; the Trade Union and Labour Relations (Consolidation) Act 1992; and the Trade Union Reform and Employment Rights Act 1993 (Pyper, 2017). Moreover, even though the Labour party accepted these acts made the UK trade union laws 'the most restrictive in the western world'[3] little was done to challenge this situation when Labour came to power (1997-2010). In fact, latterly, a further restrictive act (the Trade Union Act 2016) has been passed, again by a Conservative government. Corresponding with the myriad restrictive changes in trade union legislation, the UK has also seen trade union membership and collective bargaining fall sharply (see Table 1).

Table 1: UK Trade Union density and collective bargaining coverage, 1960-2010

	Trade Union Density (per cent of workers who are union members)	Employers Covered by Collective Bargaining
1960	40.5%	72.1%
1970	44.8%	73.3%
1980	52.2%	69.0%
1990	39.6%	47.0%
2000	29.7%	36.4%
2010	26.8%	30.9%

Source:
https://stats.oecd.org/Index.aspx?DataSetCode=TUD#

Regulation to dispossess labour has also come in the form of: welfare residualism and workfare (Burnett, 2018; Hamnett, 2013; Peck, 2001b); the

[3] Tony Blair, quoted in The Times newspaper on 31st March 1997.

activation of detained (irregular immigrant) and imprisoned labour (LeBaron, 2012; Scott, 2017b; Taylor, 2018); the toughening of immigration enforcement rendering undocumented workers extremely vulnerable (Burnett, 2018; Burnett and Whyte, 2010); and the use of immigration policies to create workers who are tied to their employer (Scott, 2015; Strauss and McGrath, 2017). Even if it might be prone to deregulate, the neoliberal state, it seems, is clearly ready and willing to pass legislation to both reduce worker collectivism and to create certain categories of what might be termed captive or coerced labour (Clark, 2015).

Given the above, it might seem a little surprising that some neoliberal states have recently committed themselves to fighting certain forms of labour exploitation, and that corporations have often supported this fight (LeBaron and Rühmkorf, 2017). The UK, for example, has brought in three Acts of Parliament in a little over a decade:

- Section 4 of the UK Immigration and Asylum (Treatment of Claimants etc.) Act 2004 which creates an offence of trafficking for labour exploitation;
- Section 71 of the 2009 Coroners and Justice Act which creates an offence of 'forced labour';[4]
- The 2015 Modern Slavery Act which has Section 1 (Slavery, servitude and forced or compulsory labour) and Section 2 (Human trafficking) offences.[5]

When considered in isolation, these Acts reflect an unparalleled concern towards worker welfare. However, given that neoliberal states are also prone towards deregulation and re-regulation in the interests of capital, one must exercise caution in any interpretation.

Specifically, the article will now identify and evidence four main criticisms of the recent criminal-legal framing of labour exploitation around the three new trafficking, forced labour, and modern slavery offences. It will argue that, far from reflecting a Damascene conversion amongst neoliberals, the offences are more bluster than bite; and certainly do not shift power from capital back to labour. In short, the neoliberal political economy creates a problem (labour exploitation) that its principal (state and corporate) agents then seek to (selectively) define and solve, but without harming their own interests. To

[4] This covers England, Wales and Northern Ireland. In Scotland the equivalent is the 'Criminal Justice and Licensing (Scotland) Act 2010'.

[5] This covers England and Wales. In Scotland the equivalent is the 'Human Trafficking and Exploitation (Scotland) Act 2015'. In Northern Ireland the equivalent is the 'Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015' (for a review, see ATMG, 2016).

then celebrate these agents as neo-Abolitionists is, therefore, somewhat problematic.[6] Even if intentions are good, a failure to deal with the structural basis of exploitation, and a failure to conceive of labour exploitation beyond the extremes, are failures that warrant critical attention (via a social harm perspective) and cannot be passed off as merely naïve oversights. On the contrary, the recent re-regulation of the UK labour market, and other developed world labour markets, may even function as a 'benevolent mask' strategically obfuscating an underpinning disempowerment of labour. Whether through deregulation or re-regulation, neoliberalism, to use Ferguson's (2010) terminology, may well be both a 'class-based project' and an 'art of government'.

Critique 1: Restricting the Problem

It is clear that the criminal-legal framing of labour exploitation suffers from the problem of directing concerned parties to the extremes of the labour market and to individual criminal perpetrators. In the process, the framing can render more routine forms of exploitation acceptable in a legal and by extension moral sense. The framing also fails to make powerful actors and institutions, that sit at the heart of the neoliberal political economy, responsible in any way for the damage done to labour. Just as workers are individualised under neoliberalism, so the causes of exploitation and work-based harm are located at an individual rather than a structural level, with the individual culprits almost always outside the neoliberal power architecture.

The UK Prime Minister (Theresa May), who was responsible for bringing in the 'world-leading' (HM Government, 2017a: 2) Modern Slavery Act 2015, has talked of 'evil' 'slave masters' and 'pernicious gangs' (May, 2016) when attributing responsibility with respect to contemporary labour exploitation. To be clear: 'The Government's determination that the UK lead the global fight against this evil' (Home Office, 2014: 4) is genuine. However, responsibility is clearly linked to morally deficient individuals/ gangs who are outside the realms of the (legitimate) neoliberal political economy. As Prime Minister Theresa May (then Home Secretary) made clear prior to the Modern Slavery

[6] Neo-Abolitionists are those who, motivated by the fights against slavery largely in the 19th century, continue to campaign against modern forms of slavery. Abolitionists campaigned against chattel slavery where slaves were legally owned by their employers. Neo-Abolitionists argue that although chattel slavery may now have virtually disappeared, there are new manifestations of the phenomenon which involve the extreme control of workers but without outright legal ownership. Some, however, are critical of drawing parallels between chattel slavery (where workers are owned in law) and modern slavery (where workers may be commodified and controlled to the extreme but are still ostensibly free) and feel the term 'slavery' should be reserved only for chattel-like practices.

Bill passing through Parliament: 'We are taking steps to ensure slave drivers never think the UK is a safe space to operate in…we will track you down, prosecute you and lock you up, with your assets seized and confiscated' (Home Office, 2014: 5). The emphasis is clearly on the use of criminal law against an evil wrongdoer.

Sharapov (2017: 94) has observed a similar tendency with respect to the global campaign against human trafficking: 'Trafficking is routinely individualized and attributed to 'evil' traffickers and their disempowered victims by concerned and alarmed politicians, media, celebrity advocates, and the anti-trafficking 'rescue' industry'. In the UK government using the language of 'slave masters', 'slave drivers', 'pernicious gangs' and 'evil' there is no sense that it is prepared to link conditions in the modern workplace with neoliberal structures or to the 'crimes of the powerful'. Nor is there any recognition of the problem of labour exploitation and work-based harm extending beyond the extremes of the labour market.

In terms of the first of these critiques, Rogaly (2008: 1432) argues that the International Labour Organisation's (ILO) forced labour agenda is a political intervention through what it omits and here he is specifically referring to the failure to link exploitation to contemporary capitalist structures (ibid: 1444). Similarly, Lerche (2007: 431) identifies the 'cocooning of the (forced labour) issue' which he argues 'makes it relatively safe for governments and international organisations to deal with' by not having to challenge neoliberal hegemony. Sharapov (2017) makes a similar complaint in a critical review of the human trafficking discourse (see also Davidson, 2015; LeBaron, 2015).

In terms of the related view that the criminal-legal framing of labour exploitation (around trafficking, forced labour, and modern slavery) limits the size of the problem, the UK picture is at first glance mixed. The UK government, for example, has accepted the estimate that there are 10,000–13,000 modern slavery victims in the country (HM Government, 2014: 17; Bales, Hesketh, and Silverman, 2015). In addition, the two main official data sources, from the National Referral Mechanism (NRM) and the Crown Prosecution Service (CPS), that capture the number of victims and perpetrators respectively, both indicate that the scale of the problem is growing (see Tables 2 and 3).[7]

[7] The National Referral Mechanism (NRM) was originally established in 2009 to protect victims of trafficking due to the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. It was extended to all victims of modern slavery in England and Wales in 2015 following the 2015 Modern Slavery Act. In Scotland and Northern Ireland, however, only victims of trafficking are supported by the NRM with victims of modern slavery who have not been trafficked subject to different support mechanisms (ATMG, 2016). This means that the NRM figures up to 2015 relate to human trafficking victims across the UK but from 2015 onwards they relate to human trafficking victims across the UK plus modern slavery victims in England and Wales. The NRM gives victims support (accommodation, counselling, etc.) for a minimum 'reflection period' of 45 days.

This said, the three Acts of Parliament that have very visibly criminalised trafficking for labour exploitation, forced labour and modern slavery – positioning the UK as a neo-Abolitionist 'world-leader' – have collectively only underpinned 532 prosecutions over a seven-year period (2010-2017) giving an annual average of only 76 prosecutions (with the average conviction rate over this period of 66 per cent). Thus, it is clear that the symbolic fight against exploitative and harmful work has quite narrow limits when viewed, as it has been, through a criminological lens.

This narrow criminological framing of the problem, as Davidson (2010: 244-5) argues: 'inspires and legitimates efforts to divide a small number of 'deserving victims' from the masses that remain 'undeserving' of rights and freedoms'. There is impetus, it seems, to focus on the very worst-case scenarios which reduces the capacity for other forms of apparently 'lesser' exploitation to be problematized and contested. Focusing on a small number of extreme cases that cross a relatively strict legal threshold also means that these cases are isolated as an unnatural element of capitalism, thus leading observers away from any structural critique (Lerche, 2007; Rogaly, 2008).

To address the related tendencies to depoliticise and limit the problem one should conceptualise labour exploitation as a continuum with the criminal-legal framing around trafficking, forced labour and modern slavery sitting at the extreme end of this. As Davidson (2010: 246) argues, drawing on historical perspectives: 'Slavery has always stood at one pole of a continuum of exploitation, shading off into servitude and other forms of exploitation, rather than existing as a wholly distinct, isolated phenomenon'. As we have seen, the law in neoliberal states tends to create rather narrow categories of victim, but this is not to say that exploitation is only experienced by these victims. Instead, there is a considerable grey area where labour exploitation and/ or work-based harm is evident, but where a criminological lens is unable or unwilling to focus (Andrees, 2008; Barrientos et al., 2013; Davidson, 2010; Lewis et al., 2015; Scott, 2017b; Skrivánková, 2010; Strauss, 2012).

Migrants in the NRM may be given the right to remain in the UK, given support to return home, or be forced to return home if they are deemed not to be a victim.
See:http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism

Table 2: National Referral Mechanism (NRM) Referrals, 2010-2017

	2010	2011	2012	2013	2014	2015	2016	2017
Total Referrals to the NRM	74	946	1186	1745	2339	3261	3804	5145

Source:
http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics

In narrowly framing the problem of labour exploitation through a criminal-legal lens, neoliberal states and core corporations have become drawn together as 'saviours' for the exploited and harmed worker. In the UK: 'The Government is committed to working collaboratively with business to stamp out modern slavery in supply chains' (Home Office, 2014: 7). This most notably occurs through the part-funding (along with member corporations) of the 'Ethical Trading Initiative' (ETI). Whilst the ETI has led to considerable improvements in workers' welfare, the issue remains that the CSR (Corporate Social Responsibility) system is not prone to subjecting neoliberal structures or key agents to criticism or critique. Beyond the ETI, the Gangmasters Licensing Authority (GLA) regulator – now the Gangmasters and Labour Abuse Authority (GLAA) – has worked very closely with supermarkets and major food suppliers (even establishing formal protocols) to try to combat abuse within supply chains. This collaboration between the state and corporations is invariably driven by pragmatism (on behalf of hard-pushed regulators) and by reputational concerns (on behalf of corporations).

Table 3: Labour Exploitation Prosecutions in England and Wales, 2010-2017[8]

Act	Offence	2010-11	11-2	12-3	13-4	14-15	15-6	16-17
Asylum and Immigration (Treatment of Claimants) Act 2004	Section 4 (Trafficking for Labour Exploitation)	21	37	26	32	60	68	29
Coroners and Justice Act 2009	Section 71 (Slavery, Servitude and Forced or Compulsory Labour)	0	15	20	18	31	40	23
Modern Slavery Act 2015	Section 1 (Slavery, Servitude and Forced or Compulsory Labour)	0	0	0	0	0	9	23
Modern Slavery Act 2015	Section 2 (Human Trafficking)	0	0	0	0	0	5	73
Modern Slavery Act 2015	Section 4 (Human Trafficking)	0	0	0	0	0	0	2
TOTAL[9]		21	52	46	50	91	122	150
Average Prosecutions 2010-2017		76	76	76	76	76	76	76
Conviction Rate[10]		71%	66%	71%	69%	70%	65%	61%
Gender of Defendant (% Male)		79%	82%	85%	86%	74%	78%	85%

Source: https://www.cps.gov.uk/publication/cps-violence-against-women-and-girls-crime-report-2016-2017-data

[8] This data is from the Crown Prosecution Service and so covers only England and Wales. Data in Scotland is held by the Crown Office and Procurator Fiscal Service. Data in Northern Ireland is held by the Public Prosecution Service.

[9] There will be some, limited, double counting. First, the number of prosecutions is not the same as the number of individual defendants because an individual may be charged with more than one offence. Second, defendants may be charged with a number of offences for the same victim because of when the offences were committed and the Act that was in force at the time.

[10] The conviction rate is an average for all the Acts/ offences listed above plus sex trafficking offences under the 'Sexual Offences Act 2003'. This is also true for 'Gender of Defendant' data.

The intentions behind CSR may be good but corporations with the one hand might be pressuring suppliers to reduce costs, whilst with the other hand they may be pressuring suppliers to improve working conditions via social audits. These two pressures are often far from complimentary, and the former tends to take priority over the latter. The issue, then, is not just a lack of a critique of capitalism amongst neo-Abolitionists; it is that neoliberal structures and agents are actively positioned as part of the solution to contemporary exploitation and work-based harm through the way in which the problem is defined and framed. However, and as Weil observes: 'The forces driving noncompliance in many industries arise from the organisations located at higher levels of industry structures. Strategic enforcement should therefore focus on higher-level, seemingly more removed business entities' (2014: 222). Given the above, it is easy to see why many scholars are critical of the CSR agenda as a solution to labour exploitation and work-based harm (LeBaron and Rühmkorf, 2017; New, 2015; Phillips and Mieres, 2015).

Critique II: Growing Routine Labour Exploitation

In the UK, a relatively small number of people are defined as experiencing extreme exploitation (see Tables 2 and 3). More general 'routine' labour exploitation is much more prevalent, but is difficult to capture statistically. The best source of information for the UK comes from the Advisory, Conciliation and Arbitration Service (ACAS). This is the organisation workers go to in the first instance with a grievance. Figures for 2016-17 (ACAS, 2017) give one a feel for the scale of more routine forms of labour exploitation: 886,929 calls were answered by the National Helpline; 92,251 early conciliation notifications were issued; 17,500 notifications were taken to an Employment Tribunal; 5,500 cases were eventually decided by an Employment Tribunal. These figures contrast with the small (albeit growing) number of extreme exploitation cases and, despite the rhetoric around the UK's Modern Slavery Act 2015 being 'world-leading', the vast majority of those experiencing labour exploitation and work-based harm rely on other routes to justice (or none at all).

In terms of the direction of travel for labour markets, there is ample evidence showing that, under neoliberalism, standard forms of relatively protected and secure employment are being eroded. The International Labour Organisation (ILO), for example, has noted a global trend towards 'non-standard employment':

> In many parts of the world – and particularly in many industrialized countries – the standard employment relationship has been eroded.

> While it is unlikely that all workers will become temporary, part-time or dependent self-employed in the future, non-standard jobs have proliferated in sectors and occupations where they did not previously exist…Over the past few decades, non-standard employment (NSE) has become a prominent feature of labour markets throughout the world. Though it can provide businesses and workers with an important means for achieving flexibility, NSE is also associated with lower earnings, reduced social security coverage and poorer working conditions, especially when these working arrangements are used by employers solely with the objective of evading their responsibilities. (ILO 2016: 47, 247)

Weil (2014) talks of this in terms of 'fissuring' arguing that core businesses have increasingly sought to outsource labour at lower levels as part of a drive to increase profitability for themselves and their investors. He goes on to link this fissuring directly to exploitation (ibid.: 17). Similarly, Stone and Arthurs (2013: 4), in their introduction to an edited collection, argue that the standard employment contract is eroding and being replaced by less secure, more precarious employment arrangements. For the ILO (2016), Weil (2014) and Stone and Arthurs (2013), the situation for workers in the developed world is now worsening, and this appears to be particularly true in countries with (neo)liberal welfare states such as the US and UK (Stone and Arthurs, 2013: 8).

Most scholars agree that those in non-standard employment do face considerable difficulties and are most at risk of labour exploitation and work-based harm. However, some question whether the trend towards greater instability and insecurity observed by the ILO (2016), Weil (2014) and Stone and Arthurs (2013), amongst many others, is indeed occurring to the degree suggested (see for example Fevre, 2007). Gregg and Gardiner (2015), for example, use official UK statistics to argue that the overall breadth of insecurity is 'fairly stable over time' (p6); but they do accept that those already in insecure employment are experiencing an ever-greater problem, and that certain groups (young people, male workers, migrants) are experiencing more non-standard employment than before. Similarly, the recent UK government 'Taylor Review' (Taylor, 2017) into modern working practice argues that the belief that there has been a 'hollowing out' of the labour market is not yet reflected in the evidence (ibid.: 7). The review also defends the value of non-standard employment (ibid.: 26).

Stone (2013: 366), in a statistical summary of non-standard employment across the developed world, found that: 'overall, the data confirm the changes in national labour markets…and in particular show an

increase in many forms of nonstandard employment in Europe, Japan, and Australia'. In the UK, despite record high employment and record low unemployment over recent years, the United Nations (UN) has expressed concern about the nature and quality of jobs on offer:

> The [UN] Committee [on Economic, Social and Cultural Rights] is concerned at the high incidence of part-time work, precarious self-employment, temporary employment and the use of 'zero-hour contracts' in the State party, which particularly affect women. It is also concerned about the negative impact that all those forms of employment have on the enjoyment by workers of their right to just and favourable conditions of work. Furthermore, the Committee is concerned about the high number of low-paid jobs, which affects in particular certain sectors, such as the cleaning and home-care sectors. (UN, 2016: 6)

The figures from the UK 'Labour Force Survey' (LFS) do suggest a trend towards non-standard employment for some workers:

- Part-time: By 2017 there were 8.6m part-time workers according to the LFS, equating to 27 per cent of people in employment.
- Self-employed: By 2017 there were 4.7m self-employed according to the LFS, equating to 14.8 per cent of people in employment. To put this in an historic perspective: 'Self-employment in the UK has doubled since the 1960s and currently constitutes 15 per cent of the total labour force…Much of the recent rise in self-employment in the UK signifies casual and intermittent work at rates of remuneration below those of waged workers' (Adams and Deakin, 2014: 788; Darcy and Gardner, 2014).
- Zero-hours contracts: By 2017 there were 883,000 people on zero-hours contracts according to the LFS, equating to 2.8 per cent of people in employment. To put this in an historical perspective, a decade earlier (in 2007) 166,000 workers were on zero-hours contracts, equating to 0.6 per cent of people in employment.[11] Tellingly, around one-third (32 per cent) of people on zero-hours contracts want more hours, compared with only 9 per cent of people

[11] There is another estimate of zero-hours contracts in the UK from the ONS business survey. This indicates that there were 1.7 million NGHCs (not guaranteed a minimum number of hours contract) where work was carried out in the fortnight beginning 14 November 2016 (around 6 per cent of all contracts) (ONS, 2017).

in standard employment not on a zero-hours contract (ONS, 2017: 16).

- Temporary employment: By 2017 there were 1.6m people in temporary employment according to the LFS, equating to 5.8 per cent of employees. Recent data suggest that over 60 per cent of temporary workers in the EU have this status because they cannot find permanent employment (Adams and Deakin, 2014: 790).
- Agency work: By 2017 there were 291,000 agency workers according to the LFS. Other estimates, however, put the number of agency labour in the UK at between 865,000 (Judge and Tomlinson, 2016: 17) and 1.3 million (REC, 2017). There was a dramatic growth of temporary agency labour recorded by the LFS over the 1990s (Judge and Tomlinson, 2016: 13). The majority of agency workers would prefer a permanent job: 'A very sizeable six in ten temporary agency workers say that they are working in this way because they could not find a permanent job. The implication is that for many temporary agency workers this is a second-best job outcome' (Judge and Tomlinson, 2016: 39).

That we have seen the UK recently (in 2017) celebrate record high employment and record low unemployment, whilst championing the new laws against extreme labour exploitation, to some extent hides worrying trends. Most obviously, non-standard employment (based on the categories listed above) is very significant in the UK, and it does appear to be either a growing and/ or increasingly undesirable form of work.

Beyond non-standard employment, it is clear that in a general sense labour is losing traction. Most notably, according to the chief economist at the Bank of England, labour's share of national income fell from 68% in the late 1970s to 53% by 2015 (Haldane, 2015; Metcalf, 2018: 10). This massive shift in income distribution away from labour has been accompanied by states and corporations shifting risk and responsibility onto workers (Hacker, 2008). Thus, we have seen a double disempowerment with more being asked of many workers for proportionally less reward.

The above helps explain why many types of standard jobs are becoming more pressurised and/ or less secure. Findings from the 2012 UK Skills and Employment Survey, for example, found that: 'those in jobs are working harder, faster and to tighter deadlines than they did in the past…This renewal of work intensification is likely to have come at a cost in terms of increased levels of stress' (Felstead et al., 2013: 6). In addition to intensification, there is also insecurity and anxiety at work with the same 2012 survey finding: 25 per cent of UK workers are afraid of losing their job and becoming unemployed;

and 52 per cent of UK workers are concerned about job status loss (Gaille et al., 2013). Labour exploitation and work-based harm, then, is not just something that is limited to the non-standard employment relationship. If governments are genuinely interested in reducing exploitation and work-based harm then they must start examining routine, and not just extreme, labour abuses (Davies, 2018; Scott, 2017b).

Critique III: Limited Justice

Weil (2014: 254) notes that workers are more likely to exercise their rights given the presence of a trade union. However, and as noted above, unions have been in terminal decline in the UK (see Table 1). Into the void left by the retreat of trade unions has stepped criminal law and, in particular, the recent re-regulation associated with the new trafficking, forced labour and modern slavery offences. Notwithstanding, the many positive intentions behind this, it is clear from history that criminal law is rarely used to discipline capital.

Slapper and Tombs (1999) show, for instance, that 'business crime' has always been a much lower priority than 'conventional crime' (Tombs, 2002). Indicative of this is the fact that there have been only 14 National Minimum/ Living Wage prosecutions since 1999 and a similarly small number of EAS (Employment Agencies Standards Inspectorate) and GLAA (Gangmasters and Labour Abuse Authority) prosecutions (Metcalf, 2018: 61). Moreover, even when someone dies at work, it is rare for companies to be held to account. The UK offence of corporate manslaughter led to only two convictions between 1965 and 2000, despite 20,000 deaths (Slapper, 1999) and although conviction rates have recently risen (after the Corporate Manslaughter and Corporate Homicide Act 2007) to two per year over the 2007-2017 period (Houses of Parliament, 2018: 16), the point remains that corporate harm to workers, and associated white-collar crime, remains overlooked and poorly defined.

Given this historic reluctance to prosecute capital when harm is done to labour, the new labour trafficking, forced labour and modern slavery prosecution figures (see Table 3) are a little surprising. However, the total number of victims covered by these new offences remains low and perpetrators are seen as isolated 'bad-eggs' rather than an integral part of the capitalist system. Moreover, the UK government, despite this re-regulation, appears to be adopting a lighter touch towards routine forms of exploitation.

In terms of the latter point, the UK government made it harder for workers to take forward an employment case through the Employment Tribunal and court systems: through legislation passed in 2012, charges were introduced

for Employment Tribunals and Legal Aid was cut for employment cases.[12] The emphasis of the government has been, for the majority of employment disputes, to promote early intervention via ACAS. This is a very different approach to the high-profile criminal-legal framing through the trafficking, forced labour and modern slavery offences. It shows a somewhat polarised strategy whereby extreme exploitation (a relatively small problem) is upgraded via new criminal laws and routine exploitation (a relatively large problem) is downgraded via an emphasis on light-touch arbitration.

The UK government made it compulsory, from 2014, for people to attempt alternative dispute resolution with ACAS before taking a case to an Employment Tribunal (via the Enterprise and Regulatory Reform Act 2013). In April 2015 it also closed the Pay and Work Rights Helpline (established in 2009) with ACAS becoming the main point of contact for UK workers with employment issues. However, this double push towards ACAS has, perversely, been associated with a cut to the budget and staffing of the organisation (see Table 4). Between 2009 to 2016 the ACAS budget (in the form of Grant Aid from government) has been reduced by 20 per cent and the number of staff at ACAS has been cut by 11 per cent.

In 2013 fees for Employment Tribunals were introduced. Prior to this, and since the creation of the system in 1964, there were no fees for bringing claims or appeals. These fees were either £160 or £250 for bringing a claim, with further hearing fees of either £230 or £950 (payable prior to the hearing). An individual could have ended up paying up to £1,200, therefore, only to find out that they were not entitled to have their case heard (Taylor, 2017: 60). The proposal to introduce fees originated in the UK government's 2011 'Resolving Workplace Disputes' consultation and was supported by the two major employer bodies in the UK: the Federation of Small Businesses (FSB) and the Confederation of British Industry (CBI). Such fees have, however: 'had a significant adverse impact on access to justice for meritorious claims' (House of Commons, 2016: 27) and have been controversial. The UN, for example: 'Is concerned that the reforms to the Legal Aid system and the introduction of Employment Tribunal fees have restricted access to justice in areas such as employment, housing, education and social welfare benefits' (UN, 2016: 4). Table 5 shows just how significant the decline in Employment Tribunal claims/ cases has been since fees were introduced in 2013.

[12] In July 2017 the Supreme Court ruled these Employment Tribunal fees unlawful and they have now been abolished.

Table 4: Changes to ACAS staffing and budget, 2009-2016

Year	Staff (FTE)	Government Grant in Aid (£'000)
2009-10	880	55,687
2010-11	876	47,200
2011-12	827	48,009
2012-13	787	46,450
2013-14	787	45,800
2014-15	784	44,240
2015-16	782	44,478

Source:
http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-10/30781/

With the successful legal challenge to Employment Tribunal fees in 2017 the number of claims/cases have started to rise again. However, all Employment Tribunal cases are now searchable online via a claimant's surname.[13] There is concern, as a result, that workers may be put off making a claim and that employers may use the system to vet/ blacklist candidates. In addition, a significant number of Employment Tribunal claims go unpaid. The government commissioned research in 2013, for example, that showed that, following enforcement action taken by an individual, between 34 per cent (England and Wales) and 46 per cent (Scotland) of Employment Tribunal awards remained unpaid (Taylor, 2017: 62). Thus, even with fees now abolished, workers may well calculate that it is simply still too risky to pursue an Employment Tribunal claim.

[13] See: https://www.gov.uk/employment-tribunal-decisions

Table 5: Employment Tribunal Claims/ Cases, 2012-2016[14]

	Year before fees (2012)	First year after fees (2014)	Percent Change	Second year after fees (2015)	Percent Change	Third year after fees (2016)	Percent Change
Total Claims	195,570	43,951	78%	74,979	62%	94,606	52%
Single Claims	53,844	18,480	66%	17,123	68%	16,895	69%
Multiple Claims	141,726	25,471	82%	57,856	59%	77,711	45%
Multiple Cases	5,847	1,740	70%	1,817	69%	1,102	81%
Total Cases[15]	59,691	20,220	66%	18,940	68%	17,997	70%

Alongside Employment Tribunal fees, the UN (UN, 2016) has also expressed concern around restrictions to Legal Aid in the UK via the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. This Act has caused spending on Legal Aid to fall from £2.6bn in 2005-06 to £1.5bn in 2016 (Bowcott, 2017). The UK government rationalised its decision to cut employment Legal Aid as follows: 'We consider that, given the need to prioritise resources, employment matters are of a lower importance than cases involving life, liberty or homelessness' (Ministry of Justice, 2011: 25). It went on to acknowledge that: 'some employees find facing their employer, who may be legally represented, daunting' (ibid.: 129) but argued instead that people can: 'use alternative, less adversarial means of resolving their problems' (ibid.: 4). Related to this, the government again promoted the use of ACAS.

The ACAS and Employment Tribunal routes relate to more routine forms of labour exploitation. For the relatively new criminal offences of trafficking for labour exploitation, forced labour and modern slavery, the key institutions in the UK are the Police and the Crown Prosecution Service (the Crown Office and Procurator Fiscal Service in Scotland and the Public Prosecution Service in NI). However, these services have, like ACAS, the Employment Tribunals, and Legal Aid, experienced their own cuts over recent years. The CPS, for instance, has cut the number of employees charged with looking after witnesses by

[14]Source:https://www.eurofound.europa.eu/observatories/eurwork/articles/united-kingdom-fall-in-employment-tribunal-claims-linked-to-introduction-of-fees

[15] Single claims plus multiple cases.

more than half over the past three years in the context of an overall budget reduction of 25 per cent (Maroukis, 2017: 166, 169).

It is clear from the above that we have a neoliberal government championing new criminal laws against a relatively small number of extreme exploitation cases and isolated perpetrators. However, at the same time we have the vast majority of workers being restricted in their access to justice by things like: a decline in workplace collectivism and union power; cuts to ACAS; cuts to Legal Aid; and fees for Employment Tribunals. The combined impact of the above is a 'justice gap' between *de jure* and *de facto* worker protections (Scott, 2017b: 186). To be sure, there are very specific offences for labour trafficking, forced labour and modern slavery. However, these protect a relatively small number of exploited workers and are not without their implementation problems and legislative issues (Balch, 2012; Craig, 2017; Crane et al., 2019; Ewing et al., 2016; FRA, 2015). In addition, the vast majority of workers' grievances have been downgraded in severity over recent years and also have had less resource directed at them. Moreover, and whether an exploited worker uses the legal system or not, the focus is very much on the individual policing his/ her rights with declining workplace collectivism and falling union membership. The significant power imbalance between individualised labour (workers) and organised capital (employers) that results makes it challenging for workers to take forward a grievance. As Pollert (2010: 81) notes: 'The fundamental problem (is) the individualisation of employment relations and the weakness of the isolated worker'. Indeed, for many victims of labour exploitation there is a climate of fear that prevents complaints from surfacing at all (Scott, 2017b: 90). The net result is that, even when there is evidence of work deteriorating, and possibly due to this deterioration, complaints by workers appear to decline (Weil, 2014: 248). In short, an array of factors: 'leads workers to the conclusion that nothing can be done' (ibid.: 266).

Critique IV: Compromised Workplace Inspection

Workplace compliance and enforcement inspection in the UK has tended to be fragmented with responsibilities divided between: the GLAA (Gangmasters and Labour Abuse Authority, located within the Home Office); EAS (Employment Agencies Standards Inspectorate, located within the Department for Business, Energy and Industrial Strategy); HSE (Health and Safety Executive, located within the Department for Work and Pensions); and NMW (National Minimum Wage, enforced by Her Majesty's Revenue and Customs on behalf of the Department for Business, Energy and Industrial Strategy). In short, there is no single economy-wide labour inspectorate in the

UK and no single department responsible for workplace exploitation. Balch (2015: 94) has labelled the UK approach: 'byzantine…complex and inefficient' (see also FLEX, 2017: 18).

The international guidance (Article 4 of the ILO Labour Inspection Convention, No. 81) states that labour inspection shall be placed under the supervision and control of a central authority. This has not been the case in the UK, though there are recent signs of progress. In 2016 a new statutory role of 'Director of Labour Market Enforcement' (DLME) was created tasked with producing an annual labour market enforcement strategy to set the direction of the GLAA, EAS, and NMW teams (but not the HSE).

In addition to the issue of fragmentation, the resource directed to the GLAA, EAS, HSE and NMW is relatively low when compared to international best-practice standards. The ILO recommends a target of one inspector for every 10,000 workers (FLEX, 2016; ILO, 2006) but in the UK there are 1,358 inspectors across the four agencies equating to one inspector per 24,390 workers (based on a working population of 30.1 million). By comparison, in the Netherlands there is one inspector per 8,064 workers and in Norway there is one inspector per 4,504 workers (Scott, 2017b: 193). The official UK National Audit Office (NAO) summarises the long-established approach to regulation by recent governments: 'Since the late 1980s, successive governments have had policies to improve the quality of regulation and reduce its impact on business. By international standards, regulatory costs in the UK are low' (NAO, 2016: 5).

Although limited by international standards, resources directed at the GLAA, EAS, and NMW teams has been growing (Metcalf, 2018: 22). Nonetheless, the UK government seems more concerned with inspecting workplaces for immigration offenders (irregular migrant workers) than for looking for evidence of workplace exploitation and work-based harm. There are estimated to be 533,000 irregular migrants in the UK (GLA, 2009) and the Home Office has 890 front-line 'Immigration Compliance and Enforcement' (ICE) staff looking for these individuals compared to circa 400 staff at the NMW, 104 staff at the GLAA and 12 staff at the EAS (Metcalf, 2018: 21).[16] More broadly, the UK Home Office has sought to create a 'hostile environment' for irregular migrants rendering them extremely vulnerable to forced labour and modern slavery as a result. It seems, then, that neoliberal state is more inclined to police immigration offences and criminalise migrants than it is to

[16] This ICE figure comes from a 2018 freedom of information request to the Home Office (No. 47020) and relates to front-line compliance and enforcement staffing only, for 2017. It equates to one ICE inspector per 599 irregular migrants (based on the estimate of there being 533,000 irregular migrants in the UK). The wider Home Office immigration staff figure has been put at around 7,500 (Anderson, 2010: 307).

police employment offences and criminalise employers (see also Crane et al., 2017).

Balch (2012: 38) characterises the overall UK situation as: 'business-friendly, rather than workers' rights-friendly, with a low-cost, low regulatory-burden approach'. The UK's Migration Advisory Committee (MAC) has expressed concern around this regulatory paradigm and the limited resourcing and lightweight penalties for non-compliance (MAC, 2014: 4). MAC quotes the following statistic with respect to NMW action by Her Majesty's Revenue and Customs (HMRC): on average, a firm can expect a visit from HMRC inspectors once in every 250 years and expect to be prosecuted once in a million years (MAC, 2014: 4). No wonder then that the UK Director of Labour Market Enforcement (DLME) concludes that 'the likelihood of inspection is low enough to have only a weak deterrence effect' (Metcalf, 2018: 52). Similar issues have also been observed in the US (Weil, 2014: 22) where: 'The fundamental challenge facing workplace regulatory agencies arises from limitations in the resources available to them relative to the size and scope of workplaces covered by relevant statutes' (ibid.: 214).

Given the above, it is hardly surprising that the 'light-touch' approach (with the exception of immigration offences) to workplace regulation has been tied to a risk-based strategy (Hampton, 2005). This effectively means that regulators must put their efforts into areas proven to be problematic and 'at risk' whilst reducing the administrative burden of regulation elsewhere. At the same time, they are expected to: 'Maintain or even improve regulatory outcomes' (ibid.: 1). This is, arguably, an impossible task. How does one calculate and locate risk accurately to target limited resources? Moreover, how are outcomes improved when resources are not increased? Critical of the risk-based approach, the charity FLEX has argued that UK labour market enforcement has been largely reactive and complaint-driven (FLEX, 2017: 18).

The emphasis, since the development of a risk-based approach, has been on further reducing regulatory burdens on business. As the NAO (2016: 13) summarise: 'The government has made reducing the costs to business of regulation and administration a central part of its economic policymaking'. However, employment regulations and health and safety regulations are still, even now, seen by UK businesses as the second and third most significant burdens they face (after taxation) (ibid.: 20). The pressure is, therefore, still on government to pare back workplace regulation even further.

Continuing this 'light-touch' and 'risk-based' tradition, the recent 'Taylor Review' (Taylor, 2017) into 'Good Work' in the UK argued that: 'The best way to achieve better work is not national regulation but responsible corporate governance, good management and strong employment relations within the organisation' (ibid.: 111). In other words, businesses rather than the state

were seen as key to improving workplace conditions: something very much in line with the prevailing neoliberal wisdom of self-regulation, but a strategy not without drawbacks (note the CSR discussion above).

Robinson (2015) has noted the contradiction between new trafficking, forced labour and modern slavery laws and the prevailing 'light-touch' inspection and deregulation agenda outlined above. Most obviously, she draws attention to the UK government's 'Red Tape Challenge' (that set out to reduce the regulatory burden on UK business from 2011) and observes how:

> Many of the so-called bureaucratic measures to be cut had an impact on protections for workers. In this context, the Modern Slavery Bill offered the government a safe space to talk about severe labour abuses being faced by some workers, without addressing some of the wider impact of deregulation or migration reform on workers at the bottom of the labour market (ibid.: 131).

On the one hand, then, the government is championing a deregulation agenda, while on the other hand it is also seeking to bring in more severe punishments for a very small number of employers engaged in extreme forms of exploitation and harm.

The focus on severe exploitation has been adopted as a strategy by the newly created GLAA, the closest the UK has to a unified labour inspectorate. The GLAA (that emerged out of the Gangmasters Licensing Authority via the Immigration Act 2016) went from covering one sector (the food production industry) of the UK economy to covering all sectors. However, as Craig (2017: 22) points out the all-encompassing GLAA has a new target of upwards of 30 million workers but is only being offered very limited additional resources. This explains why the UK government has sought to restrict the GLAA's work to serious organised crime and extreme exploitation, noting that the: 'GLAA intends to focus on the more serious cases where multiple labour market offences have been committed. Routine cases will continue to be dealt with by other enforcement bodies' (HM Government, 2017b: 10). In other words, the GLAA has been 'empowered' with economy-wide oversight but the prevailing 'light-touch' and 'deregulation' agendas are stopping it from gaining a budget and staff base commensurate with this new responsibility. The solution is to focus only on extreme exploitation and this is consistent with the residual neoliberal role for the state as far as the vulnerable are concerned.

Interestingly, the GLAA emerged out of the Immigration Act 2016, and is now located within the Home Office. As a consequence, there has been some concern that the general labour market inspectorates are being co-opted into helping the Home Office's already better resourced ICE team. Officially, there is certainly conflation in language between modern slavery and immigration

(May, 2016). Robinson (2015) also links the overall modern slavery 'turn' to a parallel toughening of immigration policy, with the former potentially being used to facilitate the latter. In addition, it is virtually impossible to put a 'firewall' between say the GLAA (located within the Home Office) and ICE (also located within the Home Office). As Ariyawansa (2016: np) notes: 'The GLA (now GLAA) works in partnership with the National Crime Agency and other agencies, and is required to share information pertaining to a migrant's immigration status in certain circumstances'. This issue of general labour inspectorates 'doubling-up' as immigration 'police' has been observed elsewhere. In the Netherlands, for example, at least half of labour inspection visits are carried out with the 'Aliens Police' (Clark, 2013: 36–7). Both the ILO and OECD have highlighted problems with merging labour inspection and immigration policy agendas, not least that it compromises worker trust, and have argued that labour inspection works best when immigration issues are kept separate (FLEX, 2016: 4). Numerous academics have also questioned the link between the recent criminal-legal framing of exploitation and the neoliberal state's desire to control unwanted 'illegal' immigration (Davidson, 2015; Fitzgerald, 2012, 2016; Maroukis, 2017; Sharapov, 2017).

Conclusions

Drawing on a social harm perspective, and using the UK as a case-study, this article has critiqued the neoliberal framing of the labour exploitation problem. The development of trafficking, forced labour and modern slavery offences, may well be something that is difficult to argue against. However, the evidence presented above shows that this criminal-legal framing of labour exploitation is problematic. Most obviously, it does not represent a Damascene conversion amongst neoliberals, nor does it shift significant power from capital to labour. In fact, trafficking, forced labour and modern slavery offences have emerged during a period when neoliberal states have presided over: a narrow definition of the labour exploitation problem, its causes and its victims; growing routine labour exploitation; limited justice for workers; and, an enduringly 'light-touch' workplace regulation regime.

Is the neo-Abolitionist regulatory 'turn', then, a genuine attempt by states (and corporations) to reduce exploitation and work-based harm? Or is it more rhetoric and bluster than actual bite? Well, there is clearly a genuine desire to prevent extreme abuse, and the sanctions brought in by developed world governments against 'evil' perpetrators are severe. However, the criminal-legal framing of the problem means that most labour exploitation and most work-based harm falls outside the jaws of neoliberal governance. Thus, to narrowly champion trafficking, forced labour and modern slavery laws is to be

drawn away from a much wider problem. This is the nub of the neo-Abolitionist regulatory 'turn' within the context of pervasive neoliberalism: it is residual; it protects only the most vulnerable populations; and it does not question the status-quo. On the contrary, we have seen routine exploitation become relatively normalised by virtue of a focus on extreme exploitation; whilst in the process, the neoliberal state has won moral capital, and plaudits, for addressing one of society's 'evils'. In addition, the trafficking, forced labour and modern slavery 'turn' has also facilitated other agendas (such as anti-immigration, anti-prostitution, and neo-colonialism). Thus, whilst there may be some bite, there is also a great deal of bluster, and some masquerading, in the contemporary neoliberal crusade against work-based exploitation and harm.

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References

Adams, Z. and Deakin, S. (2014) 'Institutional solutions to precariousness and inequality in labour markets' *British Journal of Industrial Relations* Volume *52*, No. 4: 779-809.

ACAS (2017) *ACAS Annual Report and Accounts, 2016-17* London: Advisory, Conciliation and Arbitration Service (ACAS).

Anderson, B. (2010) 'Migration, Immigration Controls and the Fashioning of Precarious Workers' *Work Employment and Society* Volume 24, No. 2: 300–317.

Andrees, B. (2008) *Forced Labour and Human Trafficking: A Handbook for Labour Inspectors* Geneva: International Labour Organization.

ATMG (2016) *Class Acts: Examining modern slavery legislation across the UK* London: Anti-Trafficking Monitoring Group (ATMG).

Ariyawansa, S. (2017) 'A Red-Tape Band-Aid or a Solution? Lessons from the United Kingdom's Gangmasters (Licensing) Act 2004 for temporary migrant workers in the Australian horticulture industry' *Australian Journal of Labour Law* (30).

Balch, A. (2012) *Regulation and Enforcement to Tackle Forced Labour in the UK: A systematic response* York: Joseph Roundtree Foundation.

Balch, A. (2015) 'Understanding and Evaluating UK Efforts to Tackle Forced Labour': 86-98 in Waite, L., Craig, G., Lewis, H., and Skrivánková, K. (eds.) (2015) *Vulnerability, Exploitation and Migrants: Insecure work in a globalised economy* London: Palgrave Macmillan.

Bales, K., Hesketh, O., and Silverman, B. (2015) 'Modern Slavery in the UK: How many victims?' *Significance* Volume 12, No. 3: 16-21.

Barrientos, S. (2013) 'Labour Chains: Analysing the role of labour contractors in global production networks' *The Journal of Development Studies* Volume 49, No. 8: 1058–1071.

Beecroft, A. (2011) *Report on Employment Law*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31583/12-825-report-on-employment-law-beecroft.pdf (consulted 26 March 2018).

BIS (2012) *Employment Law Review: Annual Update* London: Department for Business Innovation and Skills (BIS).

Blanton, R., Blanton, S. and Peksen, D. (2015) 'The Impact of IMF and World Bank Programs on Labor Rights' *Political Research Quarterly* Volume 68: 324–333.

Blanton, R. and Peksen, D. (2016) 'Economic Liberalization, Market Institutions and Labor Rights' *European Journal of Political Research* Volume 55: 470–491.

Bowcott, O. (2017) 'Impact of Cuts to Legal Aid to Come Under Review' *The Guardian* 31 October https://www.theguardian.com/law/2017/oct/31/impact-of-cuts-to-legal-aid-to-come-under-review (consulted 26 March 2018).

Brenner, N., Peck, J., and Theodore, N. (2010) 'Variegated Neoliberalization: Geographies, Modalities, Pathways' *Global Networks* Volume 10, No. 2: 182-22.

Burnett, J. (2018) 'In the teeth of the machine: workfare, immigration enforcement and the regulation of 'surplus labour'' *Justice, Power and Resistance* Volume 2, No. 2: 287-313.

Burnett, J. and Whyte, D. (2010) The wages of fear: risk, safety and undocumented work Leeds: PAFRAS and the University of Liverpool.

Clark, G. (2015) 'Humbug or Human Good?: EP Thompson, the rule of law and coercive labor relations under neoliberal American capitalism' *Journal of Social History* Volume 48, No. 4: 759-788.

Clark, N. (2013) *Detecting and Tackling Forced Labour in Europe* York: Joseph Rowntree Foundation.

Craig, G. (2017) 'The UK's Modern Slavery Legislation: An early assessment of progress' *Social Inclusion* Volume 5, No. 2: 16-27.

Crane, A., LeBaron, G., Allain, J., and Behbahani, L. (2017) 'Governance Gaps in Eradicating Forced Labor: From global to domestic supply chains' *Regulation & Governance* (2019) 13, 86–106.

Darcy, C. and Gardiner, L. (2014) *Just the Job – Or a Working Compromise? The changing nature of self-employment in UK* London: Resolution Foundation.

Davidson, J. (2010) 'New Slavery, Old Binaries: Human trafficking and the borders of freedom' *Global Networks* Volume 10, No. 2: 244-261.

Davidson, J. (2015) *Modern Slavery: The margins of freedom* London: Springer

Davies, J. (2018) 'From Severe to Routine Labour Exploitation: The case of migrant workers in the UK food industry', *Criminology and Criminal Justice,* https://doi.org/10.1177/1748895818762264.

Ewing, K., Hendy, J. and Jones, C. (2016) *A Manifesto for Labour Law* Liverpool: Institute of Employment Rights.

Felstead, A., Gallie, D., Green, F. and Inanc, H. (2013) *Work Intensification in Britain: First findings from the Skills and Employment Survey 2012* London: Centre for Learning and Life Chances in Knowledge Economies and Societies, Institute of Education.

Ferguson, J. (2010) 'The uses of neoliberalism' *Antipode* Volume 41: 166-184

Fevre, R. (2007) 'Employment insecurity and social theory: the power of nightmares' *Work, Employment and Society*, Volume 21, No. 3: 517-535

Fitzgerald, S. A. (2012) 'Vulnerable Bodies, Vulnerable Borders: Extraterritoriality and human trafficking' *Feminist Legal Studies* Volume 20: 227–244.

Fitzgerald, S. A. (2016) 'Vulnerable Geographies: Human trafficking, immigration and border control in the UK and beyond' *Gender, Place and Culture* Volume 23, No. 2: 181–197.

FLEX (2016) *Combatting Labour Exploitation through Labour Inspection* London: Focus on Labour Exploitation (FLEX).

FLEX (2017) *Risky Business: Tackling exploitation in the UK labour market*, London: Focus on Labour Exploitation (FLEX).

FRA (2015) *Severe Labour Exploitation* Vienna: European Agency for Fundamental Rights (FRA).

Gallie, D., Felstead, A., Green, F. and Inanc, H. (2013) *Fear at Work in Britain: First findings from the Skills and Employment Survey 2012* London: Centre for Learning and Life Chances in Knowledge Economies and Societies, Institute of Education.

GLA (2009) *Economic Impact on London and the UK Economy of an Earned Regularisation of Irregular Migrants to the UK* London: Greater London Authority (GLA).

Gregg, P. and Gardiner, L. (2015) *A Steady Job?* London: Resolution Foundation.

Hacker, J. (2008) *The Great Risk Shift*. Oxford: Oxford University Press.

Haldane, A. (2015) *Labour's Share*. Speech to the TUC, 12th November, https://www.bankofengland.co.uk/-/media/boe/files/speech/2015/labours-share.pdf (consulted 20 October 2018).

Hamnett, C. (2013) 'Shrinking the welfare state: the structure, geography and impact of British government benefit cuts' *Transactions of the Institute of British Geographers* Volume 39, No. 4: 490-503.

Hampton, P. (2005) *Reducing Administrative Burdens: Effective inspection and enforcement* London: HM Treasury.

Harvey, D. (2005) *A Brief History of Neoliberalism* Oxford: Oxford University Press.

HM Government (2014) *Modern Slavery Strategy*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf (consulted 26 March 2018).

HM Government (2017a) *2017 UK Annual Report on Modern Slavery*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf (consulted 26 March 2018).

HM Government (2017b) *UK Labour Market Enforcement Strategy: Introductory report*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629872/labour-market-enforcement-strategy-introductory-report.pdf (consulted 26 March 2018).

Hillyard, P., Pantazis, C., Tombs, S. and Gordon, D. (eds.) (2004) *Beyond Criminology: Taking harm seriously* London: Pluto Press.

Home Office (2014) *Modern Slavery: How the UK is leading the fight* London: Home Office.

House of Commons (2016) *Courts and Tribunals Fees* Justice Committee: Second Report of Session 2016–17 London: The Stationery Office.

Houses of Parliament (2018) *Human Rights and Business 2017* House of Lords and House of Commons Joint Committee on Human Rights: First Special Report of Session 2017-19 HL PAPER 61 HC 686 London: The Stationery Office.

ILO (2006) *Strategies and Practice for Labour Inspection* Geneva: International Labour Organisation (ILO).

ILO (2016) *Non-Standard Employment Around the World* Geneva: International Labour Organisation (ILO).

Judge, L. and Tomlinson, D. (2016) *Secret Agents: Agency workers in the new world of work* London: Resolution Foundation.

LeBaron, G. (2012) 'Rethinking prison labor: Social discipline and the state in historical perspective' *Working USA*, Volume 15, No. 3: 327-351.

LeBaron, G. (2015) 'Unfree Labour beyond Binaries: Insecurity, social hierarchy and labour market restructuring' *International Feminist Journal of Politics* Volume 17, No. 1: 1-19.

LeBaron, G., and Rühmkorf, A. (2017) 'The Domestic Politics of Corporate Accountability Legislation: Struggles over the 2015 UK Modern Slavery Act' *Socio-Economic Review,* https://doi.org/10.1093/ser/mwx047.

Lerche, J. (2007) 'A Global Alliance against Forced Labour? Unfree labour, neoliberal globalization and the International Labour Organization' *Journal of Agrarian Change*, Volume 7, No. 4: 425-452.

Lewis, H., Dwyer, P., Hodkinson, S. and Waite, L. (2015) 'Hyperprecarious Lives: Migrants, work and forced labour in the Global North' *Progress in Human Geography* Volume 39, No. 5: 580–600.

Maroukis, T. (2017) 'Keeping up Appearances: The British public policy response to the trafficking of domestic workers in a changing regime of social protection' *Journal of Immigrant and Refugee Studies* Volume 15, No. 2: 155-170.

May, T. (2016) Defeating Modern Slavery: Article by Theresa May, https://www.gov.uk/government/speeches/defeating-modern-slavery-theresa-may-article (consulted 26 March 2018).

Metcalf, D. (2018) *United Kingdom Labour Market Enforcement Strategy 2018/19* London: HM Government.

MAC (2014) *Migrants in Low-Skilled Work: The growth of EU and non-EU labour in low-skilled jobs and its impact on the UK* London: Migration Advisory Committee (MAC).

Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: The government response* London: The Stationery Office.

NAO (2016) *The Business Impact Target: Cutting the cost of regulation* London: National Audit Office (NAO).

New, S. J. (2015) 'Modern Slavery and the Supply Chain: The limits of corporate social responsibility?' *Supply Chain Management: An International Journal* Volume 20, No. 6: 697–707.

ONS (2017) *Contracts that do not Guarantee a Minimum Number of Hours* London: Office for National Statistics (ONS).

Peck, J. (2001a) 'Neoliberalizing states: thin policies/hard outcomes' *Progress in Human Geography* Volume *25*, No. 3: 445-455.

Peck, J. (2001b) *Workfare States* New York: Guildford Press.

Peck, J., and Tickell, A. (2002) 'Neoliberalizing space' *Antipode*, Volume 34, No. 3: 380-404.

Pemberton, S. (2015) *Harmful Societies: Understanding social harm* Bristol: Policy Press.

Phillips, N. and Mieres, F. (2015) 'The Governance of Forced Labour in the Global Economy' *Globalizations* Volume 12, No. 2: 244–60.

Pollert, A. (2010) 'The Lived Experience of Isolation for Vulnerable Workers Facing Workplace Grievances in 21st-century Britain' *Economic and Industrial Democracy* Volume 31, No. 1: 62–92.

Pyper, D. (2017) *Trade Union Legislation, 1979-2000* Briefing Paper No. CBP 7882 London: House of Commons Library.

Quinlan, M. and Bohle, P. (2009) 'Overstretched and unreciprocated commitment: reviewing research on the occupational health and safety effects of downsizing and job insecurity' *International Journal of Health Services* Volume 39, No. 1: 1-44.

Quinlan, M., Mayhew, C. and Bohle, P. (2001) 'The global expansion of precarious employment, work disorganization, and consequences for occupational health: a review of recent research' *International Journal of Health Services* Volume 31, No. 2: 335-414.

REC (2017) 'UK's £32.2 Billion Recruitment Industry Helped Millions of People Find Work in 2016/17' London: Recruitment and Employment Confederation (REC), https://www.rec.uk.com/news-and-policy/press-releases/uks-32.2-billion-recruitment-industry-

helped-millions-of-people-find-work-in-201617 (consulted 26 March 2018).

Robinson, C. (2015) 'Claiming Space for Labour Rights within the United Kingdom Modern Slavery Crusade' *Anti-Trafficking Review* Volume 5 online.

Rogaly, B. (2008) 'Migrant Workers in the ILO's Global Alliance Against Forced Labour Report: A critical appraisal' *Third World Quarterly* Volume 29, No. 7: 1431-1447.

Schrecker, T. and Bambra, C. (2015) *How Politics Makes us Sick: Neoliberal epidemics* Basingstoke: Palgrave Macmillan.

Scott, S. (2015) 'Making the case for Temporary Migrant Worker Programmes: Evidence from the UK's rural guestworker ('SAWS') scheme' *Journal of Rural Studies* Volume 40: 1-11.

Scott, S. (2017a) 'Informalisation in Low-Wage Labour Markets: A Case-Study of the UK Food Industry' *Population, Space and Place* Volume 23, No. 8, https://doi.org/10.1002/psp.2043.

Scott, S. (2017b) *Labour Exploitation and Work-Based Harm* Bristol: Policy Press.

Sharapov, K. (2017) 'Traffickers and Their Victims: Anti-trafficking policy in the United Kingdom' *Critical Sociology* Volume 43, No. 1: 91-111.

Skrivánková, K. (2010) *Between Decent Work and Forced Labour: Examining the continuum of exploitation* York: Joseph Rowntree Foundation

Slapper, G. (1999) *Blood in the Bank: Social and legal aspects of death at work* Aldershot: Ashgate.

Slapper, G. and Tombs, S. (1999) *Corporate Crime* Harlow: Longman.

Stone, K. (2013) 'The Decline in the Standard Employment Contract: A review of the evidence': 366-404 in Stone, K. and Arthurs, H. (eds.) (2013) *Rethinking Workplace Regulation: Beyond the standard contract of employment* New York: Russell Sage Foundation.

Stone, K. and Arthurs, H. (2013) *Rethinking Workplace Regulation: Beyond the standard contract of employment* New York: Russell Sage Foundation.

Strauss, K. (2012) 'Coerced, Forced and Unfree Labour: Geographies of exploitation in contemporary labour markets' *Geography Compass* Volume 6, No. 3: 137-148.

Strauss, K., and McGrath, S. (2017) 'Temporary migration, precarious employment and unfree labour relations: Exploring the 'continuum of exploitation' in Canada's Temporary Foreign Worker Program' *Geoforum* Volume 78: 199-208.

Sumner, R., Bennett, R., Creaven, A. and Gallagher, S. (2017) *Understanding the relationships between unemployment, stress and inflammation in the UK after the financial crisis: a propensity score matching analysis.* Understanding Society Biomarkers Conference, London, 15 March.

Taylor, M. (2017) *Good Work: The Taylor review of modern working practices*. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf (consulted 26 March 2018).

Taylor, D. (2018) 'Home Office backed 'slave labour' pay for immigration detainees' The Guardian 04 September, https://www.theguardian.com/uk-news/2018/sep/04/home-office-pay-immigration-detainees-menial-jobs-legal-action (consulted 18 September 2018).

Tombs, S. (2002) 'Understanding Regulation?' *Social and Legal Studies* Volume 11, No. 113: 219–243.

UN (2016) *Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland* Economic and Social Council: Committee on Economic, Social and Cultural Rights. New York: United Nations (UN).

Weil, D. (2014) *The Fissured Workplace: Why work became so bad for so many and what can be done to improve it* Cambridge, Massachusetts: Harvard University Press.