

Regulating Transnational Labor

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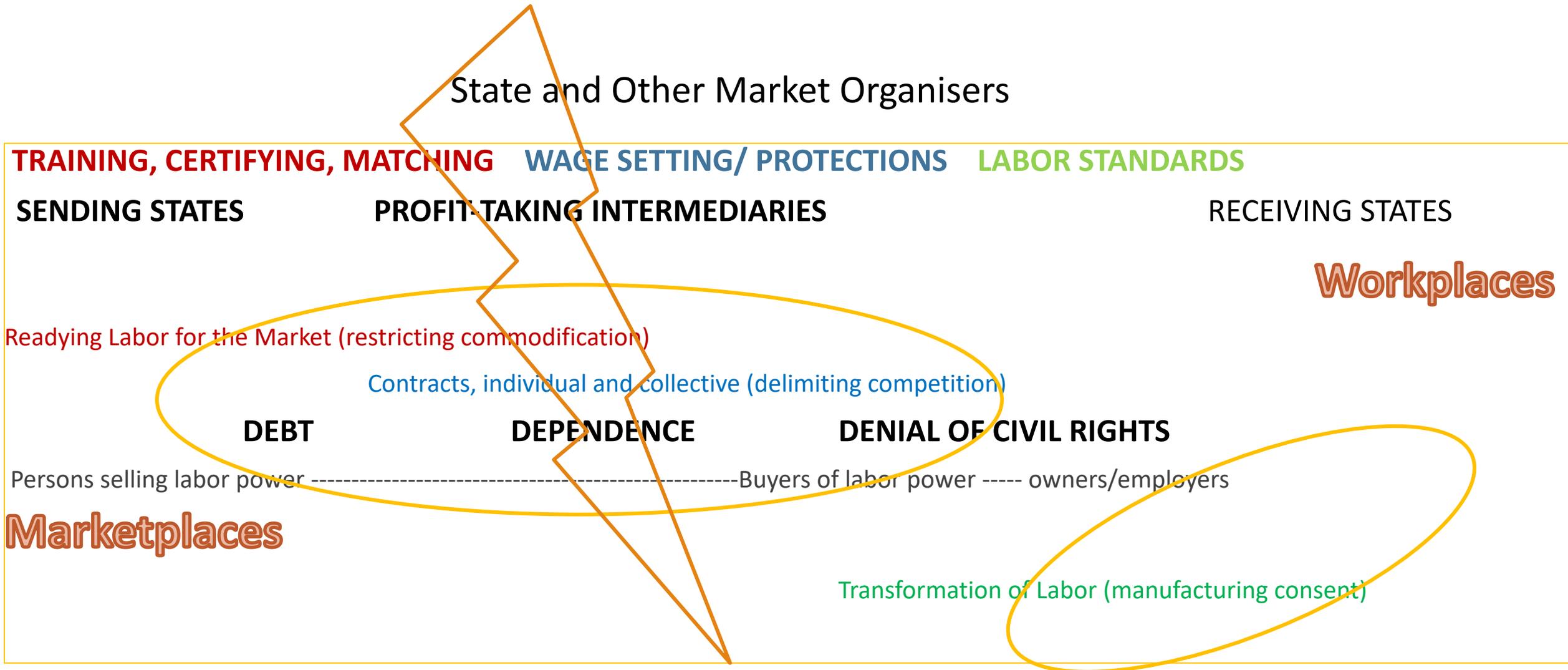
Talk 1: Theorizing Regulatory
Challenges of Transnational Labor

Talk 2: Cross-Border Labor Market
Intermediaries

Talk 3: Trafficking, Forced, and
Informalized Labor



Toward a social order of cross-border labor markets



21st Century Cross/border labor regulation

1. Bi-lateral agreements between sending and receiving states

Westbalkan-Regelung

Informationen zur Arbeitserlaubnis für Bürgerinnen und Bürger der Westbalkan-Länder



2. Mix of public exchanges & **private fee-charging labor intermediaries**

trenkwalder
Outsourcing & HR Services



1. Work without employment

Merkblatt

Beschäftigung ausländischer Arbeitnehmer im Rahmen von Werkverträgen in Deutschland

Voraussetzungen / Zulassungsverfahren

Regulatory challenges posed by state-tolerated rule evasion

INTERFACES OF LEGAL / ILLEGAL MARKETS

Interfaces arise through

- Regulatory differences (social protections, wage differences, and problems of enforcement)
- Blend of licensed and informal brokering in recruitment, transport and placement (opening for rogue intermediaries)

Dimensions of Illegality / Types (Beckert & Dewey 2017, p. 6)

- Illegal labor (children) T1
- **Rule violation T5**
- Coercion / Violence T4 (Human Trafficking)



Posted work / labor subcontracting / trainees

Seasonal work



Transplanted workers



All photos by KShire, Seasonal Work is a photograph of an artwork by Andreas Grusky, Kueppersmuehle Duisburg

Regulatory challenges posed by state-tolerated informalization

Informalization arises from

- Demand for irregular migrants
- Demand for informal work
- Preferences for informalized work contexts

Embeddedness of gendered division of labor as driving demand and supply of migrant women's labor

- Long-term care insurance driving care at home / reliance on family labor
- Tax support for private household services creating new forms of informalized labor only available to native women in traditional gendered divisions of labor

Table 13.2 Estimated size of the informal and formal care labour force by type of care service (2005–2017)

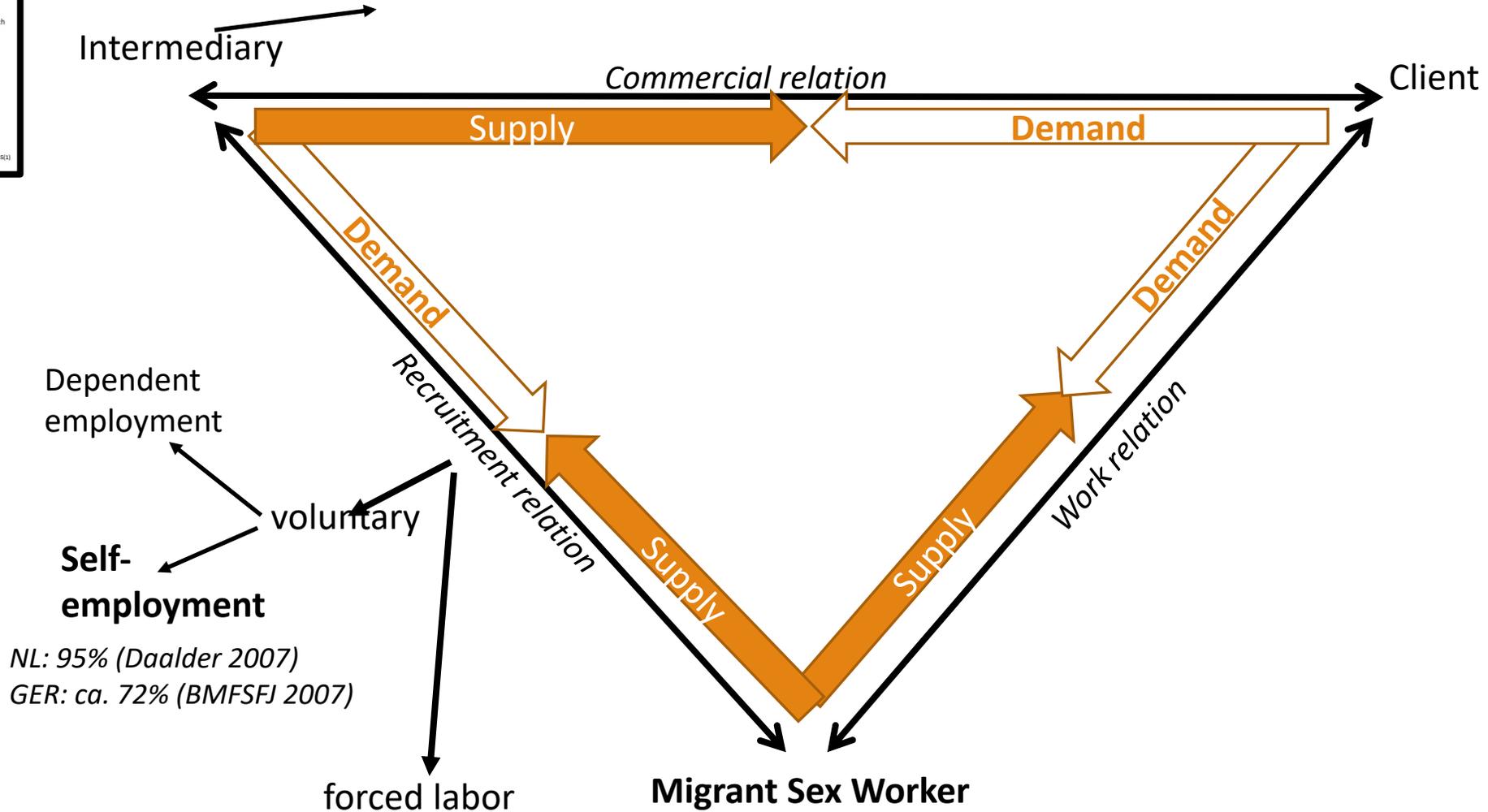
Elderly care sector	Care workers by year						
	2005	2007	2009	2011	2013	2015	2017
In-home, informal, family care (% all persons claiming care premiums)	980,000 (46%)	1,033,000 (46%)	1,070,000 (46%)	1,180,000 (47%)	1,250,000 (48%)	1,385,000 (48%)	1,765,000 (52%)
In-home, ambulatory service	214,000	236,000	269,000	291,000	320,000	356,000	390,000
Stationary care facility	546,000	574,000	621,000	661,000	685,000	730,000	765,000
Total persons							

Source: Statistisches Bundesamt (for years listed) *Pflegestatistik: Pflege im Rahmen der Pflegeversicherung*. www.destatis.de (last download May 3, 2020). In-home informal care refers to elderly who receive cash-for-care, but do not buy in-home ambulatory care services. In-home ambulatory services refer to the numbers of elderly who use insurance premiums to buy in-home care services. They often also rely on family members for care

Source: Apitzsch & Shire 2021

Interface of Illegal / Informal Labor Markets

Different forms of P-Business: brothel, escort services, window, hotel, apartment, street (car or caravan)



Transnational Labor Regulation

National Regulatory Pathways

1. Bi-lateral agreements for aligning contractual terms and social protection obligations
 - Stronger obligations to provide health insurance at destinations
 - Allowing changes of employers (Balkan Regelung)
2. Re-establishing monopolies of public labor exchange
 - Balkan Regelung
 - WHO 57 countries with health brain drains, where migrant labor recruitment should be prevented
3. Banning contractual forms without an employment relation
 - As in the German meatpacking industry last year,
 - Balkan Regelung also prohibits agency recruitment and placement
4. Expanding supply-chain liability for subcontract employment conditions
 - Including the working conditions for Third Party Nationals
5. Funding civil societal organisations supporting migration workers
 - Fair Mobility / Mitternachtsmission

Towards a New German Model?