

Efforts by the United States to Eliminate Forced or Compulsory Labor

*Cing-Kae Chiao**

Abstract

The elimination of forced or compulsory labor has become one of the fundamental labor rights enjoyed by all workers globally in recent years. As the most powerful country and economy in the world, the United States has played an important role in this endeavor. In the past 40 years, it has promulgated federal legislation and issued various country reports unilaterally to enforce this core international labor standard. It has also bilaterally negotiated numerous free trade agreements (FTAs) with important partners to implement this fundamental right through worker rights provisions in these agreements. Most importantly, the US has also utilized various measures multilaterally to promote rights through economic globalization, regional integration and global supply chains. In this process, the issues of child labor and illegal trafficking of persons have also been included. This paper reviews the efforts made by the US in eliminating forced or compulsory labor in the past four decades. It also examines whether Taiwan can proceed to make further related reforms in order to become a role model in this area and play a more positive role in a new global trade order.

In addition to introductory and concluding remarks, this paper is divided into five sections. Section Two describes the prevalence and seriousness of forced or compulsory labor problem globally, various negative impacts it has created and how the United Nations and other international organizations have endeavored to eliminate exploitative labor. Section Three details how the United States utilizes

* Adjunct Research Fellow, Institute of European and American Studies, Academia Sinica :
Director, Chung-Hwa Institute of Industrial Relations.
E-mail: chiao@sinica.edu.tw

federal legislation passed by Congress to unilaterally resolve forced or compulsory labor problems domestically and internationally. Section Four analyzes how the United States cooperates multilaterally with the World Trade Organization (WTO), Asian-Pacific Economic Cooperation Forum (APEC) and other institutions to forbid forced or compulsory labor. Section Five discusses how the Trump administration has negotiated with South Korea in 2018 to promote fundamental worker rights (including elimination of forced or compulsory labor) through bilateral free trade agreement. Finally, in Section Six, this paper uses two stages to describe how the U.S. has criticized Taiwan's performance in eliminating forced and compulsory labor in the past four decades. While exploitative labor is not prevalent in Taiwan, dealing with problems arising from mistreatment of foreign labor, especially those employed as fishermen, domestic household workers, caregivers, and undocumented workers still require major reform efforts.

Keywords: Elimination of Forced or Compulsory Labor, No. 29 and No. 105 Conventions of the International Labour Organization (ILO), Labor Rights Provisions in Multilateral and Bilateral Free Trade Agreements, U.S. Traffic Victims Protection Act of 2000 (as Amended), Global Supply Chains, Country Reports on Human Rights Practices, U.S.-Taiwan Initiative on 21st-Century Trade