

WHAT IS 'WORKER VOICE' IN THE CONTEXT OF GLOBAL SUPPLY CHAINS?

5 KEY QUESTIONS THAT NEED TO BE ASKED + 5 GUIDELINES FOR ETHICAL WORKER VOICE TECHNOLOGIES & PROGRAMS, FROM THE PERSPECTIVE OF DATA INTEGRITY & WORKER EMPOWERMENT

THIS BRIEF—ORIGINALLY PUBLISHED IN NOVEMBER 2017 AND UPDATED 5 YEARS LATER IN NOVEMBER 2022—PROVIDES A REFERENCE FOR WORKER REPORTING AND WORKER EMPOWERMENT TOOLS AND PROGRAMS FROM THE CONTEXT OF 'WORKER VOICE,' A CONCEPT THAT EMERGED WITH THE BIRTH OF THE ORGANIZED LABOUR MOVEMENT DURING THE INDUSTRIAL REVOLUTION.

TWO FUNDAMENTAL ASPECTS OF 'WORKER VOICE' HAVE ALWAYS BEEN:

- (1) CAPTURING THE VOICES, EXPERIENCES, AND NEEDS OF WORKERS, AND
- (2) CHANNELING THAT VOICE INTO A CLEAR MECHANISM FOR REMEDIATION FOR THOSE WORKERS.

5 KEY QUESTIONS ARE PRESENTED TO HELP GUIDE DESIGNERS, FUNDERS, AND USERS OF WORKER REPORTING TOOLS TO EXPLORE THE OPPORTUNITIES AND ALSO THE RISKS OF CAPTURING WORKER FEEDBACK AND WORKER DATA, PARTICULARLY DIGITAL DATA.

THESE ARE FOLLOWED BY 5 RESEARCH-INFORMED GUIDELINES FOR ETHICAL WORKER VOICE TECHNOLOGIES & PROGRAMS.¹

The concept and importance of 'worker voice' is over two centuries old, arising in historical texts around the start of the Industrial Revolution, and becoming a central aspect of the nascent organized labour movement in the late 1800s when trade unions became more established in Britain and the United States. From then until now, freedom of association, collective bargaining, and worker representation – fundamental aspects of labour unions – have been the main conduit for worker voice to employers and regulators. In recent years, however, new laws are now requiring companies to take increased responsibility for trafficking and slavery across their entire supply chains, which may be several tiers deep for each product, and spanning different countries and regions of the world. Global buyers now need visibility of working conditions and risks of workers in places where there may be little to no unionization, and they need to reach into some far corners of the world as well.

Besides long-term efforts to strengthen freedom of association and collective bargaining across the developing world, an ongoing work-in-progress, the development of technology to enable worker reporting has flourished in the past seven years, to harness information from workers using, primarily, mobile phones. In some cases, the

information is analyzed and packaged for a global buyer, for due diligence purposes. In other cases, the information is exchanged on a platform to provide workers with better information about workplaces and recruiters. Some tools work toward both of these ends – informing business due diligence while empowering and educating migrant workers. In all cases, the new age of technology-enabled worker voice exposes workers to risks as well as opportunities, which need to be clearly understood and mitigated from a data integrity and ethical perspective.

5 important questions need to be asked from the perspective of data integrity, and worker security and empowerment – and 5 guidelines for ethical worker voice tech and programs are presented. We take the position that, as with the organized labour movements, the critical challenge is not just about obtaining credible, reliable data from workers, it is equally about having a clear, safe mechanism to work with employers, regulators, and/or the justice system to drive change and offer remediation to exploited or harmed workers. Absent the latter, technology product developers, product users, and donors have to be especially diligent about unintended negative consequences on vulnerable worker populations from asking sensitive questions without having a clear pathway to solutions.

5 KEY QUESTIONS

Q1. WHAT DOES IT TAKE TO COLLECT RELIABLE PRIMARY DATA FROM WORKERS THAT DOES NOT DO ANY HARM?

- ✓ **Use technology that is being used by the majority of workers in their daily lives.** Note that in many parts of the world, this is changing rapidly. Conduct sound user studies.
- ✓ Strive for **inclusivity**, also referred to as **democratized worker voice**, with equal access to worker voice channels across the full diversity of the workforce. Nationality, ethnicity, language, gender, and age are all important insofar as these subgroups may do different types of work, face different kinds of discrimination, and have different levels of digital literacy.
- ✓ **Understand existing power structures and discriminatory attitudes** that may exist between employers and/or recruiters and workers, and also within workers, to understand barriers to access to worker voice that may create biases in the data, as well as barriers to remediation and justice.
- ✓ **Does this require technology? What are other safer, effective alternatives?** In some ecosystems, research, worker representation models, or locally-based change agents can be highly effective at connecting with the breadth of worker populations, articulating their priorities and needs, and ensuring a sound and safe connection to remedy. However, in the supply chain context, these models often fall short in the eyes of those aspiring to scale up their worker reporting data, since these three non-tech-oriented alternatives are often locally or geographically rooted, and data quality and integrity will likely decline as scale increases, particularly in multi-tiered supply chains. Consider the trade-off of quality (of data and responsiveness to worker needs) and quantity, especially in light of the fact that every query for workers' personal information and perspectives brings risks for the worker from the data and personal privacy and security perspective.
- ✓ **ASK YOURSELF: HOW WELL POSITIONED ARE YOU TO BE MONITORING AND RESPONDING TO THESE RISKS? WHAT IS THE DESIRED TRADE-OFF BETWEEN DATA QUALITY AND QUANTITY?** It is fair to consider and prioritize scale. But aspirations of scale must be balanced with the erosion of on-the-ground effectiveness in responding to and safeguarding vulnerable workers that results from actioning worker data.

Q2. WHAT ARE THE RISKS WHEN DATA COLLECTED FROM WORKERS IS NOT CREDIBLE OR RELIABLE?

Risks to workers can come from both poor data management (data storage, protection, sharing, actioning, and integrity) as well as poor data accuracy and quality—that is, data that does not represent well the reality of workers^{1,2}. Watch out for:

- ✓ **Real labour/recruitment risks and remediation needs not being identified and addressed**, due to incomplete or inaccurate information being collected and then shared with responsible companies.
- ✓ This can result in **decreased confidence in** and **increased fatigue with** worker voice efforts.
- ✓ **Suppliers being unfairly negatively impacted** by brands and retailers reducing or suspending business based on poor, incomplete, or inaccurate information supposedly collected from workers.
- ✓ This can lead to workers suffering **retaliation, unfair dismissal, and other forms of reprisal**.

Q3. WHAT QUALIFIES AS A CLEAR AND SAFE MECHANISM TO DRIVE CHANGE, REMEDIATION, AND/OR JUSTICE?

Options for remediation—whether from the State or the employer— can get complicated in the context of more complex supply chains, as well as with international recruitment of workers. However, it can also open up new opportunities for driving remedy due to the wider range of duty bearers and broader acceptance of the concept of *shared responsibility* for remedy for workers in global supply chains. For example:

- ✓ **Relationships with exporters and recruitment agencies** can help to encourage remedy by upstream employers, with global buyers also being able to encourage action on the part of the exporters through supply chain leverage if needed.
- ✓ **Relationships with effective 'champions' in local government** can help to drive action and remedy through both State-based remedial mechanisms as well as through their influence over employers.

Other examples and approaches are discussed in some detail in the UN Guiding Principles on Business and Human Rights (Ruggie Principles). Providers and developers of worker voice-based programs and worker reporting technology tools may be locally-based or remotely-based in relation to where workers sharing feedback are located. Either way, mechanisms to achieve the following are recommended:

- ✓ **Ability to stay connected and iterate.** Stay connected to workers to monitor progress and risks after worker data is shared and actioned; if possible, iterative feedback and guidance to the employer can be helpful, especially when the workers cannot provide direct feedback due to language barriers, low capacity of human resources, threats of reprisal, or other reasons.
- ✓ **Technical capacity to drive and guide remediation.** Ensure that a responder in the locality of the workers has the technical capacity to be able to manage the data and personal security risks of the workers, as well as the technical capacity to drive a remedial response for the injured or abused workers.
- ✓ **Responsiveness.** Responsiveness is critical for (a) mitigating risks that have a potential to bring harm to workers, or unfair adverse impacts on their employers; and, (b) maintaining the trust and confidence of workers and/or their employers. If workers initially share feedback about issues and they never hear anything again about any actions addressing their concerns, they will likely lose trust and interest in the tool, which hopefully will not contribute to worker reporting fatigue.

Q4. WHAT ARE THE RISKS WHEN DATA IS COLLECTED FROM WORKERS, BUT THERE IS NO CLEAR AND SAFE MECHANISM TO DRIVE REMEDY?

- ✓ **Wasting the workers' time,** and possibly getting their hopes up for little to nothing, which poses ethical risks^{1,2}.
- ✓ **Falling victim to 'technology for technology's sake.'** Tech is only worth it if the benefits outweigh the risks. The quality and reliability of the data will also likely decline over time if workers do not see results from sharing their data and perspectives.
- ✓ **Creating fatigue and scepticism among workers,** which may negatively impact their willingness to participate in future interventions which may actually be better positioned to help them.
- ✓ **ASK YOURSELF: ARE YOU DISRUPTING THE MARKET OR COMMUNITY IN A WAY THAT MAY ULTIMATELY NOT BENEFIT WORKERS? FOR MOTIVATIONS THAT ARE NOT CENTERED ON WORKER WELFARE?**

Q5. WHAT NEEDS TO HAPPEN FOR THE 'WORKER VOICE DATA' TO MAKE ANY REAL DIFFERENCE IN THE LIVES OF THE WORKERS WHO REPORTED, AND, TO WORKERS MORE GENERALLY?

- ✓ **Don't get too dazzled by the large amounts of data that could potentially be collected.** Remember data quality, data ethics, worker privacy and security, and 'so what' – what is the direct path through which the collection of such worker reporting will improve the lives of workers?



WORKER VOICE TECH IN MYANMAR, DOWN TO THE FIRST MILE, BRINGS TRANSPARENCY AND ACCOUNTABILITY TO THE MYANMAR-THAILAND AND MYANMAR-MALAYSIA LABOUR MIGRATION CORRIDORS—AT THE COMMUNITY LEVEL (LEFT) AND IN PRE-DEPARTURE TRAININGS (RIGHT).

¹Rende Taylor, Lisa and Elena Shih (2019). Worker feedback technologies and combatting modern slavery in global supply chains: examining the effectiveness of remediation-oriented and due diligence-oriented technologies in identifying and addressing forced labour and human trafficking. *J. British Academy* 7(s1), 131-165. Downloaded at: <https://www.thebritishacademy.ac.uk/publishing/journal-british-academy/7s1/worker-feedback-technologies-and-combatting-modern-slavery-in-global-supply-chains/>

²Rende Taylor, Lisa and Mark Latonero (2018). *Updated Guide to Ethics and Human Rights in Anti-Human Trafficking*. Bangkok: Issara Institute. Downloaded at: https://www.issarainstitute.org/_files/ugd/5bf36e_4499578770c143a6b7bfe2d34071ff4b.pdf

5 GUIDELINES FOR ETHICAL WORKER VOICE TECH & PROGRAMS¹

1. ENSURE THAT WORKER VOICE TECHNOLOGY TOOLS & PROGRAMS ARE MAKING WORKER LIVES BETTER.

Require a commitment to worker safeguards and to remediation of labour risks and abuses found through worker feedback tech and programs, where at least one party assumes responsibility for any and all impacts of the technology tool or program on workers.

Soliciting sensitive data from vulnerable populations—especially digital data—creates ethical risks and burdens. These can only be offset through a commitment from actors privy to these sensitive data to respond to workers and ensure they are protected.

3. DESIGN THE TECHNOLOGY/PROGRAM AND THE ECOSYSTEM IN WHICH IT IS DEPLOYED WITH A COMMITMENT TO ACCURATELY IDENTIFY AND ADDRESS SERIOUS LABOUR RISKS & ABUSES.

If aiming to develop a tool whose stated aim is to help reduce forced labour, human trafficking, and/or modern day slavery, then do not avoid collecting data on the most serious labour risks and abuses.

If the currently conceived ecosystem lacks the capacity or will to manage serious labour cases and security risks, then it is essential to build out the ecosystem to involve a wider range of partners, including some that are well positioned to manage serious labour cases and security risks.

5. ENSURE THAT TECH & PROGRAM INTERVENTIONS DO NOT DISPLACE OTHER MODES OF WORKER ORGANISING.

Tech and program interventions should not displace existing forms of worker organizing.

Funding for tech-driven projects should not divert funding and attention away from vital direct services for and protections of worker communities and worker-supporting organisations.

2. COMMIT TO AND SCALE-UP TECHNOLOGIES & PROGRAMS THAT CAN ANSWER TO BUSINESS NEEDS FOR DUE DILIGENCE AND REMEDIATION (AND MORE ETHICAL SUPPLY CHAINS MORE GENERALLY) SIMULTANEOUSLY.

With corporate commitments to remediation and decent working conditions, the problem of ‘tech in a vacuum’ can be avoided—essentially, that problematic assumption that tech can help vulnerable populations by providing a communications channel to claim their rights, when in reality such channels have been proven to achieve little without a commitment to respond to workers’ claims.

When worker-empowering organisations can be supported to build new channels for due diligence as well as remediation, businesses would be improving their human rights footprint as well as developing their access to a richer, more reliable picture of labour risks in their supply chain.

4. DESIGN THE TECH OR PROGRAM, AND THE ECOSYSTEM IN WHICH IT IS DEPLOYED, TO ALLOW WORKERS TO LEAD & SHAPE THE CONVERSATION—TO ADDRESS INFORMATION AND POWER ASYMMETRIES CONTRIBUTING TO FORCED LABOUR AND HUMAN TRAFFICKING, AS WELL AS TO IMPROVE THE QUALITY AND QUANTITY OF INFORMATION COLLECTED.

The most pressing labour risks and abuses and their underlying causes are most likely to surface when tech and programs are:

- Designed for the specific user populations (consider nationality, gender, etc.), and
- Designed in a way that allows workers to safely and freely raise whatever they perceive to be most important—as opposed to just being asked to answer a battery of questions that businesses want answered.

Recognize that the degree to which the tech tool or program reflects the real priorities and concerns of workers strongly shapes workers’ level of trust with the tool, which in turn impacts its utility and effectiveness for due diligence and for remediation.