STJ00107819

Temporary Labour Migration in the Global Era

The Regulatory Challenges

Edited by Joanna Howe and Rosemary Owens

Oñati International Series in Law and Society

A SERIES PUBLISHED FOR THE OÑATI INSTITUTE FOR THE SOCIOLOGY OF LAW

• H A R T •

OXFORD · LONDON · NEW YORK · NEW DELHI · SYDNEY

STJ00107819

HART PUBLISHING Bloomsbury Publishing Plc Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK

HART PUBLISHING, the Hart/Stag logo, BLOOMSBURY and the Diana logo are trademarks of Bloomsbury Publishing Plc First published in Great Britain 2016

First published in hardback, 2016 Paperback edition, 2019

Copyright © The Editors and Contributors severally 2016

The Editors and Contributors have asserted their right under the Copyright, Designs and Patents Act 1988 to be identified as the Authors of this work.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers.

While every care has been taken to ensure the accuracy of this work, no responsibility for loss or damage occasioned to any person acting or refraining from action as a result of any statement in it can be accepted by the authors, editors or publishers.

All UK Government legislation and other public sector information used in the work is Crown Copyright ©. All House of Lords and House of Commons information used in the work is Parliamentary Copyright ©. This information is reused under the terms of the Open Government Licence v3.0 (http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3) except where otherwise stated.

> All Eur-lex material used in the work is © European Union, http://eur-lex.europa.eu/, 1998-2019.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Temporary labour migration in the global era (2015 : Oñati, Spain) Howe, Joanna, editor. | Owens, Rosemary J., editor. | Oñati International Institute for the Sociology of Law, sponsoring body. Title: Temporary labour migration in the global era : the regulatory challenges / edited by Joanna Howe and Rosemary Owens.

Description: Oxford ; Portland, OR : Hart Publishing, An imprint of Bloomsbury Publishing Plc, 2016. 1 "This collection of essays had its genesis in the papers presented at a workshop on the topic "Temporary Labour Migration in the Global Era : the Regulatory Challenges", which was held at the International Institute for the Sociology of Law (IISL) in Oñati, Spain in June 2015."—ECIP galley. 1 Includes bibliographical references and index.

Identifiers: LCCN 2016021698 (print) | LCCN 2016022054 (ebook) | ISBN 9781509906284 (hardback : alk. paper) | ISBN 9781509906291 (Epub)

Subjects: LCSH: Foreign workers-Legal status, laws, etc.-Congresses.

Classification: LCC K1841.A46 T46 2016 (print) 1 LCC K1841.A46 (ebook) 1 DDC 344.01/544—dc23 LC record available at https://lccn.loc.gov/2016021698

> ISBN: HB: 978-1-50990-628-4 PB: 978-1-50992-749-4 ePDF: 978-1-50990-631-4 ePub: 978-1-50990-629-1

Typeset by Compuscript Ltd, Shannon

To find out more about our authors and books visit www.hartpublishing.co.uk. Here you will find extracts, author information, details of forthcoming events and the option to sign up for our newsletters.

Contents

	knowledgementsv t of Contributorsxi
	Part I: Introduction
1.	Temporary Labour Migration in the Global Era: The Regulatory Challenges
	Part II: Global Economic Integration and the Regulation of Temporary Labour Migration
2.	Seasonal Workers and Intra-corporate Transferees in EU Law: Capital's Handmaidens?
3.	Temporary Labour Migration and the Trade in Services: European and Global Perspectives in an Age of Economic Integration
4.	The Distinction Between Temporary Labour Migration and Posted Work in Austria: Labour Law versus Trade Law
	Part III: Temporary Labour Migration in Pursuit of Economic Efficiency
5.	Employer Demand for 'Skilled' Migrant Workers: Regulating Admission Under the United Kingdom's Tier 2 (General) Visa
6.	Contesting the Demand-Driven Orthodoxy: An Assessment of the Australian Regulation of Temporary Labour Migration

	Part IV: Temporary Labour Migration and the Production of Precarity
7.	Migrant Domestic Workers in British Columbia, Canada: Unfreedom, Trafficking and Domestic Servitude151 Judy Fudge
8.	Why is Labour Protection for Temporary Migrant Workers so Fraught?: A Perspective from Australia
	Part V: Challenges in Realising Decent Work for Temporary Migrant Workers
9.	Empowering Temporary Migrant Workers in Sweden: A Call for Unequal Treatment
10.	Temporary Labour Migration and Modern Slavery
11.	The Regulation of Temporary Immigration as Part of New Forms of the Supply Chain: Segmenting Labour Rights For Workers
12.	Regulating Temporariness in Italian Migration Law
	Part VI: Contesting Temporariness: Status and the Social Effects of the Legal Regulation of Temporary Labour Migration
13.	The Membership of Migrant Workers and the Ethical Limits of Exclusion
14.	Protecting the Rights of Temporary Migrant Workers: Ideals versus Reality
	Part VII: The Global Challenge of Temporary Labour Migration: Regulatory Responses and Possibilities
15.	Roles for Workers and Unions in Regulating Labour Recruitment in Mexico
16.	Decent Labour Standards in Corporate Supply Chains: The Immokalee Workers Model

viii Contents

STJ00107819

	Contents	ix
Reducing Worker-Paid Migration Costs Philip Martin		377
Temporary Labour Migration and Workplace Rights in Australia: Is Effective Enforcement Possible? Rosemary Owens		393

Index	1	3	3
-------	---	---	---

17.

18.