

## Book Reviews

### **Migrant Labour Law: Unfolding Justice at Work in Free Markets**

**Giovanni Di Lieto**

**Federation Press, 2016, pp 211, ISBN: 9781760020644, \$99 AUD**

Workforces are expanding across sovereign borders at an unprecedented rate challenging the effectiveness of national migration and labour policies.<sup>1</sup> This ‘mobilised global workforce’<sup>2</sup> is revealing the shortcomings of long-held nation-based policies and systems. Giovanni Di Lieto’s *Migrant Labour Law* comprehensively addresses the legal issues inherent in global labour migration. It addresses the interplay between modern migration and international market forces as they relate to international labour markets. He draws upon the historical influences that created and maintain the notions of labour in free market economies. Then he challenges key stakeholders, from politicians to union officials, to see how these notions need to be altered to address current migrant labour issues.

This book boldly proposes an international body to govern global migrant labour in order to protect workers’ rights without jeopardising the sovereignty of host nations.<sup>3</sup> Di Lieto identifies potential short-comings of his proposal and does not shy away from the realities his ideas confront. He acknowledges that states are reluctant to embrace progressive ideas about migrant labour and protections for migrant workers.<sup>4</sup> These firmly entrenched protectionist notions, such as denying migrants access to unions,<sup>5</sup> are addressed by the author. He debunks this notion and many other objections to his progressive ideas through his analysis.<sup>6</sup>

A strong element of the book is the introduction of a novel concept: ‘borderless industrial denizenship’.<sup>7</sup> The first part of this concept, ‘borderless industrial’, focuses on migrant labour in its modern context and the unnecessary resistance governments and labour organisations have towards engaging constructively with these workforces. ‘Denizenship’ removes the connection between a worker’s identity and nationality.<sup>8</sup> It establishes workers’ rights in a manner that is formally unrelated to the

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<sup>1</sup> Giovanni Di Lieto, *Migrant Labour Law: Unfolding Justice at Work in Free Markets* (Federation Press, 2016) xi.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid 112–55.

<sup>4</sup> Ibid 71.

<sup>5</sup> Ibid 45.

<sup>6</sup> Ibid 32.

<sup>7</sup> Ibid 1.

<sup>8</sup> Ibid 161–2.

country where work is undertaken.<sup>9</sup> It allows for the protection of rights without the need to gain formal citizenship or a permanent residence status from the host country. There are no pathways to citizenship for a denizen: they are simply afforded the freedom to work in a host country with the understanding that their rights will be no less than the nationals they work beside. The concept is a substantial contribution to the discourse of migrant labour law because it provides an alternative to current nation-based approaches.

As well as its holistic argument, the book includes stand-alone chapters. For example, to gain an understanding of the historic progression of migrant workers' rights from their origins to modern day approaches only requires reading the *Justice at Work for Migrants* chapter. The inclusion of stand-alone chapters improves the book's accessibility and utility as a labour law resource for any audience.

The concluding chapters are permeated with the author's frustration of a well-articulated idea that might be before its time.<sup>10</sup> Readers are invited to partner Di Lieto in an on-going journey in pursuing a well-reasoned, demonstrable, yet novel approach to migrant labour and rights protection. Di Lieto's thorough analytical approach allows the reader to understand the possibilities and necessity of accepting and implementing the concept of 'borderless industrial denizenship'.

A potential short-fall in *Migrant Labour Law* is its dismissal of the possibility that regional bodies may establish 'borderless industrial denizenship'. Di Lieto discusses regional organisations, agreements and structures that provide free movement of workers. However, he does not consider them to be permanent solutions<sup>11</sup> because they have the potential to create agreements which could undermine migrant workers' rights<sup>12</sup> and protection measures. Consequently, the book presents a false dichotomy that 'borderless industrial denizenship' can only occur within a global framework as Di Lieto chooses not to explore the potential of permanent regional solutions.<sup>13</sup> The use of this limited approach to challenge current practices may leave the reader with the false understanding that permanent solutions cannot plausibly be achieved in the near future. Plausible solutions may, however, be achieved through regional approaches and indeed regions are already attempting to address these issues.<sup>14</sup>

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid 172. The assimilation model of migration is an accepted norm that would need to shift before the concept of 'borderless industrial denizenship' could be utilised.

<sup>11</sup> Ibid 78–80.

<sup>12</sup> Ibid 80.

<sup>13</sup> Ibid 112.

<sup>14</sup> Norbert Cyrus, 'Being Illegal in Europe: Strategies and Policies for Fairer Treatment of Migrant Domestic Workers' in Helma Lutz (ed), *Migration and Domestic Work: A European Perspective on a Global Theme* (Routledge, 2016) 177–94.

*Migrant Labour Law* brings a fresh approach to the challenges of international migrant labour.<sup>15</sup> Di Lieto fills a gap in the migrant labour discourse by highlighting a new approach to migrant labour beyond the traditionally narrow focus of national interests.<sup>16</sup> This book is an informative read, accessible to anyone interested in migration and labour, and should not be considered solely a work for legal academics.

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<sup>15</sup> Hannah Lewis et al, 'Hyper-Precarious Lives: Migrants, Work and Forced Labour in the Global North' (2014) 39(5) *Progress in Human Geography* 580.

<sup>16</sup> Ian Campbell and Joo-Cheong Tham, 'Labour Market Deregulation and Temporary Migrant Labour Schemes: An Analysis of the 457 Visa Program' (2013) 26(3) *Australian Journal of Labour Law* 239, 246.

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