Prison labour as a Discriminatory Practice

Prison labour is a topic which has not received much attention in policy debates or prison reform agendas. As imprisonment arose as an alternative to capital and corporal punishment in Western Europe in the 18th century, prison labour accompanied imprisonment as a punitive and disciplinary measure.[1]

It was only as recently as 1988 that 'hard labour' was abolished as a penalty in Queensland. In Australia convict labour was critical to Britain's seizure and control of the country. Convicts grew the food and built the shelter necessary to the early invaders. They built the roads, bridges, public buildings and other infrastructure without which Britain could not have established its hegemony. They even built their own jails. The economic value of convict labour has always been apparent in Australia.

Although slavery has been abolished in most of the world, it is an almost universal practice that governments are free to confiscate the labour of prisoners and, with few exceptions, leave this compulsory labour unpaid or grossly underpaid. This worldwide penitentiary practice is viewed as normal and rarely attracts the interest of human rights organisations. Only the most excessive forms of forced prison labour such as American chain gangs or Chinese "reform through labour" camps attract international protest.[2]

Even the international human rights conventions, which seek to eliminate forced labour, reflect the uncritical acceptance of compulsory labour by prisoners.

Sisters Inside intends to raise the issue of compulsory prison labour as a human rights issue which needs to be addressed and further examined. We canvassed the reality of prison labour for women prisoners in Queensland and have identified the ways in which they do not have the same legal rights as other workers in relation to workplace injury. We discuss some of the international human rights instruments, which despite their weakness in their acceptance of compulsory prison labour, do provide guidelines for improving the rights of prisoners forced into working for the state.

a) Working for the Man

The official rationale for compulsory prison labour in Queensland encompasses the standard contemporary justifications:

- Prison industries are a major component of the Department of Corrective Services' focus on rehabilitation;
- Prison labour assists prisoners in acquiring vocational skills and a work ethic so that they can find post-release employment;

---

[1] G. de Jonge "Still 'Slaves of the State' Prison Labour and International Law" in D. van Zyl Smit & F, Dunkel (eds) *Prison Labour: Salvation or Slavery?* Ashgate 2000, pp313

[2] de Jonge p.314. de Jonge notes that Chilean working prisoners are paid the basic minimum wage. Also since the end of 1991, two open prisons in Hamburg Germany, which operate with private enterprise to sell products on the open market, have paid prisoners market wages. Angela Davis reported at the Women in Prison Conference in Brisbane in November 2001 that American working prisoners are paid market wages.

- Prison labour provides remuneration for prisoners to pay for necessary items including hygiene products; and
- Prison labour offsets the cost of operating prisons.[3]

Prison labour produces value for the Department of Corrective Services. Prisoners (both male and female) are employed producing goods and services for internal consumption – this production was worth $3.231 million in 1999-2000. They are also employed in commercial activities which bring in external revenue - $6.949 million in 1999-2000. This income, which totals $10.2 million, represents about 3.1% of that year's total operating expenses for the Department of Corrective Services. Separate figures for the value of women's prison labour were not available. The growth in prison industries over the last 10 years is massive. In 1989 the income generated form prison industries was only $343,955.

The predominant form of prison industry in Queensland is the customer model - the prison industry is fully owned by the prison and provides finished goods or services. However, the Department of Corrective Services prison industry policy recognises the option of a prison industry being conducted as a joint venture with the private sector, with the prison supplying only the labour. The Criminal Justice Commission report on corruption risks in prison industries states that some prison industries in Queensland do operate on the basis of the supply of labour to the private sector e.g. joint enterprise to manufacture metal products, supply of labour to pick produce or clean up commercial farms.[4]

In November 2001, the Department of Corrective Services advertised for a Manager for prison industries in Wolston Correctional Centre and Brisbane Women's Correctional Centre. Key duties for the position included: ensuring business contracts; coordinating business plans; promoting productivity; assessing joint venture proposals to ensure that profitability and revenue generation is maximised; and ensuring the continuity of prison labour to correctional centre based industries and projects.[5] The job description and key selection criteria did not mention maximising prisoners' vocational skills or post-release employment opportunities. The key concern in the management of prison industries is maximising the value to the state of the labour compulsorily exacted from the prisoners. The remuneration rates of prisoners plainly indicate that they do not share in any increases in profitability.

According to the 1999-2000 DCS Annual Report, 100 women prisoners were employed, including 40 in commercial industries. Given that BWCC is a 270 bed institution which has an average occupancy of 200, there are clearly not enough jobs for all. The women inside report that at November 2001 (an apparent high point of employment in the prison), only 135 positions are available. Only 10 students are allowed to be on the books. Data on positions in community correctional centres has not been obtained. Table 1 list the positions available in Brisbane Women's Correctional Centre and the remuneration levels. It is difficult to see what sort of vocational skills are provided by these jobs.

---

[3] Department of Corrective Services Annual Report 1999-2000 & DCS Procedures - Remuneration
[4] Criminal Justice Commission *Queensland Prison Industries: A Review of Corruption Risks* Brisbane, August 2000
[5] The job description was posted on http://jobs.govnet.qld.gov.au.

TABLE 1 – POSITIONS IN BRISBANE WOMEN'S CC

JOB	REMUNERATION LEVEL	No. of POSITIONS	No. of DAYS/WEEK THE POSITION IS TO BE WORKED
Block cleaner	Level 3	4	7
Kitchen residential;	Level 4	8	7
Kitchen - residential	Level 3	16	7
Kitchen – secure	Level 3	4	7
Laundry	Level 3	7	7
Detention cleaner	Level 2	1	7
Library	Level 4	1	7
Library	Level 3	1	7
Cleaner – education	Level 3	1	7
Cleaner – surgery	Level 3	1	7
Cleaner – visits	Level 3	1	5
Gardeners	Level 4	2	5
Gardeners	Level 3	11	5
Store	Level 4	1	5
Store	Level 3	1	5
Reception	Level 4	1	7
Reception	Level 3	1	5
Activities	Level 4	1	7
Workshop	Level 4	8	5
Workshop	Level 3	42	5

NOTE: A day's work is 9 am to midday; 1 pm to 3 pm. The workshop positions are the commercial activities – rag industry, sewing party packs etc .

A range of carrots and sticks are deployed to "encourage" women to participate in prison labour. The remuneration rates bear no resemblance to payment for work done. Table 2 lists the remuneration rates which are set by the Department and common to all correctional centres in Queensland.

TABLE 2 - REMUNERATION RATES FOR PRISONERS

REMUNERATION LEVEL	PER DAY
Level 1	$2.11
Level 2	$2.73
Level 3	$3.41
Level 4	$4.11
Student	$3.41 (5 days/week)
Unemployment	$1.26 (5 days/week max)

The weekly maximum that prisoners may earn is $57.54. The unemployment rate is paid to prisoners on remand because these prisoners are not able to work. Theoretically they are not 'compelled' to work but can work if they choose and if there is a position available. However, there are never any positions available. The unemployment rate is also paid to those who are medically unfit to work or for whom no job is available. Incentive bonuses are payable only in commercial activities and not to service workers. The incentive bonus is payable on achievement of deadlines, additional productivity and conscientious attitude. They are paid at the discretion of the General Manager. Men receive bonuses of 100%, women receive only 60%. It would appear that gender inequity and discrimination resides comfortably in Queensland prisons.

Further incentives to prison labour are found in the early release scheme. Prisoners may access early release if they have been of "good conduct and industry". One of the factors considered in deciding if a prisoner has been of "good conduct and industry" is whether the prisoner has participated in approved activities or programs to the best of the prisoner's ability.

With the carrots come the sticks. Convicted prisoners who refuse to work or who are dismissed from a position are not entitled to the unemployment rate of $6.30/wk. Early release opportunities are damaged by refusal to work and freedom of movement within the prison is affected. Convicted women prisoners who refuse to work are transferred from residential to secure units. Convicted women prisoners who refuse to work have their weekly "buy-up" (toiletries, coffee, cigarettes) limited to $20 which would buy about one packet of rolling tobacco.

The picture of prison labour is clear. It is certainly a "required activity" to use the polite terminology of the Criminal Justice Commission. The human rights of prisoners are violated by the fact that their labour is compulsory and although it produces profit for the state, the prisoners-as-worker acquires no useful skills and is not paid a fair price for her labour. The prisoner-as-worker also does not enjoy the legal rights of other workers in relation to workplace injury.

b) Workplace Injury

Despite increasing emphasis on workplace health and safety and strategies to reduce occupational injury and disease, work-related injury, like wages, is regarded as an unavoidable cost of the production of goods and services. Workers have some legal remedies which mean that they do not bear this cost alone. Legal remedies available to the ordinary worker who is injured at work include the statutory remedy of workers' compensation and common law remedies such as damages for negligence.

The advantage of workers' compensation schemes is that they provide compensation for workplace injury or disease without the injured worker having to prove negligence on the part of the employer. In Queensland, workers' compensation is governed by the *WorkCover Act 1996*. In most cases, injured workers can access workers compensation benefits by making an application to Workcover (the body which administers workers' compensation). Recourse to the courts is only necessary where Workcover rejects a claim and the worker appeals the decision, or where the worker

also sues for damages on the basis of the employer's negligence.

The kinds of workplace injuries that might be sustained by women prisoners doing cooking, cleaning, gardening, or sewing might include hand injuries, eye injuries, back injuries, shoulder injuries, chemical induced dermatitis, burns and perhaps viral hepatitis. While prisoners are provided with medical and hospital services and they receive unemployment remuneration if unfit for work, the ability to access physical and vocational rehabilitation services and/or lump sum compensation in the event of permanent incapacity from a workplace injury is a justice issue for prisoners.

In Queensland, the workers' compensation lump sum benefits for permanent incapacity are determined in accordance with the "Table of Injuries" in Schedule 2 to the *WorkCover Queensland Regulation 1997*.

People are entitled to workers' compensation on one of two bases - if the person is specifically insured with WorkCover; or if the person is a "worker" as defined by s.12 of the *WorkCover Act.* If a person is entitled because they meet the definition of worker, they are entitled to workers' compensation benefits whether or not the employer has paid the insurance premiums.

"Worker" is defined by s.12 of the *WorkCover Act* as an individual who works under a contract of service (basically the common law definition of the employment relationship) or a person mentioned in Schedule 2 Part 1. Prisoners performing labour are not listed in the Schedule 2. Because Schedule 2 is not relevant to prisoners, whether prisoners are entitled to workers' compensation depends on whether they "work under a contract of service" or whether the Department of Corrective Services (or the private prison) has taken out WorkCover insurance to cover prisoners.

c) Are Prisoners "Workers" within the *WorkCover Act*?

Most of the case law on employment is directed at distinguishing the employment relationship from other relationships, predominantly distinguishing an employee from an independent contractor. These cases distinguish a contract of service (employee) from a contract for services (independent contractor). It is only if a person is found to be an employee that she is entitled to workers' compensation.

The leading case is the decision of the High Court of Australia in *Stevens and Gray v Brodribb Sawmilling Co Ltd* (1986) 160 CLR 16. The High Court laid down the multi-factor test for distinguishing an employee from an independent contractor. Control is a prominent, but not sole, factor in this test. The Court must ascertain whether the worker is subject to the ultimate authority of the putative employer and consider not just control over whether work is done but also the manner in which it is done.

While women prisoners performing prison labour are clearly not independent contractors, neither are they employees, despite the presence of overwhelming control and the obligation to work. This is because the relationship between the prisoner and the prison administration is not contractual. There cannot be a contract of employment if the legal relationship cannot be characterised as contractual in nature.

Under a contract of employment, consideration is usually identified in the employee performing service and in turn being paid wages by the employer. While there is value flowing from the prisoners to the prison authority, (certain functions essential to running the prison will be performed for little cost e.g. cleaning the facilities, feeding prisoners and outside revenue earning contracts will be met) at law it is highly questionable whether the remuneration received by prisoners is consideration for work done. The rate is utterly unrealistic and is more in the nature of a gratuity.

Long-term prisoners in Queensland (those sentenced to three or more years) do not have the legal capacity to enter into contracts without the written permission of the public trustee, s.95 *Public Trustee Act*. The coercive circumstances under which women prisoners undertake prison labour mitigate against the relationship being characterised as one of employment. The prisoner is not free to choose her master, to offer her labour somewhere else or not to offer it at all.

In *Moncrieff v South Australia* (1982) 49 SAIR (Pt 2) 30, Russell J held that a prisoner was not a "worker" within the meaning of the South Australian workers' compensation legislation. The Court held that there was no genuine agreement, there was no contractual intention and there was no consideration. This case was followed by the Commissioner for Patents in *Kwan v Queensland Corrective Services Commission* (1994) 31 IPR 25. The Commissioner held the prisoners were not employees because there was no contract entered into freely and the daily allowance could not be considered as money paid in return for the work performed. There was no consideration flowing from the Corrective Services Commission to the prisoners. In the Kwan case, because the prisoners would be entitled to own a patent on their own invention only if they were not employees, they argued that the remuneration for prison labour was in the nature of an allowance for good behaviour.

The law is clear. Prisoners performing prison labour are not "workers" under s.12 of the *WorkCover Act*. This is in contrast to the state of affairs in Victoria where s.110 of the *Corrections Act 1986* (Vic) deems a prisoner required to work as employed by the crown for the purpose of the *Accident Compensation Act.*

d) Are Prisoners entitled to Workers Compensations because they are Insured?

The following kinds of people may be covered by specific insurance policies taken out with WorkCover Queensland:

- volunteers such as those in non-profit organisations, SES members, rural fire brigade officers or honorary ambulance officers;
- independent contractors, self-employed people, members of partnerships, trustees and corporate directors;
- state students performing work-experience;
- people performing community service under a community service order or fine option order, or performing work under a program or order under the Juvenile Justice Act.

Clearly there is no specific reference in the WorkCover Act that permits the Department of Corrective Services to take out WorkCover insurance for prisoners performing prison labour. However, it would appear that the Department of Corrective Services could take out an insurance policy with WorkCover under s.28 of

the *WorkCover Act* to cover prisoners injured while performing prison labour.

Section 28 provides

- that Workcover may enter into an insurance contract with a person [in this instance DCS] for injuries sustained by other persons [in this instance, prisoners];
- the contract of insurance may cover a person performing work or providing a service for which the insured person gains a benefit.

Despite the fact that prison labour is clearly of benefit to the Department and prisoners could be insured under s.28, the Department of Corrective Services does not insure prisoners for workers' compensation pursuant to s.28 of the *WorkCover Act*.

However, the Department of Corrective Services does insure prisoners for any kind of personal injury, whether or not work-related, under its liability insurance. The shortcomings of this approach are that prisoners cannot access benefits including rehabilitation services by administrative means and instead face the difficulties, costs and delays inherent in pursuing common law claims.

e) Common Law Claims - Negligence

Administrators of prisons are liable at common law in negligence where prisoners are injured through working in unhealthy conditions, from working with dangerous machinery, as a result of receiving inadequate instruction or by being subjected to unsafe systems of work. This is clear from cases such as *Howard v Jarvis* (1958) 98 CLR 177.

The Department of Corrective Services clearly owes a duty of care to a prisoner. Prisoners are under the control and supervision of the Department 24 hours a day regardless of whether they are performing prison labour. The Department's liability exists because of this control and applies to all personal injuries sustained by prisoners through the Department's negligence.

A prisoner's action for negligence against the Department would not be confined to injury arising from or in the course of performing prison labour. The prisoner could well be injured through the Department's negligence in other circumstances, such as using defective or dangerous recreational facilities provided by the Department. The failure to provide prompt access to competent medical care to a prisoner who simply does not have the option of going to another doctor might also ground an action in negligence against the Department of Corrective Services.

A woman prisoner injured while performing prison labour because of an unsafe system of work or unsafe plant, equipment or premises would be able to sue the Department of Corrective Services at common law for damages for negligence. Unlike the statutory remedies of workers compensation, which are generally available administratively, civil litigation such as an action in negligence carries with it the significant detriments of long delays and high legal costs.

At common law there are legal disabilities which affect prisoners' capacity to sue. The common law rule is modified by statute. In Queensland this is Part 7 of the *Public Trustee Act 1978.* Part 7 applies to prisoners who have been convicted of any

indictable offence, and who are undergoing a sentence of imprisonment for life, or for a term of 3 or more years, or an indefinite sentence - s.90 *Public Trustee Act*. Under section 91, the public trustee manages the estate of every prisoner to whom Part 7 applies.

During the time the public trustee manages a prisoner's estate, the prisoner is incapable, without the written consent of the public trustee,

- of alienating or charging any property,
- making any contract,
- suing or being sued in any action of a property nature or for the recovery of any debt or damage .

A long term prisoner would have to get the permission of the public trustee to sue for damages for personal injury. Section 6 of the Public Trustee Act make clear that "property" includes everything or real and personal property, any interest in an estate, any debt, any legal or equitable right or interest, and any thing in action. In *Fiztpatrick v Jackson* [1989] 2 QdR 542, the Supreme Court held that an action for damages for personal injury (in that case arising out of a car accident) was an "action of a property nature" and s.95 applies in such cases.

In the Fitzpatrick case the court also held that s.95 is mandatory and the consent of the public trustee must obtained before the prisoner has commenced the action, otherwise the action is a nullity. In that case, the insurance company defended against the prisoner's claim on the basis that this prior consent had not been obtained. By the time the court decided the issue of whether section 95 is mandatory or merely directory; the prisoner had lost his right to sue because he was outside the statute of limitations.

Long term prisoners injured while performing prison labour cannot sue without the consent of the public trustee. This adds further cost and delay to any action at common law and a prisoner might lose her right to sue.

f) Is Prison Labour Forced Labour?

We have seen that prison labour is not free labour. The prisoner-worker is not an employee of the prison. While the Corrective Services Act of 1988 abolished hard labour as a term of imprisonment, prison labour is required of prisoners. Those who refuse to work when work is offered, are penalised. They cannot receive the unemployment rate of remuneration; their weekly buy-up of cigarettes, toiletries, coffee etc is limited to $20; and their opportunities for early release are damaged. In Brisbane Women's prison, those who refuse to work are removed from residential to secure units and suffer the further limitations on freedom of movement.

Although prison labour is coercive and involuntary in nature, it is not necessarily prohibited by international conventions to which Australia is a signatory. Australia is a signatory to several international conventions which oppose forced or compulsory labour including two International Labour Organization (ILO) Conventions No. 29 and No. 105, which oppose forced labour.

ILO Convention No. 29 bears the historical stamp of its origin in the fight against slavery and involuntary labour in the colonial setting. Australia ratified it in 1932. Convention No. 29 was developed in an era which did not question the legal basis for requiring obligatory work from prisoners. ILO Convention No. 105 was aimed at the World War II and post-war problem of the large-scale deportation of people to labour camps for political reasons. Australia ratified it in 1960.

Relevant articles from Convention No. 29 are:

> ARTICLE 1
>
> 1. Each member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
>
> ARTICLE 2
>
> 1. For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
> 2. Nevertheless, for the purpose of this Convention, the term "forced or compulsory labour" shall not include –
>
> …
>
> (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.
>
> ARTICLE 4
>
> The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals.

Despite the fact that ILO Convention No. 29 permits some forms of prison labour to be exempted from the prohibition against forced labour, the Convention has been used to question prison labour in Australia.

In August 1998 the ACTU (Australian Council of Trade Unions) complained to the ILO that Victorian private prisons, which house 47% of that state's prisoners, were in breach of the convention.[6]

The ACTU complaint reported the following facts. In private prisons all prisoners under 65 have to work under threat of penalty. At Deer Park Women's prison those who refuse to work are moved to less desirable quarters and at Fulham and Port Phillip Prisons prisoners lose privileges if they refuse to work. In the private prisons work is supervised by private operators (not a public authority) and prisoners are required to perform work for a private company (the company managing the prison). The remuneration is between $6.50 and $7.50 per day compared with the award rate of almost $75 per day for free workers.

The Victorian Government responded that prisoners remain in the custody of the state

[6] CEACR: Individual Observation concerning Convention No. 20, Forced Labour, 1930 Australia (ratification: 1932) Published: 1999.

even when in private prisons and the state supervises the performance of work. The Government indicated that surplus income from prison industries is not retained by the private prison operator but is reinvested in the industry or expended in a way approved by the Government. The Government said that the remuneration was not wages but allowances for co-operation with the prison regime and it was inappropriate to compare them with wages because prison industries are established to provide skills and work experience to prisoners.

The ILO upheld the ACTU complaint. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) said that work exacted from a person as a consequence of a conviction in a court of law is compatible with the Convention only if two requirements are met: the work is carried out under the supervision and control of the public authority AND the person is not hired to or placed at the disposal of private individuals or companies. The Committee said the Convention provides for no exception to this prohibition which is absolute and which must be complied with. The Committee noted that the rate of remuneration is significantly lower than the rate for workers undergoing training and that prisoners would not be encouraged to be productive at such a low rate.

As a result of the ACTU complaint, the ILO has turned its attention to the ethical dilemmas of prison labour in the context of burgeoning privatisation of prisons. This can be seen in *Stopping Forced Labour* the Director General's Global Report to the ILO Conference 89th Session 2001. The Report noted the tensions created by cheap, involuntary prison labour for private enterprise profit on the one hand and the vocational skills opportunities for prisoners opened up by further work opportunities involving the private sector.

Two things are clear. Australia's international obligations under ILO Convention No. 29 are breached by involuntary, low paid labour by prisoners in private prisons, or by prisoners in state prisons working in joint ventures involving private enterprise. Given that involuntary prison labour is justified by ILO constituent government representatives, including Australian representatives, on the basis of its rehabilitative value, prisoners should not be required to work unless the work has genuine rehabilitative value.

UN STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

The UN Standard Minimum Rules for the Treatment of Prisoners were adopted by the United Nations in 1955. They do not have the status of treaties or UN Conventions which member states ratify. However, they are properly regarded as guidelines by states such as Australia which purport to support international conventions on human rights.

Rules relevant to prison labour are:

RULE 71.

(1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

RULE 72.

(1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

RULE 73.

(1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. **Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.**

RULE 74.

(1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

RULE 75.

(1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

RULE 76.

(1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Prison reformers, policy makers and Government need to reassess the practice and rationale of prison labour. The woman prisoner as worker endures unnecessary humiliation through being forced to perform trivial and unskilled work without the normal protections of fair wages and workers' compensation. Genuine implementation of ILO Convention No. 29 and the UN Standard Minimum Rules would be a significant leap forward towards humane treatment of women prisoners.