

UK Forced Labour and Immigration

Report written in collaboration with the Trades Union Congress (TUC).

Project Synopsis

The disaster in which 21 Chinese migrants died picking cockles in the treacherous tides off Morecambe Bay in February 2004 has led to increased public awareness of the abusive employment relations and poor living conditions of many migrants working in the United Kingdom. Press coverage of these issues can adopt a very mixed tone. On the one hand migrants may be depicted as ‘victims’ working in Dickensian conditions and the employers and third parties involved, morally reprehensible and, more often than not, foreign. On the other hand migrants are also frequently portrayed as persons taking advantage of undeserved opportunities in the UK.

This exploratory report offers a new framework within which to discuss the problem of super-exploitation in the workplace and what is shared and distinct in the experiences of British and migrant workers. Focussing on four sectors - agriculture, construction, care workers and contract cleaning – it examines the relation between immigration control and labour markets, highlighting issues such as health and safety, accommodation and subcontracting. A key finding is that future discussion must begin to separate the control of immigration and the protection of workers rights.

Methods

This report is exploratory and based on qualitative interviews with 33 migrants, 13 legal representatives and interviews with trades unions, employers, agencies and other stakeholders. It also drew on a one year review of local, national and trade press articles on exploitation of migrant labour. It aimed to stimulate debate and to move beyond an analysis predicated on victims and villains to examine how it is that certain groups of workers become vulnerable to gross exploitation and abuse.

The ESRC Centre on Migration, Policy and Society (COMPAS) at the University of Oxford conducts high quality research in order to develop theory and knowledge, inform public opinion and contribute to policy debates on migration.

www.compas.ox.ac.uk

Key Findings

Migrant workers in the UK, including those with the right to work here, may be subject to such levels of exploitation and control that they meet the international legal definition of 'forced labour'. The report finds that migrant workers do not benefit from the same rights that apply to every other worker in the UK, and calls on the government to crack down on employers who break employment law in its "managed migration" policies.

People trafficking in the sex trade, and the exploitation of workers with no legal right to work – such as the Morecambe cockle pickers – have been exposed before. But this report reveals that migrants with the legal right to work in the UK may also be exploited and abused. They may be unable to enforce their rights as workers because of the power given to their employer by virtue of their immigration status.

The report reveals abuse, including very long hours, pay below the minimum wage and dangerous working conditions in a range of sectors. Employers and agencies that break the law are rarely prosecuted or even inspected by the authorities. Indeed the report finds employers using the threat of immigration authorities against migrant workers.

Case studies

Three nationals of South Asian countries who entered on permits to work for an employer in the manufacturing industry were threatened with violence when they refused to accept their working conditions. They were required to work 12-hour shifts from Monday to Friday and a 9-hour shift at the weekend followed every day by cleaning the employer's private residence. Their employer refused to negotiate and threatened to deport them. When they eventually managed to escape from him he contacted the Immigration Service to inform them that they were in the UK without work permits.

A group of Eastern Europeans were brought to the UK by a gang to work illegally in a factory. They were originally informed that they would be working with permits, but en route were given false British passports. When they realized that they would be in the UK illegally they attempted to leave the gang's control, but were threatened so seriously that they were forced to continue. On arrival they were informed of their conditions: that they must work seven days a week for one year with no pay because they needed to repay their "debt" incurred for various expenses, including those related to migrating to the UK. Their salaries were transferred into the bank account of a gang member. They were watched very carefully, moved from house to house, and kept isolated. If they broke any conditions - if they spoke to anyone for example - they were fined and this was all noted down in a book and added to their "debt". Control was maintained by beatings and physical assault.

A Filipina was informed by her relative, a UK resident, that she would be able to work legally. She sponsored her, but on arrival she was forced to work as a contract cleaner, using her relative's name, National Insurance number and bank account. She received no money from her relative, was only allowed out to work, and was kept deliberately isolated. As well as her night cleaning job she had to perform all domestic work in the house, and look after a young baby during the day.

The full report can be downloaded from the COMPAS website at -
<http://www.compas.ox.ac.uk/publications/Forced%20Labour%20Report.shtml>

Report Authors:

Dr Bridget Anderson: bridget.anderson@compas.ox.ac.uk,

Dr Ben Rogaly (University of Sussex): b.rogaly@sussex.ac.uk