

## Social Fieldwork Research (FRANET)

# Protecting migrant workers from exploitation in the EU: workers' perspectives

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## Contents

1. Executive summary .....	3
2. Short description of fieldwork/sample composition .....	3
3. Legal and institutional framework .....	8
4. Risk factors for severe labour exploitation .....	13
5. Workers' experiences of severe labour exploitation .....	19
6. Asking for help: victim support and access to justice .....	33
7. Ways forward and prevention .....	41
8. Conclusion and any other observations.....	50
ANNEX 1 – Desk Research template .....	52

## 1. Executive summary

Migrant workers face a number of risk factors which may lead to labour exploitation. For the interviewees in the sample the most prevalent risk relates to the desire – or indeed desperation – to work, and the fact that they are currently living in poverty. This impacts upon a number of related risks including a lack of knowledge about their rights as workers, and accepting any job that they can get without understanding the country to which they are moving. There are also risks that stem from arriving into the UK in an irregular manner. This often leaves workers open to exploitation as they are bonded to a trafficker via debt and through threats to themselves and their family. The research also suggests that there are important individual risk factors. The inability to speak English increases the risk of exploitation as workers cannot access support and cannot understand what is happening. There are also aspects that leave workers more vulnerable including dependency upon drugs (although only reported by two interviewees).

The research shows that the interviewees' experiences of labour exploitation always relate in some way, to problems with their pay, whether this is in terms of receiving no money or suffering deductions. The stories presented in the report highlight the horrific treatment of exploited migrant workers in the UK who live often in uninhabitable accommodation. This is aggravated by the fact that workers are often kept as prisoners in either their workplace or the shared accommodation in which they reside. It was a common occurrence for interviewees to have their documents seized, further tightening the control the employers/gangmasters have over the workers.

Getting help was often difficult for the interviewees. This was due to a number of issues including the fact that the interviewees felt like strangers in the UK and simply did not know where to turn. They often spoke poor English and therefore felt they could not engage with society. The interviewees were often scared to get help for fear of punishment either through physical abuse or the involvement of the authorities. Those who contacted support agencies spoke highly of the help they received and the research highlights the good work of a number of support agencies who actively engaged with the research process.<sup>1</sup>

In order to prevent labour exploitation there must be an improvement in worker's knowledge of their rights and an improvement in how this is communicated to workers. Both the sending country and destination country are responsible for providing such information. There also needs to be increased monitoring of workplaces and recruitment agencies. It is a major finding that no interviewees witnessed any workplace checks or monitoring which could have exposed them as victims of labour exploitation.

## 2. Short description of fieldwork/sample composition

The UK research team took the approach of working closely with established contacts made during phase 1<sup>2</sup> and new NGOs known to the new members of the research team. This

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<sup>1</sup> For example: Medaille Trust, [www.medaille-trust.org.uk](http://www.medaille-trust.org.uk); Palm Cove Society: <http://palmcovesociety.co.uk/>; Kalayaan: [www.kalayaan.org.uk](http://www.kalayaan.org.uk); and Filipino Domestic Workers Association (FDWA): <http://fdwa.co.uk/>.

<sup>2</sup> See FRA, 2015: <https://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union> and UK country report: [https://fra.europa.eu/sites/default/files/fra\\_uploads/severe-labour-exploitation-country\\_uk.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_uk.pdf).

approach ensured that the gatekeepers knew of the work of the research team and would be favourable in helping to recruit (due to a positive experience during phase 1). With the exception of one interviewee (UK-IP-1), all interviewees were located by the gatekeepers of known support agencies. Such support agencies were part of the UK's National Referral Mechanism (NRM), a system designed specifically for victims of human trafficking/modern slavery, or worked closely with such an agency (for example, the Filipino Domestic Workers Association, who were vital in recruitment of participants, and work closely with Kalayaan who support domestic workers in the NRM). This recruitment strategy resulted in interviewees being situated mainly in London (12). However, due to the fact that people had been moved to safe houses or had simply relocated, interviewees were also situated in Leeds (3), Manchester (4) and Liverpool (1).

The interviews themselves took place in locations that were suitable for the interviewees and the gatekeepers (if necessary). In practice this often resulted in conducting interviews in the offices of the gatekeepers. This ensured that the interviewees were familiar with their surroundings and felt comfortable. There were a number of examples of where interviewees were visibly upset during the interview process. Part 2 of the interview schedule was very personal and required the interviewee to reflect heavily upon their experiences of exploitation. However, the research team were able to use their experience to ask questions sensitively. There is also an example of one interview which was extremely difficult for the interviewee who cried throughout the process; however upon finishing the interview she thanked the interviewer for listening and for the opportunity to share her story.

All interviewees were comfortable in general with the interview process. There was no notable difference between interviews that took place in English and those conducted in their main language. Twelve (12) interviews took place in English, along with Polish (4), Romanian (2), Tagalog (1) and a South-east Asian language. The research team accessed high quality interpreters and experienced no difficulties in this respect. One focus group (UK-FG-1) was conducted in English with assistance from a Tagalog interpreter when required. The second focus group (UK-FG-2) was conducted in Slovakian, no issues of working through interpreters were reported.

A thematic analysis guided by the interview schedule and reporting templates was conducted. This involved grouping recurring themes and ideas from the interviews together to form an understanding of the key message and contentious issues from the interviews.

It was difficult for the team to get all the desired agencies to help with recruitment, which led to difficulties in reaching the required numbers. This was due to the fact that agencies were either too busy to assist or did not have any suitable potential interviewees. It is important to note that support agencies on occasion refused to allow potential interviewees to take part because of fear of emotional distress. Although the research team worked to reassure gatekeepers about the sensitivity and experience of the interviewers, some gatekeepers were clear that their clients did not want to relive their experiences.

At the end of the fieldwork period, the research team completed 18 individual interviews and 1 focus group. Interviews were conducted with all target groups apart from Posted Workers, although this was expected prior to fieldwork as this type of worker is not well represented in the UK. The sample is made up of Domestic workers including those working as nannies and housekeepers (10), EU nationals, working in Accommodation and food services (hotel work), manual labour, and construction (6), Seasonal workers working in agriculture (1), Applicants for International protection working in the food industry (restaurants) (1), and Migrants in an irregular situation (0). Domestic workers are well represented due to the work of Kalayaan and the Filipino Domestic Workers Association, as are Polish workers with freedom of movement due to gatekeepers such as Medaille Trust and Palm Cove Society; who all saw the importance of the research.

No interviews took place with workers from the 'Migrants in an irregular situation' category; however it is clear that a number of the sample may meet this criterion. A number of the domestic workers interviewed were currently in irregular situations due to the nature of their escape from employers: for example, two interviewees had left their employers within the last two weeks and the authorities had not been notified.

All interviewed domestic workers were female. The interviewees from the other categories were all male. This was due to the availability of interviewees and was not purposeful. All interviews were conducted face-to-face and all interviews were recorded.

Six participants took part in the first focus group. The focus group was recorded and collected the views/experiences of workers who were employed as domestic workers (5 females) and in catering (1 man). The second focus group consisted of two factory workers (one male, one female) and three female hotel workers.

There was an even balance between female (9) and male (11) interviewees. Based upon the data collected using the provided interview schedules no specific differences in experience based upon gender or culture were noted.

Fieldwork took place between 03/04/2017 and 02/09/2017.

Interviews were around an hour in duration with a mean duration of 65 minutes. The shortest interview was 42 minutes and the longest interview was 108 minutes. All interviews were completed by the team's social expert or legal expert who have experience in working in this area and with survivors of labour exploitation. There were no recorded instances of less than a 'good' level of trust. There were a few examples where the gatekeepers sat in on the interviews in order to offer a sense of reassurance to the interviewees. Although they did not participate in such interviews, the gatekeepers had existing positive relationships with interviews often acting as caseworkers for them. In this regard, the gatekeepers vouched for the validity of the research and the research team.

Only a couple of interviews contained interruptions. These were due to people accidentally entering the interview room (in two cases) and replacing batteries in Dictaphones (in one case).

### **TABLES: Outline of the sample**

<b>INTERVIEWS<sup>3</sup></b>					
		Economic sector/ occupations (list all)	Nationalities (list all)	Male	Female
1	Posted workers			0	0

<sup>3</sup> Please note that when referring to or quoting interviewees and focus group participants in this report, the country of origin is sometimes replaced with the more general geographical region in order to guarantee the anonymity of research participants.

2	Seasonal workers <sup>4</sup>	Agriculture (vegetable/fruit packing)	Polish	1	0
3	Domestic workers	Domestic, housekeeping, child-minding.	Filipino, African	0	10
4	Applicants for international protection	Food industry	South-eastern Asia	1	0
5	Migrants in an irregular situation			0	0
6	Other foreign workers (e.g. EU nationals who have availed of their right to freedom of movement (add brief explanation)	Accommodation and food services (hotel work). Manual labour, Construction	Polish, Romanian	8	1

FOCUS GROUPS					
	Target group	Economic sector	Nationality	Male	Female
1	Domestic workers	Domestic (5 female), catering (1 male)	Filipino	1	5
2	Other foreign workers (e.g. EU nationals who have availed of their right to freedom of movement (add brief explanation)	Accommodation and food services (hotel work). (3) Food industry (factory work) (2)	Slovakian	1	4

Circumstances which emerged as typical indicators of situations of severe labour exploitation* of workers in employment relationships:		
Circumstance/indicator	Total number	Breakdown by category
No salary paid or salary considerably below legal minimum wage	19/20	IP=1 S=1 O=7 D= 10
Parts of remuneration flowing back to employer on various – often unreasonable – grounds	9/20	IP=1 S=1

<sup>4</sup> Please note that within this research, the term 'seasonal worker' has a wider scope than the definition of seasonal workers contained in the EU Directive on Seasonal Workers, and also includes seasonal workers under national schemes as well as under the EU Directive on Seasonal Workers. It also includes EU workers moving for seasonal work.

		O= 6 D=1
Lack of social security payments	3/20	IP=1 O=1 D=1
Extremely long working hours	17/20	IP=1 S=1 O=5 D= 10
Very few or no days of leave	15/20	IP=1 S=1 O=4 D= 9
Working conditions differ significantly from what was agreed	14/20	IP=1 S=1 O=4 D= 8
Worker lives at the workplace	13/20	IP=1 S=1 O=3 D= 8
Hardly any contact with nationals or persons from outside the workplace	16/20	IP=1 S=1 O=4 D= 9
Passport retained, limited freedom of movement	16/20	IP=1 S=1

		O=5 D= 9
No contract, or contract not in a language the interviewee could understand	10/20	IP=1 S=1 O=4 D= 4

Note about ‘lack of social security payments’. Throughout the interview schedule there are no instances where social security (national Insurance) payments are discussed. It is very likely that this is applicable to all of the interviewees. However, this box has only been selected when it is very clear that the employers will not have been paying national Insurance.

### 3. Legal and institutional framework

- Legislation/policy

Since 2015, UK legislation and policy combating modern slavery and labour exploitation has been significantly updated – most notably, the Modern Slavery Act 2015 came into force.<sup>5</sup> Sections 1 and 2 define and criminalise “slavery, servitude and forced or compulsory labour” and “human trafficking”, respectively, stating that:

- 1 *Slavery, servitude and forced or compulsory labour*  
(1) *A person commits an offence if—*  
(a) *the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or*  
(b) *the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.*
  
- 2 *Human trafficking*  
(1) *A person commits an offence if the person arranges or facilitates the travel of another person (“V”) with a view to V being exploited.*

The Act consolidates and simplifies existing offences in a single act and raises the maximum penalty for those convicted of either Sections 1 or 2 offences to life imprisonment.<sup>6</sup> Furthermore, two new civil preventive orders were introduced, namely the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order.<sup>7</sup> In addition, the Act

<sup>5</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>6</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Sections 1-2 and 5, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>7</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Sections 14-15 and 23, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).



established the Independent Anti-slavery Commissioner to coordinate responses to modern slavery,<sup>8</sup> and made provision for independent child trafficking advocates.<sup>9</sup> Their role is to represent and support children where there are reasonable grounds to believe may be victims of human trafficking, for example by assisting the child to obtain legal or other advice, assistance and representation, including by appointing and instructing legal representatives to act on the child's behalf. The Act introduced measures focused on victim support and protection (e.g. reparation orders, a statutory defence for slavery or trafficking victims who commit an offence, and special measures for witnesses in criminal proceedings).<sup>10</sup> The Act also requires commercial organisations with a global turnover of over £36mn to prepare a slavery and human trafficking statement for each financial year in which they are required to explain steps taken to ensure modern slavery and human trafficking is not taking place in any part of their business or supply chain.<sup>11</sup> Similar legislation was introduced in Scotland.<sup>12</sup>

Moreover, the Immigration Act 2016 came into force.<sup>13</sup> The Act provides for additional policing powers for the Gangmasters and Labour Abuse Authority (GLAA). It also introduced Labour Market Enforcement (LME) undertakings and orders to deal with repeat labour abuse offenders to prevent further offences, which complement existing civil and criminal penalties.<sup>14</sup> Undertakings and orders can be made when a "trigger offence"<sup>15</sup> is committed and can include prohibitions or restrictions to run a business.<sup>16</sup> Breaching an order can lead to imprisonment for up to two years.<sup>17</sup>

- Labour exploitation and the institutional setting

There are three main authorities in the UK monitoring the rights of workers: 1) the Gangmasters and Labour Abuse Authority (GLAA), 2) HM Revenue & Customs (HMRC) National Minimum/Living Wage teams, and 3) the Employment Agency Standards Inspectorate's (EAS).<sup>18</sup> In addition to their civil and criminal proceedings powers under the relevant Acts set out below, all three authorities also have the power to request an LME undertaking or make an LME order under the Immigration Act 2016.<sup>19</sup>

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<sup>8</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 40, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>9</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 48, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>10</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Sections 8, and 45-47, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>11</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 54, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>12</sup> UK, HM Government (2015), *Human Trafficking and Exploitation (Scotland) Act 2015*, 1 October 2015, available at: [www.legislation.gov.uk/asp/2015/12](http://www.legislation.gov.uk/asp/2015/12).

<sup>13</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19)

<sup>14</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14-24, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19). See also UK, Home Office and Department for Business, Energy & Industrial Strategy (2016), *Code of Practice on Labour Market Enforcement: Undertakings and Orders*, November 2016, available at: <http://bit.ly/2gKgPxr>.

<sup>15</sup> A trigger offence is a breach of any of a number of Acts defined in Section 14 (4) of the Immigration Act 2016: UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 14 (4), available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>16</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14 (3) and 18 (2), available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19)

<sup>17</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14-24, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>18</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, pp. 8-10, available at: <http://bit.ly/2uaxuCb>.

<sup>19</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14 and 26, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

The Gangmasters Licensing Authority was established by the Gangmasters (Licensing) Act 2004.<sup>20</sup> In 2016, it was renamed GLAA and given additional powers through the Immigration Act 2016.<sup>21</sup> The GLAA works in partnership to protect vulnerable and exploited workers, and provides licences to employers in the agricultural, horticultural and shellfish gathering sectors (and associated processing and packaging).<sup>22</sup> The licence conditions are legal requirements to protect workers from poor treatment and exploitation.<sup>23</sup> The GLAA can inspect and investigate whether the employer still meets the criteria set out in the licence.<sup>24</sup> It is a criminal offence to operate without a licence.<sup>25</sup> In addition to this, by the Immigration Act 2016, the GLAA was given a labour abuse prevention function and can therefore directly investigate “labour market offences” in all business sectors.<sup>26</sup> The GLAA can also ask for assistance from and cooperate with the National Crime Agency and other government agencies.<sup>27</sup> This additional power only applies to England and Wales.

HMRC enforces workers’ right to the National Living/Minimum Wage on behalf of the Department for Business, Energy & Industrial Strategy (BEIS).<sup>28</sup> The legal basis for this is the National Minimum Wage Act 1998, which applies to the entirety of the UK and in all sectors of work.<sup>29</sup> The enforcement officers of HRMC have both civil and criminal enforcement powers to make sure that employers are paying their employees the minimum wage.<sup>30</sup> BEIS/HMRC operates a naming and shaming scheme for employers breaking minimum wage law.<sup>31</sup>

Finally, EAS’s role is to guarantee compliance with employment rights, particularly for vulnerable agency workers, and to ensure that everyone using the services of private recruitment agencies is treated fairly.<sup>32</sup> EAS is located in BEIS. The legal basis for its work is the Employment Agencies Act 1973 and EAS operates in England, Wales and Scotland.<sup>33</sup> EAS can both investigate complaints or proactively inspect recruitment agencies for any

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<sup>20</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>21</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 10-13, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>22</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 3, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>23</sup> For details on the licence conditions, see: UK, HM Government (2009), *The Gangmasters (Licensing Conditions) Rules 2009*, 16 February 2009, Schedule Licence Conditions, available at: [www.legislation.gov.uk/uksi/2009/307](http://www.legislation.gov.uk/uksi/2009/307).

<sup>24</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 16, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>25</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 12, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>26</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 12 and Schedule 2, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19). See also: GLAA (2017), ‘GLA Brief – GLA Additional labour market powers’, January 2017, available at: <http://bit.ly/2fvFo4b>.

<sup>27</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 13, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>28</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law*, July 2017, p. 3, available at: <http://bit.ly/2gMVJlq>.

<sup>29</sup> UK, HM Government (1998), *National Minimum Wage Act 1998*, 31 July 1998, available at: [www.legislation.gov.uk/ukpga/1998/39](http://www.legislation.gov.uk/ukpga/1998/39).

<sup>30</sup> UK, HM Government (1998), *National Minimum Wage Act 1998*, 31 July 1998, Sections 17-22 and Sections 31-33, available at: [www.legislation.gov.uk/ukpga/1998/39](http://www.legislation.gov.uk/ukpga/1998/39). See also UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law*, July 2017, pp. 6-15, available at: <http://bit.ly/2gMVJlq>.

<sup>31</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law*, July 2017, pp. 16-18, available at: <http://bit.ly/2gMVJlq>.

<sup>32</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, available at: <http://bit.ly/2gOEIq9>.

<sup>33</sup> UK, HM Government (1973), *Employment Agencies Act 1973*, 18 July 1973, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35).

misconduct or violation of the Act.<sup>34</sup> EAS officers can bring civil and criminal proceedings,<sup>35</sup> and can apply to an employment tribunal to ban someone from running, or being involved in running, an employment agency or employment business.<sup>36</sup> In Northern Ireland, the Employment Agency Inspectorate is responsible for the regulation of the private recruitment sector and has similar functions to EAS.<sup>37</sup>

In addition several other authorities will, at certain times, be in a situation where they might know about labour exploitation – such as the first responder agencies for the National Referral Mechanism (see below), namely the National Crime Agency, police forces, Border Force, Home Office Immigration and Visas, and local authorities.<sup>38</sup>

While there is no legal obligation to report to the police, specified authorities have a legal duty to notify the Home Office (England and Wales)/National Crime Agency (Northern Ireland)/Chief Constable of the Police Service of Scotland (Scotland) when they have reasonable grounds to believe a person may be a victim of slavery or human trafficking.<sup>39</sup>

- Victim support

The National Referral Mechanism (NRM) is the framework used to identify and refer potential victims of modern slavery to police and support organisations.<sup>40</sup> Individuals who receive a conclusive decision from the Competent Authority<sup>41</sup> that on the balance of probability “it is more likely than not” that the individual is a victim of human trafficking or modern slavery will provide appropriate protection and support.<sup>42</sup> Support in England and Wales is currently delivered by the Salvation Army and a number of subcontractors,<sup>43</sup> which include Migrant Help, Refugee Council, Medaille Trust, Barnardos and Unseen UK.<sup>44</sup> The Salvation Army will assess each potential victim to determine what support is most appropriate.<sup>45</sup> In Northern

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<sup>34</sup> UK, HM Government (1973), *Employment Agencies Act 1973*, 18 July 1973, Section 9, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35) and UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, pp. 5-6, available at: <http://bit.ly/2gOEIq9>.

<sup>35</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, pp. 8-10, available at: <http://bit.ly/2gOEIq9>.

<sup>36</sup> UK, HM Government (2016), *Employment Agencies Act 1973*, 18 July 1973, Section 3A, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35).

<sup>37</sup> For more information, see: UK, Northern Ireland Department for the Economy, ‘Employment Agency Inspectorate’, available at: <http://bit.ly/2h4u8c8>.

<sup>38</sup> UK, National Crime Agency, ‘National Referral Mechanism’, available at: <http://bit.ly/1ZuILc7>.

<sup>39</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 52, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30); UK, HM Government (2015), *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*, 13 January 2015, Section 13, available at: [www.legislation.gov.uk/nia/2015/2](http://www.legislation.gov.uk/nia/2015/2); UK, HM Government (2015), *Human Trafficking and Exploitation (Scotland) Act 2015*, 1 October 2015, Section 38, available at: [www.legislation.gov.uk/asp/2015/12](http://www.legislation.gov.uk/asp/2015/12).

<sup>40</sup> UK, Home Office (2010), *National referral mechanism guidance: adult (England and Wales)*, 5 August 2010, available at: <http://bit.ly/2wd23G9>; UK, Home Office (2010), *National referral mechanism guidance: adult (Northern Ireland and Scotland)*, 5 August 2010, available at: <http://bit.ly/2htpBDA>.

<sup>41</sup> The Competent Authorities are the NCA’s Modern Slavery Human Trafficking Unit (MSHTU) and the Home Office Visas and Immigration (UKVI). For more information, see: UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Referral to a UK competent authority (first responders)’, available at: <http://bit.ly/1ZuILc7>.

<sup>42</sup> UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Stage two – “Conclusive decision”’, available at: <http://bit.ly/1ZuILc7>.

<sup>43</sup> UK, Home Office (2010), *National referral mechanism guidance: adult (England and Wales) - Access to support*, 31 July 2017, available at: <http://bit.ly/2wd23G9>.

<sup>44</sup> UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Referral to a UK competent authority (first responders)’, available at: <http://bit.ly/1ZuILc7>.

<sup>45</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (England and Wales) - Access to support*, 31 July 2017, available at: <http://bit.ly/2wd23G9>. See also Salvation Army, ‘About modern slavery’, available at: [www.salvationarmy.org.uk/about-human-trafficking](http://www.salvationarmy.org.uk/about-human-trafficking).

Ireland, Migrant Helpline and Women's Aid are the main support organisations.<sup>46</sup> In Scotland, the main support organisations are Trafficking Awareness Raising Alliance (TARA) and Migrant Helpline.<sup>47</sup>

- Risk Management

While there is no overarching official risk management system in place to guide monitoring operations and inspections, the monitoring authorities have their own internal risk management in place.<sup>48</sup> In addition, the Director of Labour Market Enforcement, David Metcalf, announced the establishment of an 'intelligence hub' which will receive, process and produce information and intelligence assets relating to noncompliance within the labour market.<sup>49</sup> The hub could be used for risk assessment by all three enforcement bodies. The Director is currently welcoming evidence from stakeholders on the establishment of the hub (as part of the development of his 2018 strategy).<sup>50</sup>

- Court cases

Most criminal labour exploitation/modern slavery cases are decided at Magistrates or Crown Court level, and are therefore not available in the public domain. However, prosecutions under the Modern Slavery Act have more than quadrupled, with 12 prosecutions in 2015 and 51 in 2016.<sup>51</sup> There have been multiple convictions for labour abuse and modern slavery offences.<sup>52</sup> In a recent Court of Appeal case, *R. v Zielinski*,<sup>53</sup> the court decided that four years imprisonment for slavery offences was unduly lenient and imposed seven years on the perpetrator.

Notable cases, while not of a criminal nature, include High Court cases *A v. Abu* about a domestic worker who experienced abuse (further explained in Annex 2),<sup>54</sup> and *G v DJ Houghton Catching Services Ltd*.<sup>55</sup> The latter case was a landmark civil case, being the first ruling against a company sued for modern slavery charges. In it, six Lithuanian men who were trafficked to the UK to work on a chicken farm brought claims for breaches of the Agricultural

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<sup>46</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (Northern Ireland and Scotland) – Access to support*, 31 July 2017, available at: <http://bit.ly/2htpBDA>.

<sup>47</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (Northern Ireland and Scotland) – Access to support*, 31 July 2017, available at: <http://bit.ly/2htpBDA>.

<sup>48</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, p. 42, available at: <http://bit.ly/2uaxuCb>.

<sup>49</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, pp. 11 and 14, available at: <http://bit.ly/2uaxuCb>

<sup>50</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *Informing Labour Market Enforcement – Strategy 2018/19: Summary of Issues*, July 2017, p. 5, available at: <http://bit.ly/2xRvFsL>.

<sup>51</sup> Churchill, F. (2017), 'Modern Slavery Act prosecutions more than quadruple', *Chartered Institute of Procurement & Supply*, 5 June 2017, available at: <http://bit.ly/2x0x1E2>. For the latest criminal justice statistics, see: UK, Ministry of Justice (2017), *Criminal Justice System statistics quarterly: March 2017*, 17 August 2017, available at: <http://bit.ly/2eWM9IC>.

<sup>52</sup> See for example: Moore-Bridger, B. (2017), 'Slaves on our streets: beatings, torture and enforced labour – three shocking convictions for modern slavery in the UK', *The Independent*, 13 September 2017, available at: <http://ind.pn/2xXjHOM>; Vernalls, R. (2017), 'Eleven members of same family convicted over modern slavery ring', *The Independent*, 11 August 2017, available at: <http://ind.pn/2vXu6f5>; Black, M. (2017), 'Jury finds man, 24, guilty of trafficking vulnerable people from Poland to Bradford', *The Independent*, 1 March 2017, available at: <http://bit.ly/2xkcPh3>.

<sup>53</sup> UK, Court of Appeal (Criminal Division), *R. v Zielinski*, [2017] EWCA Crim 758, 17 May 2017, available via Westlaw UK.

<sup>54</sup> UK, High Court (Queen's Bench Division), *A v. Abu*, [2017] EWHC 1946 (QB), 31 July 2017, available at: <http://bit.ly/2fgas4Z>.

<sup>55</sup> UK, High Court (Queen's Bench Division), *G v DJ Houghton Catching Services Ltd*, [2016] EWHC 1376 (QB), 10 June 2016, available at: <http://bit.ly/2xk6qSM>.

Wages (England and Wales) Order 2010 and the Gangmasters (Licensing Conditions) Rules 2009.

- Promising practices

One promising practice identified is a partnership between the Independent Anti-Slavery Commissioner and the University of Nottingham, which started in March 2017.<sup>56</sup> It will identify local, sub-regional and regional partnerships through a targeted questionnaire, and interviews. Following this first phase of research an interactive map of UK wide modern slavery partnerships will be made available on the Commissioner’s website. The second phase of the project will focus on assessing good practice and end in the production of an online directory of partnerships. The project will culminate in a conference, hosted by the Independent Anti-Slavery Commissioner and the University of Nottingham, where the findings will be shared with practitioners and delegates will be invited to discuss the ingredients needed for successful partnership working.

NGOs are key to tackling slavery and are aligning their efforts with the public sector to build a more comprehensive and effective antislavery community. For example the Freedom Fund is a leader in the global movement to end modern slavery. They carry out research, identify and invest in the most effective frontline efforts to eradicate modern slavery in the countries and sectors where it is most prevalent, partnering with visionary investors, governments, anti-slavery organisations and those at risk of exploitation.<sup>57</sup>

#### 4. Risk factors for severe labour exploitation

**TABLE: Frequency of risk factors mentioned**

Risk factor mentioned	Number of interviewees	Number of focus group participants
Trafficked/debt-bonded	2 IP=1 O= 1	
Poor language skills	1 O=1	All 5 UK-FG-2
Poverty/desperation for work	14 O= 5 D= 9	All 6 UK/FG/1
Drug-dependency	2 O=2	

<sup>56</sup> For more information, see: UK, Independent Anti-Slavery Commissioner (2017), ‘Launch of research into UK modern slavery partnerships’, 8 March 2017, available at: <http://bit.ly/2vwZaCZ>; and University of Nottingham (2017), ‘Tackling modern slavery together’, 10 March 2017, available at: <http://bit.ly/2vx66iH>.

<sup>57</sup> For more information, see: The Freedom Fund, <https://freedomfund.org/>.

Heightened risk in specific economic sectors	11 D= 10 O=1	All 6 UK-FG-1
Irregular status as a risk factor	1 IP=1	
Not knowing workers' rights	All interviewees apart from 2 (O category)	All focus group interviewees.

## **SUMMARY**

The risk factors for exploitation according to the interviewees clearly revolve around the interviewees situation in their home country and their desire for work. Although this may be a reflection upon the sample obtained, it appears that for migrant workers poverty and desperation leave them open to exploitation, as they accept jobs without questioning their validity. However, it is clear that the picture is more complex as there are underlying factors which impact and contribute to this situation. For example, because workers need to work and often arrive in the country in an irregular manner they do not understand what work should look like in the UK. Workers are unaware of their rights and what a working day should be in the UK. Furthermore, there may be criminal involvement which overrides any sort of possibility to work regularly. If a worker is debt bonded and their family are a risk then it is obvious that they are wide open to exploitation. There are also individual risk factors such as a lack of English and drug-dependency that increase the risk of exploitation.

### ***Reasons for leaving home country and travelling to the UK***

As is clear from the table beginning this section the most prevalent risk factor for labour exploitation was poverty and desperation to find employment at any cost. This is linked to the interviewees' reasons for leaving their home country in favour of working in the UK. The majority of interviewees had to leave their home country because they were living in poverty and could not find work. A powerful, albeit succinct quotation was provided by an interviewee who worked in a food factory who had moved from Poland to work:

*Better £100 in England than nothing in Poland.* (UK, male interviewee from Poland, food factory, EU national)

The belief was common across those of the 'other group' (three other EU workers) who came to the UK just to get a job.

This could also be seen as a rather desperate situation as workers are willing to take risks and venture to places they have never been with limited knowledge of their destination. This is perhaps most evident in terms of the domestic workers who were interviewed. One domestic worker interviewee stated that it was the only way for her to feed her family:

*The reason that I went to Saudi Arabia is that there are no job opportunities in the Philippines so we have to find a way to feed our family.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

For the domestic workers in the sample, their travel to the UK was not their own choice. All but two of the interviewees came to the UK via the Middle-East (usually Saudi Arabia, Qatar, Dubai, Jordan) and were brought over by their employers (for whom they were already working) during business trips or extended vacations and had no real desire to come to the UK (notably the case for three domestic workers). It is clear that this was often against the wishes of the workers. One domestic worker interviewee explained how she was tricked into coming across to the UK.

*I didn't even know they were bringing me here. They didn't ask me. They just told the driver to tell me to get ready because we were going out.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

There were also criminal reasons for some of the interviewees coming to the UK. For example, one interviewee (in an irregular situation at the time of exploitation) stated that he came to the UK to reunite with his father. However, his relocation was conducted by a criminal network of traffickers to whom he became debt bonded. There were several examples of workers being trafficked to the UK where the focus was upon working and the destination was unknown. This was noted by an interviewee who worked in construction:

*There was a car. It had English number plates. It was a gypsy, I didn't know it was a gypsy. They said 'you need a job', and I was jobless, of course I need a job. 'What kind of job', 'what can you do', 'I am a chef', 'OK, I will get you a chef's job. So I jumped in the car and three days later I was in England'.* (UK, male interviewee from Poland, construction, EU national)

The interviews also revealed some unique reasons for opting to work abroad. One Polish interviewee explained that his life was going nowhere and he wanted to travel. Unusually the interviewee did not intend to work in the UK but had to after running out of savings. He did not know what work should look like in the UK because he had not had the opportunity to explore it before moving.

A domestic worker described a situation where she moved to the UK due to a sense of obligation. The interviewee worked in a bakery. The daughter of the owner of the bakery moved to the UK to marry a UK national in the North of England. The owner asked the interviewee to move to the UK and look after the family as a nanny. The interviewee was reluctant to go to the UK because the daughter 'had a bad attitude'. She kept making excuses but eventually felt she had to go in order to please the mother (the owner of the bakery).

The longest period of exploitation discovered was 15 years. The interviewee worked for a number of families over this period of time and experienced varying degrees of severity of exploitation mainly relating to issues of pay and working conditions. The shortest period of recorded was 1 month. In this instance the worker came to the UK with her employer from the Middle-East and took the opportunity to escape from her employer shortly after arriving in the UK. The interviewee had experienced all the forms of severe labour exploitation that had been predicted (pay, conditions, violence, accommodation issues and so forth). Most (7) interviewees entered the UK in either 2016/2017 and escaped from their exploitative employer within 6 months. This was most prevalent for domestic workers who had been brought to the

UK against their will and suffered very severe exploitation which they had to get away from. The average period of exploitation for the sample was 34.75 months.

### ***Heightened risk in specific economic sectors***

The data reveals that domestic workers in particular were at heightened risk due to the sector in which they work. As described, the majority of workers came to the UK via the Middle-East either with wealthy employers or diplomats. The situations described by the interviewees is one of being invisible and where there is a great deal of corruption present. One domestic worker interviewee explained how her employers colluded with the authorities to ensure they were able to bring her to the UK:

*From Qatar I never hold my documents, my passport. Also in Qatar, they brought me to the UK embassy and I didn't have time to read what is there. Just sign.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

None of the domestic workers had access to any of their documents (passport, visa, employment contracts). It is also interesting to note that, as will be discussed, while exploring why interviewees thought this situation had happened to them, domestic workers felt they were seen as less than human by their employees.

The aspect of 'invisibility' was also applied to European workers (category O). Most notably one worker who described a number of scenarios where he was kept away from customers, particularly when working in kitchens.

### ***Irregular status as a risk factor***

Due to the sample, there is only one clear example of where an irregular status could be seen as a risk factor for exploitation. One interviewee as a victim of trafficking had an irregular status which the criminal network he had become involved with used as a threat against him. He was convinced that he could not contact anyone because he would be deported.

It is also important to note that although the domestic workers had visas and passports the employers stated that they would steal the documents and make them irregular. One domestic worker interviewee explained that her employer had told her that if she reported to the police her passport would be kept.

*She told me, if you go [to the police], we have your passport. In this country they cannot do anything for us, if I have the passport... if you go and say the way that we are treating you in this house, they can't do anything.* (UK, female interviewee from Kenya, domestic work, regular migrant at the time of exploitation).

### ***Previous skills and work in the destination country***

It could be hypothesised that workers with low skills moving to the UK could be open to exploitation, due in the main to the need to work. Conversely it could be possible for highly skilled workers to accept jobs with a lower skill requirement. There are example of both of these scenarios in the data. A number of the Polish workers came to the UK with no skills. For example, one interviewee was homeless in Poland and moved to the UK in the hope of a new start and employment. Another interviewee similarly had not worked significantly in Poland and came to the UK with no specific skills.



One interviewee (domestic worker) was an exception to this type of scenario as she was highly skilled, working as a teacher (amongst other professions) in the Philippines. However, due to the need to earn more for her family, she worked for a family in the Middle-East as a nanny, eventually coming to the UK where she escaped from her employer.

### ***Language as a risk factor***

It is clear that having no or basic English skills was seen by the interviewees as a contributing factor to exploitation. One European migrant worker who had worked mainly in manual labour jobs, stated that being able to speak English should be the first thing workers consider when planning to work in the UK:

*Start learning English first to be able to communicate, to understand what is being said.* (UK, male interviewee from Poland, manual labourer, EU national)

Interviewees described not learning English as a deep regret before coming to the UK. This can also impact upon potentially challenging employers. One interviewee (male from South-eastern Asia, restaurant, irregular situation) explained that he felt restricted in how he could engage with his employer as he did not have the English language skills to challenge the employer. This was also discussed during the second focus group where it was also noted that not being able to speak English limits the ability to complain (Interviewee 5). However, this was pushed further by a hotel worker who suggested that her English would prevent her from getting another job beyond her hotel work:

*She knew that with limited English she would struggle to find another job. She was very stressed, it was very stressful for her to go to work. She really did not want to but she had to.* (UK, female focus group participant from Slovakia, hotel, EU national)

For some interviewees, language difficulties impacted upon the entire situation. One interviewee (Poland, retail industry) explained that not being able to speak English impacted on his potential to escape, as he often wasn't able to speak to anyone other than Polish colleagues who were either in the same situation, or scared of his traffickers. He wasn't able to gain standard employment and employment because of the language barrier, and it even impacted on his desire to seek post discovery support.

### ***Workers' perceptions of why they were exploited***

During the interviews and focus groups, interviewees were given the space to explore why they thought they had been exploited and what had enabled their employer to exploit them. This was an extremely fruitful exercise as interviewees could explore their own views and experiences without being guided.

A number of the interviewees realised that, looking back, they were able to be exploited because they were desperate for employment and money. One interviewee (female from Kenya, domestic worker) described this as people 'grabbing' any job opportunity that they could without any knowledge of the employer or their rights. The majority of the domestic workers who were interviewed explained that they had to find employment to support their families, even if this meant moving abroad where they were alone and vulnerable. For some of the interviewees moving abroad to work was their only option:

*Because of my situation in the Philippines, the financial problems. My son was still in school, I needed to support him, and my husband was not earning enough from his salary there. He*

*was a driver before.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

There were a few interviewees who twisted the situation in which they found themselves and responded by blaming themselves, suggesting that in fact they had been exploited because they were naive or too easily persuaded by unscrupulous employers. Two interviewees (both EU nationals) blamed their own drug and alcohol addictions for their increased vulnerability. There was, however, one instance that was more difficult to understand as one European worker placed the blame on himself. The interviewee, who worked mainly in construction, said that he was just unlucky and met the wrong person and that ultimately it was his own fault:

*It was my choice; nobody forced me to do it. Nobody forced me to sit in the car. It was my fault how it ended up. It was a mistake.* (UK, male interviewee, construction, EU national)

The interviewee developed this further to say that in fact his exploitation had been a positive experience. He said that he had learnt skills such as bricklaying and gained life experiences:

*It was a lesson for me, an experience. I learnt something from this. I don't regret it, I don't. I wish it would be different. I wish I would be here with a nice job in the kitchen, but that would be too nice.* (UK, male interviewee, construction, EU national)

This is a difficult case to consider, however, this is an atypical example. Most of the interviewees explained that they did not know their rights in the UK. There are a number of clear examples of where interviewees, looking back, felt that if they knew their rights they would not have gotten themselves into the situation or would have been able to take steps to move away from the employer. This was expressed by a domestic worker:

*Maybe because I have limited knowledge. I don't know what are the laws here. And I didn't finish my study. So I don't know what are my rights here in this country.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

During the first focus group it was revealed that for the Filipino domestic workers, a good deal of blame seems to lie with the Pre-Departure Orientation Seminar (see [www.cfo.gov.ph/rnr-pdos.html](http://www.cfo.gov.ph/rnr-pdos.html)) which all Filipinos are supposed to receive before working abroad. However, interviewees during the focus group either suggested that their employers had managed to circumnavigate the seminar (through bribery) as suggested by interviewee 'C', or that the seminar itself was not fit for purpose. Here the interviewee explains how exploitation is attempted to be covered up:

*I think one reason why we are hesitant to complain is the orientation they get from the Philippines (A and D both say 'Yes'), if they want to work abroad to another country. We have the PDOS, Pre-departure Orientation Seminar, conducted by the Philippine government, which I have attended as a Filipino worker. There is one section in that whole day seminar that if you are working abroad and you are abused, you must be patient because it is part of an overseas job. We went there to work for our families to earn money so we can alleviate the poverty.* (UK, male focus group participant from the Philippines, catering)

It is important to note that a good deal of the emphasis during the focus group was on the sending country (Philippines) rather than the destination. Interviewees felt they had been let down or even abandoned by their own government who continue to profit from exploitation:

*I think the mind-set of the sending country will prevent- it will change mind-set. Imagine in the Philippine context, if the Philippines is receiving \$27 billion US, remittances coming from the overseas Filipino. It is big capital...they will not change the situation because they are benefitting from labour export policy.* (UK, male focus group participant from the Philippines, catering)

As previously noted, two interviewees also suggested that having limited English increased their likelihood to be exploited. This was often coupled with the fact that workers simply did not know where to turn if they were worried about potential or early signs of exploitation.

A number of the interviewees were entwined with criminal networks who had trafficked them. As a result their exploitation was due to criminal manipulation and fraud. Perhaps the most striking example of this are the experiences of a male interviewee from Poland (retail industry) who was being controlled by traffickers. The traffickers had clearly infiltrated and corrupted businesses in the region. They held several houses and caravans, filled with workers living in poor conditions. The interviewee repeated on several occasions how easy it was for his traffickers to make 'money for nothing' in this way and how they controlled bankcards, wage information and took 50% of earnings. In such instances it is clear that exploitation was due to controlled and organised criminal activity. Workers can also be controlled if there is a debt attached to the trafficking activity, as seen in the example of a worker from South-eastern Asia in an irregular situation (restaurant). In this instance, the interviewee had to accept the work he was given in order to pay off his debt. Any attempt to move away from the employer/trafficker would result in consequences for both himself and the debt.

It should also be reiterated here that the majority of the domestic workers who were interviewed suggested that their exploitation was due to a power imbalance between the employer and employee, where the employer saw the employee as sub-human or slave-like. One domestic worker interviewee explained how her very wealthy employer would not pay her and how this related to her not been considered a human being:

*I was always, Madam please open your heart, open your mind, you earn thousands of money a month.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

*They don't have a heart and they don't think I am a human being.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

Another domestic worker said that this was linked to the fact that in the UK domestic workers are seen as real workers, and that this is reflected in poor coverage by law.

*Because we, the domestic workers are not covered in the labour law. So that is why...we are not categorised as workers, we are categorised as family members.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

As a result, the interviewee argued, the employers feel it is fine to ask them to do long hours. They are considered to be unskilled and not real workers.

## **5. Workers' experiences of severe labour exploitation**

**TABLE: Frequency of experiences of exploitation**

Experience mentioned	Number of interviewees	Number of focus group participants
Problems with pay	19 IP=1 S=1 O=6 D= 10	6- UK-FG-1 (all)
Problems with conditions at work	14 IP=1 O=2 D= 10	2- UK-FG-2
Signed a contract	15 S=1 O=4 D= 8	
Problems with housing/accommodation	15 IP=1 S=1 O=5 D= 8	2- UK-FG-1
Problems with work tasks	12 O=3 D= 9	3- UK-FG-2
Problems with documents	16 IP=1 S=1 O=5 D= 9	
Personal threats or violence	15	1 UK-FG-1

	IP=1 S=1 O=3 D= 10	
Witnessed threats or violence	9 IP= 1 O=5 D= 3	
Kept in isolation	14 IP=1 S=1 O=3 D= 8	1- UK-FG-1
Witnessed inspections	4 3 O 1 S (note Health and Safety only) No inspections for potential exploitation	None (note: UK-FG-2 explained that they were removed from inspectors).

## SUMMARY

In general, the interviewees' experiences of exploitation revolve around problems with pay. However, it is clear that this relates to more than receiving little or no pay. The interviewees also described experiences of pay docking for punishment or for control, and complex criminal involvement by traffickers or gangmasters<sup>58</sup> who steal banking details and money. A high proportion of the interviewees lived very traumatic lives whilst being exploited in the UK. This included unacceptable living conditions such as the withdrawal of food from workers with no access to other means of getting food. Workers were physically abused as a form of punishment but also as a means of control in order to prevent exposure. Workers lived in isolation and had their documents seized to ensure that they would not leave, or if they did leave their immigration status would become questionable. It is a major finding that no

<sup>58</sup> Note on gangmasters: Throughout this report 'gangmaster' is used to refer to an individual who acts as an unofficial agent between the worker and the employer/recruitment agent. This can occur in any economic sector although in the UK it is most commonly used in relation to those who exploit multiple workers within agriculture. Such gangmasters may be involved in criminal activity such as fraud and theft, specifically in relation to the Polish gangmasters detailed in this report.

interviewees witnessed any workplace checks or monitoring which could have exposed them as victims of labour exploitation.

### ***Problems with pay***

It is clear from the table above that pay was the main issue for the sample, with all 18 interviewees stating that they had problems in some form. This was wide-ranging in nature from receiving no pay at all to fraud and criminal activities.

#### *No/very little pay*

Two of the domestic workers who were interviewed described situations in which they received no (or virtually no) pay at all. One interviewee had never been paid for her labour in the UK and was denied food throughout her time in the UK. She relied on eating biscuits and free drinks from hotels and eating the children's leftovers. She described a situation of sneaking out to meet other Filipinos in the park who would give her food and money:

*I would see other Filipinos in the park and they would say "how are you?" Then I say this is my situation, this is my life here. And they have money. They give me £5, £10; some of them give me £20. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

Another domestic worker reported being paid £100 per month, which is negligible. Due to her lack of knowledge about the UK, the interviewee initially thought this was a normal wage:

*She was paying me £100 [a month], then my husband started telling me I think...I didn't know how to do it, I was thinking it is a lot of money. My husband said why are you thinking it is a lot of money? That is not a lot of money, it cannot even support us. (UK, female interviewee from Kenya, domestic work, regular migrant at the time of exploitation).*

For domestic workers, removal of pay was used as a punishment in reaction to perceived poor work. Two interviewees explained that her salary was docked every time she did not clean to the standards of their employers.

#### *Polish Gangmasters<sup>59</sup>*

The majority of Polish workers who were exploited in the UK were exploited by Polish gangmasters. For the European workers in the sample, the most common situation was where the gangmaster would steal bank details to withdraw wages for themselves, or have the wages paid directly into their accounts. There are examples of both these scenarios in the data. One Polish interviewee was told to set up a bank account when reaching the UK, the gangmaster then stole the bank cards and withdrew the interviewees wages. The majority of the wage was kept by the gangmaster who would hand over a nominal amount to the worker. This was extremely common as was reported by four interviewees. One interviewee summarised this in the following manner:

*I have a bank account and the money was being paid into my bank account but the gypsy had the card to my bank account. (UK, male interviewee from Poland, EU national)*

Another European worker described a more sinister scenario where his wages were actually being paid into another persons' account and then distributed as the gangmaster saw fit.

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<sup>59</sup> Referred to a 'gypsies' by the interviewees.

Additionally, he did not set up a bank account in the UK because he had bad credit. This is something he regretted in hindsight.

Not having access to banking details left the interviewees open to fraud and this was a reality for two of the interviewees. An interviewee (Poland, manual labourer) explained that although he had managed to keep hold of his documents, the gangmaster managed to obtain his National Insurance number and tried to claim benefits on his behalf. Fortunately, the gangmaster spelt the interviewee's name incorrectly and he managed to stop the claim. However, not all interviewees were able to stop the gangmaster. Another interviewee (Poland, domestic work) explained that as he was living with the gangmaster his letters were intercepted in addition to having his documents stolen. The gangmaster was able to claim benefits and sold his passport for £500 on the black market.

#### *Payments for accommodation*

All of the interviews (except one domestic worker, who lived in private accommodation) had lived with their employer or their extended network during the period(s) of exploitation. All of the European workers (category O) would have been deducted wages for living costs (accommodation, food and so forth). This was also the case for the domestic workers. However it appears that this was not known by workers and only mentioned by a few of the interviewees. One interviewee who had worked as a labourer noted:

*I think I was meant to be paid the minimum wage which was £7.20 or £7.50, something like that. The first week, I was living with the gypsy and had to pay him £80-£90 for the room, rent, and for transport to and from work. Then after the first month it went downhill. (UK, male interviewee from Poland, manual labourer, EU national)*

#### *Trafficking/debt bonding*

Due to the fact that the sample mainly consisted of those identified by gatekeepers through working for support groups connected with the UK's National Referral Mechanism, a number of the interviewees had some experience with trafficking. However, it should note re-iterated that the Mechanism is both for victims of trafficking and those who have been identified as victims of modern slavery.

**TABLE: Number of victims of trafficking within the sample**

<b>Situation</b>	<b>Number of interviewees</b>
Positive decision of trafficking received	2
Awaiting an official decision regarding trafficking/modern slavery	7
Victims of modern slavery (recognised by authorities)	2
No involvement by authorities (e.g. case rejected, or authorities not informed)	7
Recent occurrence- e.g. just escaped from employer (domestic workers)	2

As noted, several of the interviewees had been trafficked to the UK and as a result often owed money to the traffickers. This is most striking in the example of one interviewee while he worked in a Chinese take-away. The interviewee explained that he had received little/no money at all as it was being used to pay his debt:

*Yes I had problem with pay with the Chinese takeaway because I wasn't paid at all for the work that I had done, they told me that all the money I had earned would go to pay the debt that I and my family owed. They give me £30 or £40 a week, or less than that to buy cigarettes and some personal clothing. (UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).*

### **Conditions at work**

For a number of the interviewees working was long, difficult and without breaks. However, it is important to note that for some of the European workers (notably in two cases) their exploitation lay with the gangmaster and not with the workplace. The jobs they were doing were legitimate and legal, it was the fact that they were then overseen by a gangmaster who stole their money and forced them to perform additional work.

#### *Long hours without breaks*

One of the key problems with the working conditions identified by the interviewees was that they were expected to work very long hours without breaks. This was reported by all the domestic workers. Workers were expected to start very early in the morning, as the following domestic worker *interviewee indicated:*

*I would get up at 4 and make sure that all the cleaning is done in the house. I would make for them breakfast, lunch. I packed...the husband was working in the supermarket. I would make sure I packed for the husband, the lunch...then the boy, I make sure I have done everything for the boy. (UK, female interviewee from Kenya, domestic work, regular migrant at the time of exploitation).*

*I sleep and wake up at 5 in the morning, sometimes 3 o'clock. I have other work I have to do while the baby is sleeping. I have to clean, wash my Madam's clothes and the baby. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

For the domestic workers this was coupled with very late finishes:

*...so I start work at 8am when I go to the market and when I come back I would clean the house and cook. Because it was Ramadan, he [the son] would eat at 10pm and he would eat again at 1am, and then he would sleep at 2am. So he gets up at daytime. So for me I have to get up early because I have to go to the market, to bring food and then when I come home I need to clean, to iron, and then to cook until he gets up. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

However, this was not reserved for domestic workers. One interviewee in an irregular situation described a full array of appalling working conditions while working in restaurants. The interviewee was expected to work for 12-14 hours a day, finishing at 2am. He was not allowed to take breaks or to use the phone. He worked 7 days a week and was not allowed any time off for illness. He was allowed to go to the bathroom to wash at the end of the day (around 2am). During his work he suffered minor illness and injury, such as heat burn from pans or oil, and colds, but was given no medical care.

Other workers who were controlled by gangmasters explained how they were transported to working locations during hours of darkness and then returned home when it was dark once again. One Polish worker, when discussing his work in a poultry production factory stated that they left the house when it was dark and then worked for 10-12 hours. During the working day



they had one break for a cigarette and breakfast. The interviewee did not even know the name of the company because it was always dark. The same interviewee also explained that he had worked in a car wash with no protective clothing.

The European workers (specifically Slovakian) who were working in hotels and factories also described how they worked long hours:

*When we started, we're all from EU. It was summer, so they made us work sometimes more than 12 hours. We asked for the second break – when you work overtime you are entitled to second break - they did not give us this. English people you know, they would throw their gloves to the floor and they were like “yeah, see you guys”. But European nationals wouldn't dare to do that. (UK, male focus group participant from Slovakia, factory worker, EU national)*

The interviewees also noted that they worked without holidays. The same interviewee explained how he was simply denied any holidays:

*I got it as well [told he couldn't have holidays]. More. Jobs. The same problem. The problem with pay, the holiday pay. If you ask they ask “why do you want time off” you say “I want a holiday”, they say “no”. (UK, male focus group participant from Slovakia, factory worker, EU national)*

### **Problems with work contract**

From the data it appears that there are three main areas of concern with regards to the interviewees and employment contracts: working with no contract in place, contracts not being followed and not being able to understand the contract.

Two of the interviewees specifically stated that they had not signed a contract. One interviewee (male, South-eastern Asia, restaurant), as a victim of trafficking, never signed any sort of work contract and another interviewee (EU national, construction) noted that he did not know what a contract would look like.

This was also evident during the second focus group. Four (of five) interviewees had received contracts in English, which at the time of signing they were unable to understand. One interviewee had never received a contract despite years of working for the same hotel, and she had not understood that she was owed a contract until the topic came up in the focus group. The interviewee received an employment letter but no contract. The following exchange with the interviewee, who worked in a hotel, shows how she did not even know that she should have a contract:

*Interpreter (summarising group discussion) – They are just discussing whether the document she (interviewee 1) got...They're telling me that they only gave her an employer letter, not the contract. The contract is different.*

*Interviewer – So they just received a letter with confirmation that they are employed but no contract?*

*Interviewee 2 – No contract. (Addressing interviewee 1) How many years have you been working with this company?*

*Interviewee 1 – 3 or 4 years. (Group laughing) She doesn't know, only now about the contract. (UK, female focus group participant from Slovakia, hotel, EU national)*

For the domestic workers in the sample, it often was the case that contracts were not upheld. One member of the focus group explained this practice and the fact that once the contracts leave the Philippines they are never followed:

*But when you arrive there this is not only a thousand cases...according to the contract, it is only paper, it is only in the Philippines. This contract does not bind us because you are already in the Middle-East. We call it contract substitution before they get more lesser salary. (Focus group 1)*

This contract substitution was common throughout the interviews, as wages were considerably less than promised. In the case of one domestic worker from the Philippines, the interviewee signed a contract directly with the family. The employer submitted a contract to the Philippines authorities stating that she would pay the interviewee £550 a month (she only paid her £260). The interviewee said that she understood the contract in the Philippines but it was not upheld. There are also examples of manipulations of contracts such as obscuring and removing figures. Another interviewee from the Philippines was promised a salary of £1,500 but received £150 (removal of a 0).

Some of the interviewees reported instances of simply signing the contracts they were given, even if they did not understand them. In the case of the manual labourer worker below, he could not speak English and was expected to sign a contract he could not read:

*There was no interpretation or anything, even for someone to just look through and say this and this. (UK, male interviewee from Poland, manual labourer, EU national)*

### ***Housing/accommodation***

The experiences presented by the interviewees show that exploited migrant workers often have to live in accommodation which is unacceptable and unfit for human habitation. The most striking example of this was the story of one Polish worker (retail industry) who was involved with a network of traffickers. During the interview he struggled to express how distressful he found his accommodation but stated it was horrible and unbelievable. It was winter and his accommodation was a caravan intended for 2-3 people. There were 6 co-workers living in his caravan and 4 in the other. Two had to sleep on the floor, and he shared a bed with another and there were blankets everywhere. The bath and toilet were in the unheated garage and they had a two hours window to all have a bath. They were only allowed to put the electric radiator on in the caravan at 6pm or 7pm when they came back from work. Initially they only had a kettle, so were living on instant noodles until a microwave was provided. Their traffickers gave them Soup powder and tinned meatballs to share.

Overcrowding and inappropriate sharing of confined spaces is a common trend throughout the data. Workers were put into any available space. An interviewee who had worked mainly in the food industry explained this approach, used by employers/gangmasters:

*Yes, there was problem. I didn't have a proper room or proper accommodation. Me and other people who worked there had to share a room, about 5 or 6 people altogether sleeping in the same room....and we had to sleep on the floor. (UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).*

Other interviewees, including an interviewee who worked as a manual labourer, used very strong language to describe their living arrangements:

*There were three [four] of us in a room on bunk beds, it was like a concentration camp. Our room was alright with just the four of us, but other rooms there were 5 or 6. (UK, male interviewee from Poland, manual labourer, EU national)*

The research also shows the use of illegal properties to house migrant workers. One construction worker from Poland described what appears to be a squat or derelict house being used. The house was not connected to all services (gas, water and electric) and the council refused to collect the refuse, suggesting that it was registered as being empty. Further compounding the case was that the interviewee found out that the gangmaster did not pay any bills.

For the domestic workers in the sample, access to food was part of their agreement. Of course if the worker is being paid correctly and allowed to leave the property, this is not a problem. However, the workers in the sample were not allowed to move freely and they were serious isolated and not being paid. As a result, they relied on their employers for food. This was a main reason for escaping employers, as workers could no longer survive without food. This was outlined by a domestic worker:

*That is why I ran away. I felt that I cannot survive this. Because I can't survive the food or the job, it was very hard. At night time when I sleep it was very cold in the room. Runny nose. I am dying. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

One interviewee explained how she had one opportunity to eat during the day where she would eat bread in the morning in secret. There were no breaks permitted so the interviewee had to eat as much bread in the morning as she could in secret:

*My eating is bread, in the morning, at one time, and then coffee. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

### **Tasks at work**

The data collected shows that labour exploitation can occur through forcing workers to carry out extra (or other) tasks to which they have not agreed. This was most evident for European workers (category O) who were being controlled by gangmasters. In addition to often legitimate working the interviewees were forced to do work in the home of the gangmasters. During his time at the forestry company (legitimate work) One interviewee (Poland, manual labourer) worked 5 days a week. However, the gangmaster forced all the workers living in the house to work on jobs such as painting and decorating during the weekend. This work was unpaid. This story was echoed by another European worker who described a scenario of working full time and then having to work in the home:

*They pushed us to work, and working seriously hard, 7 days a week, no problem. Even working 5 days at work, I would come to home and start cleaning all the house, sometimes painting, sometimes wallpaper, decorating or something. (UK, male interviewee from Poland, domestic work, EU national)*

It is important to note that the above interviewee was also forced to steal for the family.

The work that the interviewees undertook was often strenuous and difficult. This is perhaps best highlighted using the experiences of a Polish interviewee who at the time was working on a building site. He explained how he worked 14 hours with a collapsed lung then was given only a cheeseburger to eat. He collapsed and was violently sick due to the exertion.

For the domestic workers, the problem revolved around the fact that in reality they were often responsible for more than they had originally agreed. One domestic worker interviewee, for example, explained that she thought she would be working as a chef:

*I was told by my boss, the employer; that we need to bring somebody to cook our food. She didn't realise that when she arrived she would be taking care of a whole bunch of other kids.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

This was common for the domestic workers who often had to do a lot more than was agreed. One interviewee for example, explained that she worked full-time and that she was responsible for everything in the house. This included childcare, cooking, cleaning, ironing, transporting the children, helping with homework, washing, bedtime.

Interviewees who participated in the second focus group discussed how their exploitation related to conducting work tasks that were not appropriate. One hotel worker was made to lift boxes of bananas weighing 25kg while pregnant. Her colleague explained how this had contributed to the premature birth of her baby:

She had a box of bananas, 25kg, she had to pick it up, until end. And she got big at 8 months, but not at 9 months, because she had to pick up this big box. (UK, female focus group participant from Slovakia, hotel, EU national)

Another interviewee during the focus group explained that work was too strenuous for her because of her asthma. As a result, she hid under the table in fear that she would be fired.

### ***Problems with documents***

The interviewees' difficulties with documents related to the fact that they were taken from them by their employer. The majority of domestic workers and European workers did not have sight of their passports, ID cards or visas whilst in the UK. This appears to be a common occurrence. One interviewee, who had worked mainly in construction, explained that the gangmaster took his ID card at the first opportunity (after arriving in Dover) and hid it from him. He told the story of how he managed to find the card when looking through the glove compartment of a car, where he found it along with around 50 other ID cards.

*There were 50, like a big deck of cards, he went out to pay for petrol and quick, quick...I had to steal my ID.* (UK, male interviewee, construction, EU national)

This story was replicated across the European workers and domestic workers who did not have their documents. One domestic worker interviewee when asked whether her employer had been prosecuted revealed the whereabouts of her passport:

*They just go and fly back also, and with my passport.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

For those who have been trafficked into the UK the story is similar, albeit with the added illegality of fake documents, as explained by one interviewee who had worked mainly in the food industry:

*All those documents that I used for my travelling were fake documents; a fake passport and a fake visa. I wasn't allowed to get hold of them either, the only things they gave me were the air ticket before I boarded the plane and after I arrived in Russia they took all the documents away. (UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).*

Not only had the interviewee been made to use fake documents, he did not even have access to the documents if he wanted to travel elsewhere.

### **Threats of violence/actual violence**

It is important to note that violence was seen as a dividing line between severe exploitation and not exploitation. A number of interviewees struggled to see how their treatment could be called exploitation given the fact that they had not been physically abused. One domestic worker for example did not think that her treatment was too serious as she had not been a victim of violence. Most disheartening is perhaps the story of an EU national, who worked mainly in construction, who did not see his situation as being too bad.

*I wasn't treated badly. I wasn't hit, I wasn't abused verbally. I just got shit pay for my job. I came here for work but I just didn't get enough money compared to my work. For me it is not a very bad experience. For other people maybe. (UK, male interviewee, construction, EU national)*

There are examples, however of serious physical and verbal abuse. For some interviewees this appears to be in order to scare the workers, as noted by the following domestic worker:

*It was really bad behaviour, if he is really angry, say, the remote control - he will throw it at me. He will fight and say "you shut your mouth" if I answer back to him: "but I didn't do that", he would say "you shut your mouth or else I will cut your neck"... So I was really scared. "I will kill you" something like that. I was quiet, even though he shouted I was quiet, because if I answered, I'm not allowed to answer and he's more angry if I answer him. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

For other interviewees, such as the following worker from the food industry, physical abuse was used to punish them for what the employers considered poor work:

*They were very aggressive and when I didn't do a good job or I spilled water when I was cleaning they would verbally abuse me or beat me up, or when I cut vegetables or food too small or too big they would use that as a reason to beat me as well, or when they taught me how to cook some food and it wasn't good they would beat me up too...(UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).*

A domestic worker similarly told the story of how she was assaulted with a Hoover as a result of what the employer thought of as a poor job:

*I Hoover. He took that Hoover and beat me in the hand. Then I scream and I scream, and the small boy came, "aunty, what is the problem? Are you beating her, daddy? They tell us in*

*school that you are not supposed to beat ladies. Why are you beating aunty”?* (UK, female interviewee from Kenya, domestic work, regular migrant at the time of exploitation).

Employers were also violent towards workers in order to control them and to stop them from going to the police to report their situation. One interviewee from the food industry was threatened with castration. This also reached threatening family members:

*...they threatened my family but I only found this out after I moved onto a different job and they threatened my family, my sisters and my mum in [country in South-eastern Asia] if I would not work for them.* (UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).

Not all violence was physical and there were examples of psychological abuse. One interviewee (domestic worker) was demeaned throughout her work by her employer who would carry cleaning wipes and clean everywhere that the interviewee touched or sat. This upset the interviewee who began to think of herself as dirty. Interviewees were also abused through sleep deprivation and denial of food:

*They didn't hit me with their hands but the violence was a lack of sleep, worse than you hit me, with that pain it can go. But every day lack of sleep, lack of food and more work. It is more violence, its worse'. (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).*

### **Isolation**

The majority of the interviewees reported being isolated in one form or another. It is interesting from the data that this does not simply relate to being physically isolated but also isolated by the removal of mobile phones and more organised monitoring and following of the interviewees.

There were severe cases of interviewees being locked away from the outside world and being denied contact with society. One interviewee, who worked mainly in the food industry (e.g. restaurants) was kept in a small room, locked in at one point for a week, and was not allowed out except once a month when he was escorted to the town to buy clothes and cigarettes. He was not allowed to contact anyone other than his family. Contact with his family was restricted as calls to his family were monitored. He was not allowed the use of a mobile phone.

This was echoed by domestic workers who were only allowed to leave in order to go shopping:

*There is no chance of socialisation or to meet another Filipino because we would just go out and get groceries in a car, with a driver. She doesn't have any contact with anyone other than the people she is working with.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

Mobile phones were also confiscated from the domestic workers:

*We [referring to herself] had a cell phone, we would hide it, when everyone was downstairs asleep I would talk in the bathroom upstairs, there is lock and they don't know I have contacted my family.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

European workers and those controlled by gangmasters tended not to be completely locked

away. However, they were monitored by the gangmaster or the network. One interviewee, who worked mainly as a manual labourer explained that he was watched when he left the accommodation:

*I could leave the house whenever I wanted to, to go shopping or go for a walk or anything like that. However, I always had a feeling that someone was following me. It was like, if it took me 15 minutes to go to the shop, I would go and when I came out there was a car. (UK, male interviewee from Poland, manual labourer, EU national)*

The experiences of another interviewee from Poland, who worked mainly in factories, are also interesting here. The interviewee was being controlled by a gangmaster who had an extended network of colleagues and contacts. Before finally escaping his employer, the interviewee attempted to run away but was tracked down by the gangmaster's associates who were waiting for him in his work car park.

### ***Monitoring or inspections***

It is a major finding of the research that none of the interviewees witnessed or heard about any inspections which could have revealed them as being victims of labour exploitation. As the table at the beginning of the section shows four interviewees saw health and safety inspections but no-one was asked anything about potential exploitation. There is no pattern however with regards to the sectors in which they worked. Interviewees worked as manual labourers, construction, and in clothes factories. It is interesting to highlight the story of one interviewee (Poland, retail industry) which reinforces the lack of any inspection or controls. In this case the individual was not in a hidden industry and was working in a large well-known high street business shop in a busy city, however in nine months there was no inspection or monitoring of either the employment agency or his work place.

However, the findings from the second focus group reveal that workers are kept away from inspections. The following interviewee who worked in a factory explained how he was told to make sure that inspectors did not see him:

*He says that someone came to check on the factory where he was working and his manager had sent him to a different department so that he was far, far, away from those people. But he came back and he (interviewee 3) spoke to them and yet nothing happened. (UK, male focus group participant from Slovakia, factory worker, EU national)*

The interviewee developed this further and suggested that he was told how to behave if he was ever confronted by an inspector:

*What happened was that the manager came and told them "there is an inspector in the building, smile and say that you are really happy working here". And he (Interviewee) said "I am not going to lie" so he (the manager) sent him away to go out. (UK, male focus group participant from Slovakia, factory worker, EU national)*

In this instance, the worker refused to lie and was sent away by the manager. It was revealed that in practice the manager chose which staff would best represent the company. Those who cause disruption were then told to not come into work:

*So he (the manager) cherry-picks people for the inspector's visits and will call them (staff) not to come to work. (UK, male focus group participant from Slovakia, factory worker, EU national)*

## **Recruitment**

Recruitment of the interviewees was varied and related to the economic sector in which they worked.

For domestic workers, the majority were recruited in the Philippines by a recruitment agency specialising in sending Filipino workers to the Middle-East. There were only a few exceptions to this rule: One worker who posted her details on a website and was contacted by a family in the Middle-East; another interviewee who found her employer via a recommendation from a family member; and another who was recruited directly by the employer's mother as she worked for the mother in the Philippines. The mother asked her to be a nanny for her daughter's family. Although the interviewee did not like the daughter she felt indebted to the mother and said she would move to the UK.

The majority of European workers were recruited by gangmasters either in the original country or through people who introduced them to the gangmaster in the UK. For trafficking victims (e.g. male interviewee from South-eastern Asia, restaurant), the interviewee or their family took out loans with traffickers to arrange transportation and work.

## **Challenging the employer**

Most of the sample did not challenge the employer. This was due to fears about personal safety but also the involvement of authorities, who the interviewees thought would side with the employers.

One Polish interviewee, who worked as a manual labourer, explained that he had witnessed others challenging his employer and it had resulted in fighting:

*I had seen the way he treated other people- even though they were allowing themselves to be treated that way. I am not suicidal really...but I wouldn't allow anyone to hit me, so if I had hit the gypsy I would have ended up in prison for 30 years. (UK, male interviewee from Poland, manual labourer, EU national)*

Those who were trafficked and had an irregular status did not challenge for fear of being reported. The interviewee below, who worked mainly in the food industry, also alluded to the fact they would have been assaulted if they had tried to complain and that it was not possible due to language barriers anyway.

*There wasn't any opportunity for me to [challenge my employers]. There were a number of reasons. Well, we didn't know English, we would be beaten up or threatened whenever I managed to ask about it, and also in the UK, we have no status or were not allowed to contact anyone anyway. (UK, male interviewee from South-eastern Asia, restaurant, migrant in an irregular situation at the time of exploitation).*

For domestic workers, the responses to this question were very consistent. Domestic workers do not challenge their employer because they are worried that they will have them deported or report them to the authorities, who will then side with the employers. For example, one



domestic worker said that she felt she could not challenge her employer because they would not renew her visa and she would be without any work.

There were also examples of domestic workers not challenging employers for fear of being violently assaulted:

*I was scared for my life, especially because he told me he could kill me and throw me into the sea, I was really scared, because I don't have any friends here, I don't have any relatives, I don't know where London is, I don't know the people here, it was really scary.* UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

## 6. Asking for help: victim support and access to justice

**TABLE- Frequency of types of help sought**

Asking for help	Number of interviewees	Breakdown by category
Contacted someone for support (not police)	10	S=1 O= 3 D= 6
Reported to the police	9	S=1 O= 4 D= 4
Was told about workers' rights	5	O= 4 D=1
Is satisfied with the situation now (yes only)	11	S=1 O= 4 D=6

### **SUMMARY**

The picture that the data paints with regards to interviewees asking for help is rather blurred. It shows that around half actively sought help and exactly half reported their situation to the police. For domestic workers, getting help was difficult due to the isolation they faced living in their workplace. In general the interviewees sought help when their situation became unmanageable. Those who did not seek help or lived with the exploitation for a long period of time suggested that they did not know where to turn or tolerated the exploitation in order to earn money. Similarly for European workers, accessing members of the wider society was difficult for people who are monitored and under the control of gangmasters and wide-reaching networks of criminals. There are also language barriers and actually knowing where to turn to

if you cannot speak English well enough to describe the situation. Support agencies were not visible to the interviewees and the stories show that help was often down to luck as workers either physically ran away from employers or met someone who was willing to help. The number of interviewees who were told about their rights as workers was low. This is explored in this section and section 7 when exploring potential ways to prevent labour exploitation. Although it is difficult to grasp, it is important to note that some workers do not seek help because they do not see anything wrong with their situation. They would prefer to work, earn money and be exploited in the UK than work in their home country.

### ***Approaching third-parties for help***

#### *Did not ask for help*

Eight of the interviewees did not contact anyone for help, as displayed in the table above. This in the main appears to be because the interviewees simply did not know where to go for help. This could be as a result of many different factors. For domestic workers this is because they are isolated and left without means of contacting the outside world. Their escape stories are often similar in that assistance comes after leaving the employer. One domestic worker told her story:

*I put on tights, and underwear, packed my bag...I put on a big jacket and wore this so she couldn't tell.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation)

She then walked through the hotel lobby with the kids and then she ran.

*I run and run and I don't know where I go. I run and don't stop run. I run, and the mother was calling me.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation)

The interviewee stated that she had to run because if she stayed she would die. She decided that this was the time for her to help herself. She then found a church and because the employer was Muslim she decided it was a good place to hide. She stayed in the bathroom for a number of hours.

*I went to the bathroom of the Church and I stayed a long time there. Then I went outside and there were some Filipinos there and they helped me.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation)

It is then at this point that the interviewee got help.

Other interviewees also felt they did not know where to go to get help. The interviewee from South-eastern Asia (restaurant, irregular migrant) stated he did not know where to turn and was worried that he would not be able to express himself as he could not speak English. Another interviewee (male interviewee from Poland, domestic work) also did not know where to get help.

Some interviewees did not seek help because they did not see their situation as abuse. As previously noted, one Polish worker felt that because he was not being physically abused he did not need help. Another interviewee, a domestic worker, also echoed this sentiment:

*Because I thought my situation was better than others. If I am exploited, I am exploited in a slight way not like others who are physically abused.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

Other interviewee's directly compared what work would be like in their home country to work in the UK. One interviewee, who had worked in construction, explained that for him working in the UK was better than working in his home country of Romania even with the exploitation he was suffering:

*In Romania you would have to steal to survive and then you end up in prison, and it is not good. English is very good. Here everything is fine, you have a doctor and a school, you have your Oyster card for travel.*

*[At this point the interviewer clarified]:*

*INTERVIEWER: So basically it is OK to work longer hours than you are supposed to, do more work than you are supposed to, because it is better than work in Romania?*

*INTERVIEWEE: Yes, yes.* (UK, male interviewee from Romania, construction, EU national)

One worrying experience was that of an interviewee who worked in the retail industry, who explained that he had been trying to get other Polish workers to help him but they did not want to get involved. The interviewee stated that nobody wanted to interfere and everyone wanted a peaceful life. When he did speak to other Polish people and mentioned he was living with gypsies, they said "well, you know". He felt they were scared when he told them that.

*Asked for help.*

The majority of the interviewees did in fact ask for help of some kind. This appears to be a positive finding, particularly in the instances of domestic workers who are referred to the relevant support agencies who appear to be well known and respected.

### *Promising Practices*

As outlined in the previous section, it was common to hear stories of how domestic workers had to physically run away from their employers and hope that they found assistance. However, a number of the interviewees decided to talk to people before taking this option. In such scenarios the interviewees often spoke to the nearest Filipino they met and hoped they could help. The experience of one domestic worker is important here. The interviewee approached a Filipina running a restaurant in [Southern England] near the market. The interviewee had not seen any other Filipinos in [Southern England] so when she saw the restaurant she was excited and went up. She had not intended to tell her story, but when the lady noticed she was new and asked her how she was, she burst out crying and explained her story. It was lucky that this woman had previously assisted other Filipinos and knew about the organisations existing in [different location in Southern England].

The work of Hope for Justice should be particularly noted here in terms of providing frontline assistance for the workers. Two of the interviewees specifically noted how they had helped them get away from the gangmaster. One interviewee (EU national) explained how he had found a leaflet from Hope for Justice at work and they had taken him to a safe-house. Similarly, a male interviewee from Poland, alongside a colleague contacted the organisation (the

colleague obtained the contact number but it is unclear how). In that instance, the organisation removed them at night when it was safe and they wouldn't be in danger from the gangmaster.

There was also a promising practice on the part of employers. One interviewee was being exploited by a Polish gangmaster who stole his money. The interviewee worked happily at a clothing distribution centre but was exploited by a criminal who stole his bank cards and documentation and profited from his labour. When the interviewee could no longer tolerate this, he, along with a friend, reported their situation to their manager at a clothing factory who brought in appropriate police (Polish speaking) who helped to get him the support he needed, which was a safe-house away from the gangmaster. The interviewee also noted that he stayed in contact with the policeman who was very supportive:

*We keep in touch with (RESCUER) occasionally. He has my number and I have his so we can keep in touch. It is a fantastic organisation and they do a great job. (UK, male interviewee from Poland, EU national)*

Those that received help did so from a wide variety of people/support groups. In general the domestic workers were well supported by groups (Kalayaan and Filipino Domestic Workers Association- FDWA, are noted in this research). Some of the interviewees located these groups either directly. For example, one domestic worker who had been given the telephone number of a priest who knew of the work of FDWA. Others were referred to groups through more indirect methods including a local Church where the worker had been hiding to escape her exploitative employer. Others navigated towards groups by approaching strangers who then managed to find the relevant contacts to help. This resonates with the story of another domestic worker from the Philippines who escaped from her employer (via an unlocked front door) and met a stranger who provided help.

In general, the interviewees did not know the names of support groups before they left the exploitative situation, and therefore did not purposefully seek out specific groups when in need of assistance. The European workers in the sample for example, told their managers who then worked with the police and contracted support groups through the National Referral Mechanism. Other interviewees were given support after their situation was found by someone other than the police or a support group. The experiences of one EU national working in construction, for example were revealed to his drugs counsellor who informed the authorities on his behalf.

### ***Kinds of assistance received***

For the majority of the interviewees the first assistance required is safety and to be away from the employer. This was explored further in the first focus group where two respondents discussed what they needed. The respondents provided a list of the three most important things:

- 1- Shelter
- 2- Support/comfort
- 3- Food

*Shelter that is the immediate help. They said that if they run away, the immediate help they want is shelter, and people who can support them or comfort them. Food. (UK focus group 1, B/C- translated by Observer, female, domestic worker)*

For the respondents, who were domestic workers, this was taken care of by the Filipino Domestic Workers Association (FDWA). The desire to be away from the gangmaster was repeated throughout the sample (notably in the case of three EU nationals).

### *Promising Practices*

There are examples of support agencies working together to provide different aspects of support. This is perhaps most evident in the example of domestic workers. One domestic worker initially needed somewhere to stay, and the FDWA organised this as she 'sofa surfed' and lodged with other Filipino families. The interviewee noted that she had been a victim of human trafficking, so the FDWA suggested that she got in contact with Kalayaan. She has received the support she required which included counselling (12 sessions).

The need for shelter was further mentioned by domestic workers. Another domestic worker also noted how the FDWA had provided her with shelter as soon as she arrived in the city. FDWA then linked up with Kalayaan who could assist with further support including issues with documentation and provide accompaniment during interviews with the Home Office and the Police.

The support received does go beyond practical assistance and there is one example of support agencies providing emotional care. The interviewee (domestic work) was suicidal when she started to get help:

*I am scared now, what can I do? I was now thinking to kill myself because she was too much. Then when she said she was going to deport me, [caseworker's name] said she was going to help me.* (UK, female interviewee from Kenya, domestic work, regular migrant at the time of exploitation).

### *What else would have helped?*

This section was not well understood by the interviewees who found it difficult to speculate about what could be better. In general however, the lack of data represents the fact that due to the nature of the sample (most were currently receiving support) they were happy with the help that they received.

One theme that did emerge was a sense of frustration in not being able to work. In the UK, while in the National Referral Mechanism and waiting for a decision on whether trafficking/modern slavery has occurred, workers are in a limbo and cannot work. For one interviewee in particular this was frustrating. He had travelled to the UK to work and earn money and felt this was being denied.

*I would like to go back to work, and work normally, because I will get bored to death, [interviewer prompt for clarification] I would like to learn English. We used to go to English lessons, there are no interpreters, it is very difficult to learn.* (UK, male interviewee from Poland, clothes distribution centre, EU national)

### ***Experience of reporting to police***

Half of the sample reported their situation to the police, either by themselves or with assistance from friends or support agencies.

### *Good experience after reporting*

The majority (all but two) of the interviewees had a positive experience when they reported to the police. They noted that the police had been professional and, according to one interviewee (male, South-eastern Asia, restaurant), treated him with dignity and respect (although they did not believe his age).

Interviewees occasionally spoke passionately about the police and wished that they had gone to the police sooner. One interviewee felt that if he had reported to the police sooner his situation would have been resolved much sooner:

*If I went to the police sooner the matter would have been sorted by now, and I would have had my bank card, documents and pay slips, P60. Everything was ripped up.* (UK, male interviewee from Poland, factory work, EU national)

This respect and appreciation of police assistance was reflected in the story of a Polish interviewee who reported that he was treated well by the police. He felt respected because they got him out of his situation. They called him regularly to check if he was ok, to ask if he thought anyone was following him, and they added funds to his mobile in case of emergencies. They made him feel safer. Sometimes if nothing was happening and he didn't keep in touch with the police for two or three weeks, they contacted him to check in on him. Another interviewee also urged everyone to report to the police as they will help.

Interviewees who were accompanied by support agencies also reported good experiences. Once one interviewee (domestic worker from the Philippines) reported to the police, she felt they were very respectful because they showed empathy, but she noted that she felt safe because she was accompanied by a representative from the NGO Kalayaan.

### *Poor experiences with the police*

Those who reported to the police did have good experiences and there were only two examples of poor experiences. One interviewee (EU national, construction) stated that he was extremely frustrated with the process which took over three years. Another interviewee (domestic worker from the Philippines) felt that the police did not help her and should have done more to explain her rights. Although the police did not seem to have done anything wrong in this instance, the interviewee felt it was purely procedural and they just collected statements without trying to help.

### *No- didn't report*

Those who did not report tended to be domestic workers for the sole reason that they were afraid of the police and how the employers could influence the police. One interviewee was scared to report her situation to the police because the employer would get her in trouble. This appears to stem from difficult past experiences in the Middle-East:

*She was really hesitant to go to the police because in Qatar the situation is that if you complain, you would probably be the one in jail. You would be...instead of getting what you want, you end up being the one in the jail. She was worried about that situation happening here in the UK. She doesn't know how the police is in the UK.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

The interviewee still had not reported to the police, and was concentrating on her recovery.

### ***Experience of court proceedings***

Court proceedings and investigations had not been successful for the interviewees. Most of the employers of the domestic workers moved back to the Middle-East before they could be detained (notably in four cases). Cases that were investigated by the police often did not progress due to lack of evidence (in two cases).

Those involved in the proceedings reported positive experiences. One interviewee (male, Poland, retail) stated he felt respected by the judge and court officials. This was his first time in court, and officials explained who was who in court and how to behave. When he went to give evidence in [East Midlands], they arranged a hotel for him. Although the perpetrators were prosecuted, they did not appear for the hearing, and he had heard that they have left the country.

The data does reveal some positive prosecutions. A Polish interviewee (food factory) reported how his gangmaster and his family were successfully convicted for modern slavery.

*His wife got one year, to prison, his son got one year, and he got two years and eight months. (UK, male interviewee from Poland, food factory, EU national)*

There are no examples of any of the interviewees receiving back pay or compensation.

### ***Access to information about rights***

A major finding from the research was that the majority of the migrant workers did not know about their rights.

None of the domestic workers knew their employment rights in the UK. This was also discussed further during the focus group:

*She was saying with the right information in the Philippines...they are not giving the right information about the country you are working [in], the policies, the situation there. What happens if there is a problem, where are they going? It is not that kind of systematic. Other countries can take advantage and manipulate and exploit them. (UK focus group 1, female, domestic worker - translated)*

It is important to note that the majority of domestic workers did not intend to come to the UK and were brought by the employers from the Middle-East. As a result workers did not have the time or the opportunity to explore UK employment rights. The workers did learn about their rights when receiving support. Interviewees specifically highlighted the work of Kalayaan in this respect.

Some European workers (notably in two cases) did learn about their rights in their workplace and began to question their treatment. Only one interviewee who had worked mainly in hotels explained how she had gone online and researched her rights.

## **Current levels of satisfaction**

### *Dissatisfied*

Although the majority of the interviewees were satisfied with their current situation, two specifically explained why they were dissatisfied. Such dissatisfaction often stemmed from the lengthy legal processes. An interviewee from South-eastern Asia was still awaiting the outcome of his asylum application. As a victim of trafficking who was bonded by debt, the safety of his family was under threat. At the moment he did not know if his debt had been paid off and has lost the ability to contact his parents. Additionally, when first interviewed by the Home Office, they did not believe that he or his family were in danger.

One interviewee (Poland, clothes distribution centre) mentioned being frustrated by his inability to work. However, he also felt that he had achieved nothing during his time in the UK. As a result of his exploitation the interviewee found himself in the same situation as when he first entered the UK. He had no money but no additional debt. He did not think that he would get any money back from the gangmaster, although he was aware that he could attempt to recover some money.

### Satisfied

As noted, the majority of the interviewees were satisfied with their current situation. This was most notable in terms of the domestic workers in the sample. The domestic workers talked about feeling comfortable and happy with the support received:

*Yes I am so happy, because I know it is comfortable when I am coming here. I feel so comfortable with myself now my situation is like this. You are here to help us.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

Such comfort comes from the fact that she now understood her situation and what happened, thanks to support agencies, but also by being treated with dignity. This was also evident for European workers who had been safely removed from their gangmasters. Such workers explained that they now felt safe.

Some of the workers had been in situations for a long period of time and although they were not happy, they saw hope in the future. One domestic worker interviewee had been exploited since 2010:

*I have been suffering since I came here [2010] but when we have this group- I am hopeful. I cannot say that I am happy but they are a big help. A big help for the soul, so I am praying.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

A number of the interviewees were back in some sort of work situation. One interviewee noted being involved in voluntary work (male, Poland, food factory) and another was working part-time helping with cleaning for a friend (female, domestic worker, Philippines). However, because the majority of the interviewees were in the National Referral Mechanism they were unable to work.



## 7. Ways forward and prevention

**TABLE- Frequency of prevention measures mentioned.**

Ways Forward/Prevention measures	Number of interviewees	Breakdown by category
Would accept the job today	5	O= 2 D= 2
Educating workers (rights)	5	IP= 1 S= 1 O=1 D= 1
Increased monitoring/checks	5	IP= 1 O= D= 3
Greater police presence (and assurance)- getting the police involved quickly	3	O= 3
More visible support agencies- access support earlier	4	O=1 D=3
Obtaining permanent status	1	D= 1
Blacklisting/fining employers	2	O=1 D=1
Improved PDOS (Pre-Departure Orientation Seminar)	6 (Focus Group)	UK-FG-1

### **SUMMARY**

The questions pertaining to prevention and ways forward were the least well answered. Interviewees and focus group participants struggled to think about ways that things could have been different and found it difficult to propose potential initiatives or programmes. Interviewees were in general only able to comment on their own experiences and had no idea how to prevent what had happened to them. However, the data shows that the interviewees felt that in order to prevent labour exploitation there must be an improvement in worker's knowledge of their rights and an improvement in how this is communicated to workers. This should occur

in both the sending and destination country although interviewees placed greater emphasis on one or the other – Filipino workers wanted improvement from their government and the PDOS whereas European workers felt more visible information was required in the UK. Increased monitoring and workplace checks were thought of as being important by the interviewees, particularly those who took part in the focus groups. No interviewees had witnessed such checks. It was suggested that monitoring and inspection needs to occur within economic sectors but also on a governmental level so that migrant workers are monitored to ensure they are not being exploited.

### ***Accepting a job despite conditions of labour exploitation***

After reading accounts of the experiences of the interviewees, it would be easy to conclude that they would never do similar work again. Alternatively, if they could go back in time they would never work for the employer. However, the situation is more complex than this and a number of the interviewees explained that they would still come to the UK.

The experiences of one worker (Polish, construction) revealed that he would do the same again if he had the opportunity. The interviewee had been trafficked to the UK from Poland. He never had his own bank account and received a paltry amount of money from his employer who placed him in any job that he desired. During his time in the UK he worked on building sites, in high-class Indian restaurants and valeting luxury cars. He lived in squats with no services and only a hole in the basement floor to keep things cool. He worked long hours with a collapsed lung and would vomit due to the stress and lack of food, having eaten only a cheeseburger for the entire day. Yet the interviewee clearly stated that he would do it again:

*I think I would. I was a spontaneous decision and as I said I don't regret this. No regret.* (UK, male interviewee from Poland, construction, EU national)

For the interviewee, the skills and experiences he had gained whilst being in the UK outweighed his treatment.

A similar scenario was presented by a domestic worker. Although the interviewee had worked in multiple jobs and suffered a myriad of exploitation, she still felt that she would accept the job and come to the UK. She stated that she is proud of coming to work and seeing the country. As previously noted, the interviewee saw her exploitation as tolerable because she had earned some money (less than agreed) and had not been physically abused.

Some of the respondents were more reflective about working in the UK. For example, one Polish interviewee (retail industry) explained that he would work in the UK but he would not work with gangmasters (he used the term Polish gypsies). This suggests that the interviewees had gained knowledge about proper working and how they should be treated as workers.

The vast majority of the interviewees strongly stated that they would not accept a job with such conditions again. All but one domestic worker (highlighted above) said that they would have preferred to have returned to the Philippines than suffer exploitation. This was also the case for those who had been very severely exploited such as the interviewee from South-eastern Asia. It is clear that his experiences have been traumatic. The interviewee said that his experiences were very bad and “that will follow me for a long time”.

European workers were also very decisive in stating that they would not do it again. One interviewee from Poland (manual labourer) for example said he would do everything he could to stop other people from falling into the same situation as he did. Another Polish interviewee (clothes distribution centre) stated that he would rather die than work for another gangmaster.

### ***Feeling safe and protected to accept a job***

The interviewees explained that for them, there was only one thing that would make them feel safe and protected to accept a job, and that was knowledge of their rights and how this would relate to their job. For the respondents in the sample no other ideas were raised. One respondent stressed that for him it was his own personal knowledge that was important. If he was aware of his employment rights and what he was required to do, then he would feel more comfortable to work. The interviewee gave the examples of knowledge of taxes, insurance and what was expected of him. Another European worker called such information 'practical things' and explained that he would like to know what they are before working:

*How much would I earn, where would I live, how much would I have to pay for the room, where would I work, things like that...and what town I would like in, how long I would have to travel for work. Basic information like that.* (UK, male interviewee from Poland, clothes distribution centre, EU national)

However, for the domestic workers in the sample and the interviewee from South-eastern Asia, (restaurant) the issue was that they knew what was expected of them and what they should be receiving but this was not upheld. The interviewee from South-eastern Asia for example said he knew now what hours he should be working and how many days off he should have but this was not upheld. This also relates to what has previously been discussed in terms of contract substitution for the domestic workers who know what they are supposed to receive (e.g. working hours, days of pay), but did not receive this.

A unique perspective was also presented by a domestic worker from the Philippines. The interviewee noted that if she obtained permanent status she would feel more comfortable and confident to accept a job in the UK. Being tied to her employer via a domestic visa felt quite precarious with the employer holding all the power.

### ***What advice would survivors give to others?***

#### *Contact others for help*

The most common piece of advice given by the interviewees was that workers in similar situations should contact others for help sooner rather than later. Workers should contact anyone they can, but the interviewees specifically suggested managers in workplaces, support agencies and the police.

One interviewee suggested that it is a good idea to communicate with your manager sooner. This is borne out in the experience of a Polish interviewee (clothes distribution centre) who approached his manager (alongside a friend) and explained his situation. The situation was dealt with sensitively and appropriately, the police were brought in and the situation resolved.

The majority of interviewees referred to seeking assistance from support agencies as soon as possible. This was most prevalent for the domestic workers in the sample.

*I know many Filipinos are in my situation but one time I told them you are much better to report to Kalayaan because they are helping us about their situation.* (UK, female interviewee from Philippines, domestic work, regular migrant at the time of exploitation).

A number of the interviewees regretted not getting support agencies involved yet such involvement is difficult to obtain because domestic workers are isolated. Domestic workers have their ability to communicate and move outside of the house restricted and therefore gaining knowledge or accessing such support agencies is challenging. One interviewee stated that if she found out about another in a situation like herself, she would do her best to educate them and put them in touch with the relevant agencies.

### *To trust the police*

It is a positive finding from the research that a number of interviewees said they would advise workers to trust the police and get them involved in their situation. Although it has been noted previously in the report that the police had not been overly helpful and had been focussed solely upon procedure and collecting statements, some interviewees regretted not involving the police. A domestic worker said that she would advise them to go to the police as the police can then point them towards the correct agency who can take things forward. This of course, assumes that the police involved have awareness of such agencies.

A good summary of the views of European workers was presented by one interviewee.

*Don't be afraid to go to the police. I never believed in the police, but they are actually helping. I was like this, in a small one [small town], if you go to the police people don't want to speak to you. They are scared and think that you are a grass or something.* (UK, male interviewee from Poland, domestic work, EU national)

Here the interviewee reflected on his own experiences of the police in his small town back home where police were not helpful. It appears that his experiences in the UK, however, have been more positive. Another EU national also noted that workers should go to the police because it is ultimately the only way to resolve things. This theme was also prevalent in the second focus group where interviewees expressed that belief that police cannot help. One hotel worker argued that the police would not get involved in such situations:

*Police do nothing. Police people say "you have to sort that out with these people". You need like special officers or somebody. Some people are scared to talk about this or shy or don't speak English or something. So we need somebody, some office or telephone number, where we can go straightaway.* (UK, female focus group participant from Slovakia, hotel, EU national)

There were also a few unique ideas coming from the data. One interviewee stressed the importance of learning English, as being able to communicate properly could potentially help. Another interviewee took a more definitive approach and advised other workers not to go overseas with an employer. The interviewee stated that whatever happened the employer would not stick to the agreed contract and they would be exploited in some form. One European worker referred to the fact that he came to the UK with nothing, simply wanting to earn money when he arrived. As a result, he took any job and was unsure that what he was doing was the right thing to do. On reflection, he argued that in order to make such decision you should have the support of family (in his situation) who can help:

*I would bring someone from my family, like my parents, my brothers- they can help me with money and tickets next time, without any problems. (UK, male interviewee from Poland, food factory, EU national)*

### ***Making changes to improve the situation for migrant workers***

The interviewees highlighted three main areas that must change in order for the situation to improve for migrant workers and potentially reduce the possibility of labour exploitation: better rights education for workers including information from the sending country, increased visibility of support agencies and changes to the situation of the worker before coming to the destination country.

One interviewee (male, South-eastern Asia, restaurant) highlighted the fact that he had never received any information about his rights in the destination country, however he was unsure how this would be achieved because workers in his situation will not be able to access such information. Therefore, the way that rights information is passed to migrant workers must improve and there should be some kind of education programme for workers. This also related to the situation of the Filipino workers and was discussed during the focus group. The participants of the focus group discussed the Pre-Departure Orientation Seminar (PDOS) that they received prior to leaving the Philippines. Some interviewees stated that their employers had bypassed the seminar through either corruption, manipulation or flaws in the system. All interviewees stated that the seminar itself is flawed and does not give the correct information or guidance. One interviewee stated that workers are told to be patient and endure exploitation if they can. Therefore the information given to workers prior to arriving in the destination country must improve.

Both the domestic workers and European workers in general did not know where to turn once they found themselves in a situation of exploitation. Support agencies must be more visible. A number of the interviewees stated that if they had known about support they would have gotten help sooner.

One interesting aspect that should change according to one EU national, is the situation of the migrant worker coming to the UK. He felt that the worker should not be in a desperate situation before coming to the UK. The interviewee, who worked mainly in factories, suggested that people coming to the UK need to stay safe and earn some money before coming to the UK:

*Seriously, I don't know [what must change] because people are obviously looking for work, even if you are on the street and looking for work, you are looking everywhere. And if someone says they will pay you for this and this you are going to do it because you need the work, money for the food. You don't want to be a criminal, violent, so you try to make money. (UK, male interviewee from Poland, factory work, EU national)*

He was desperate to come to the UK and stay here and as a result made bad decisions about his employment. The interviewee suggested that the UK authorities should check that the worker has some money and a place to live.

During the second focus group, the interviewees suggested a number of changes that should be made including a change to inspections for better prevention (see below). The interviewees suggested:

- Access to better jobs

*He's saying that, first of all, what he would need as a person is to get a better job where this doesn't happen. (UK, male focus group participant from Slovakia, factory worker, EU national)*

- Seeing companies penalised (essentially serving the purposes of justice and prevention)

*In terms of companies, they should be penalised because they steal a lot of money from their employees so they do have money to pay a penalty. (UK, male focus group participant from Slovakia, factory worker, EU national)*

The living wage to be made law

It is interesting to note that while the interviewees stated the living wage would have helped, the dishonest practices that employers carry out to reduce income (such as not refunding expenses, refusing holiday, sickness and maternity pay, or overtime) would still affect the value of that measure.

### ***Ideas for prevention***

In general, interviewees were clear about the problems they had faced but struggled to think about any sort of initiatives or programmes which may help the situation. This is to be expected as the interviewees can only reflect on their own experiences. As a result, some of the suggestions in this section are more a reflection of things that must be done better with only small links to potential ways to actual bring about change. However, it is clear that for the sample there are two ways that exploitation can be prevented: better monitoring and improved sharing of rights information and support.

As previously noted, none of the interviewees had ever witnessed workplace inspections that could have potentially recognised them as being exploited, other than health and safety inspections which focussed upon whether the workplace was safe. Interviewees called out for more workplace checks as this was the only place they were visible due to the enforced isolated in their accommodation. This was developed further by one domestic worker who was interviewed. The interviewee called for monitoring on a much higher scale starting when the worker arrives in the country. It was suggested that the Home Office needs to monitor migrant workers much more closely and have more intimate knowledge of their working and living arrangements. There also needs to be more involvement of companies who may be complicit in exploitation, particularly hotels. During focus group 1 it was suggested that hotel staff need to be more aware and more pro-active about potential exploitation occurring on their premises. An example was given where a family consisting of two adults, two children and two nannies were staying in a hotel room. This should have raised suspicions and should have been investigated further by the hotel staff.

The second focus group revealed that migrant workers felt exploitation often occurs when people take advantage of their limited English language skills. In order to prevent exploitation contracts must in the appropriate language and this needs to be provided in law. This was also linked to practical job information which must be clear and give you guidance on what to do if you are being exploited. One hotel worker stated:

*She says that before you start you don't really know what it's going to be. She says that very clear contract would be helpful, with description of your rights but obligations as well, so that you know what your rights are but also what you are supposed to do, like what the employer can ask you. And she thinks that also there should be something in the contract about where to report when this happens to you or when you see this happening to someone else, or one someone is bullying you. So not only the expectations of the employee, but also the expectations of the employer. (UK, female focus group participant from Slovakia, hotel, EU national).*

The interviewees felt that new schemes need to be developed to inform workers about their rights (and other practical information including contact numbers) before coming to the UK and whilst working in the UK. As previously noted, domestic workers felt that the Filipino government must improve the PDOS and work to protect their workers. One domestic worker said that workers need to know information before coming to the UK about holiday, accommodation, salary and personality of the employer. During the second focus group helplines were discussed. One factory worker suggested that helplines must go beyond finding new jobs for workers and actually provide legal support:

*Or there should be a helpline with a solicitor. Someone who knows a bit more...He's saying that the first thing that they told him when he started to work was that "you are not allowed to do this, that, and there will be no holiday, no sick pay". (UK, male focus group participant from Slovakia, factory worker, EU national)*

In general, interviewees struggled to express how information could be distributed. However, a few interviewees had ideas about getting information prior to leaving. Polish newspapers were suggested by an interviewee who had worked mainly as a manual labourer:

*There could be an advert in a Polish newspaper. If you find yourself in trouble phone this number and you get help and advice. (UK, male interviewee from Poland, manual labourer, EU national)*

Another interviewee, who worked in the retail industry, suggested that the information should also be available in job centres:

*Maybe in the job centres in Poland, information like this could be on information leaflets. (UK, male interviewee from Poland, retail industry, EU national)*

A number of interviewees felt that it is most important for information to be available in the destination country as migrants may not have come to the UK solely to work and done research before travelling. This was further reflected in the following summary from an interviewee who worked mainly in clothing factories:

*When Polish people come to this country they know nothing. There is a job and money and that is all. (UK, male interviewee from Poland, factory work, EU national)*

One interviewee, who worked in retail, did offer some thoughts about where and how such information could be distributed in the UK. After being asked about where to put emergency telephone numbers, the interviewee suggested:

*Public places – bus stops, stations, train stations, main areas. That would be best I think. Maybe some kind of centres, things like that. But for people arriving on the coaches, you know coach station in Liverpool, in a visible place. If I arrived in Liverpool and didn't know where I*

*was going, what I was doing and there was information in Polish saying please call us if you need help.* (UK, male interviewee from Poland, retail industry, EU national)

For the interviewee, the focus was upon visibility and how many people could potentially see the information. He suggested that targeting transportation hubs would be most beneficial.

One unique prevention measure that was presented by one domestic worker from the Philippines was to blacklist employers who had repeatedly exploited their staff, in order to ensure it does not happen again. This comes from direct personal experience as the interviewee was the fifth domestic worker to be exploited by her employer.

There were interviewees that unfortunately could not even speculate about how to prevent exploitation. These interviewees, such as the following domestic worker, felt that workers are desperate to make more and will always be vulnerable to exploitation:

*Seriously I don't know [how to prevent it] because people are obviously looking for work, even if you are on the street and looking for work, you are looking everywhere. And if someone says they will pay you for this and this you are going to do it because you need the work, money for the food. You don't want to be a criminal, violent, so you try to make money.* (UK, female interviewee, domestic work)

For some, trafficking and exploitation is easy and too prolific to prevent, as noted by the following interviewee who worked mainly in construction:

*For one trafficker you take to jail you have two new ones in his place, it is good business, good money.* (UK, male interviewee from Poland, construction, EU national)

The main prevention focus of the second focus group was around inspection, and it was something that the interviewees felt strongly about. As previously noted they felt that inspections were ineffective in their current form, saying they had been told to go home when an inspection was due, or being moved outside or to another department to avoid encountering the inspector. They were also instructed to smile and say they were happy, or risk losing their jobs. The group suggested the following changes to inspection processes:

- Should be unannounced (this was very important to the group and emphasised on several occasions)

*Like we are all saying, it is the best thing to send somebody like this secret inspector, not saying before "I am coming on this day", no, just go there and check. This is the main thing that all these people need. Because you never find these mistakes, never find out what these people are doing, because it's hidden. This woman, like my manager, she knows that if there is someone I can start talking, but she can let me leave one hour before to go home, because she knows that somebody is coming, or she can say "you can have tomorrow off". Because, like this girl (referring to her employer) was scared – if the inspector asks me anything I could say it in front of the inspector.* (UK, female focus group participant from Slovakia, hotel, EU national)

- Should occur more regularly throughout the year (rather than once a year)

*No, no. Every month. Once in a year, this is nothing. It's like not coming. Once in a year is nothing.* (UK, female focus group participant from Slovakia, hotel, EU national)



- Should possibly consider sustained visits of 2-3 weeks to ensure they get a true picture of working practices

*The people are scared if an inspector asks “tell me your opinion”. You know everyone checks you but for example, if you come and speak to workers over 2-3 weeks, you can get more information from the inside. The people will not be scared to tell him, they will be like “come in inspector, hello, are you alright”. Now they won’t say nothing because everyone is scared for their job. Their English is poor or something. (UK, male focus group participant from Slovakia, factory worker, EU national)*

## 8. Conclusion and any other observations

The research has shown that there are definite trends in terms of the risks, experiences, access to help, and ideas for prevention both within the economic status explored and across them. There are, of course, aspects of their experiences which are particularly pertinent to individual cases. This conclusion will aim to highlight the major issues that have been raised throughout the research and provide more context and analysis, showing how factors are linked and also how risks work concurrently to aggravate the exploitation suffered. It is hoped that this will provide food for future debate and make the major findings of this research clear.

It should also be clear at this point that risk factors, experiences, help and prevention are all entwined and impact and influence each other. One clear example of this is in relation to the English language ability of the interviewees. Not only is this an isolating factor as interviewees cannot engage with society as a whole, but also it restricts the ability to seek help as they cannot access the help they need. In turn, any sorts of prevention measures are not applicable as the worker is invisible.

It is important to state that labour exploitation will likely continue in the UK because exploited labour in the UK is often preferable (either in terms of remuneration or the existence of available work) to work in home countries.

Migrant workers come to the UK to work; the data suggests that in general this is due to lack of employment opportunities in the home country and/or changes in personal circumstances. There are multiple stories reported of how the death of a spouse or family member led to an interviewee having to move abroad to work in order to support the remaining family. The experiences of the interviewees suggest that moving to the UK is through necessity and a desire to better oneself. However, it is also clear that in the instances of the domestic workers, such workers are brought to the UK against their will either during business trips/relocation or extended vacations. As a result, the interviewees are desperate to take work. This impacts upon their ability to make informed judgements about the type of work they will accept as workers 'grab' any job that they can. In practice, workers in this situation do not have the opportunity to explore the countries in which they find themselves.

Those who have been trafficked appear to feel the risks of labour exploitation to a heightened degree because they are the most likely to be exploited, due to criminal involvement usually through debt bonding and the fact that the traffickers appear to have extended networks across both the sending and destination country. This creates an additional layer of fear for the workers' family but also, as revealed in the data, corruption within sectors of the economy in the UK. This removes the potential to seek help as the situation workers find themselves in appears to be unassailable.

Support agencies work to support survivors of labour exploitation and yet there is very little pro-active work done by either the sending country or the destination. None of the interviewees ever witnessed a workplace inspection and none of the interviewees were asked about their work or living arrangements. There are two clear examples of occasions where opportunities to remove workers from gangmasters were missed. Such stories perhaps suggest that there is little to be done to prevent such exploitation and that support cannot achieve anything. Migrant workers are often invisible, controlled by gangmasters, excluded from society and are often involved with serious criminals who terrorise their lives. More clearly work needs to be done to monitor workers coming into the country. The stories and suggestions of the interviewees show that they feel that no-one cares about them and that authorities are unwilling to ensure that their rights are being upheld. There are serious concerns with the journeys of domestic workers via the Middle-East who seem to arrive into the UK without any challenge. It is further important to stress the hold that gangmasters have upon the workers. A number of the interviewees in this research worked in very public-facing jobs on building

sites, in high streets, as a part of construction teams and in large factories. Yet workers cannot speak out and there is no (or little) proactive work to help them.

Therefore, prevention of labour exploitation is a difficult task, and with limited government involvement NGOs are often left to support survivors. In addition to increased monitoring, the interviewees felt that those doing good work should be more visible and that contact information should be easy to find. Interviewees suggested leaflets at transportation hubs which gave details of where to turn and what to watch out for. In the destination country it was suggested that information should be available at job centres and through official government sources (e.g. a full revision of the Philippines Pre-Departure Orientation Seminar). However, this would not address the problem. Not only are a number of the workers who are exploited in this way trafficked into the country, most are recruited informally and never see any sort of official recruitment agent in the home country. The experiences of the European workers are most pertinent here as they move across borders freely. While it is vitally important that such borders remain open, workers need to be protected and monitored to ensure that they are not being taken advantage of by unscrupulous employers.

## ANNEX 1 – Desk Research template

Please answer the below questions in reference to the situation in your country. The information you provide should reflect the situation in your country at least as of 30 June 2017 (even more up-to-date information is welcome).

Where the answer is ‘No’, kindly indicate which sources were consulted.

For all information, please provide full references in accordance with the FRA style guide.

1 LEGISLATION and POLICY				
<p><b>For each question, please place an ‘X’ in the relevant box (‘Yes’ or ‘No’) and, under ‘Supporting information’, provide the following information:</b></p> <ul style="list-style-type: none"> <li>• Name the relevant law;</li> <li>• Provide a brief English translation of the most relevant parts of the relevant provision/definition or give a brief explanation of the contents;</li> <li>• In the reference, please include a link to the electronic version of the text in original language – and if available, to any official or unofficial English translations.</li> </ul>				
		Yes	No	Supporting information
1.1	<p>Based on a review of the information provided in Annex III published by FRA in 2015 - ‘<i>Criminal law provisions relating to labour exploitation</i>’<sup>60</sup> – have there been any changes to or new legislation in the area of criminal law relating to labour exploitation?</p> <p><b>If yes</b>, please provide information under ‘Supporting information’ (i.e. which law; explanation of relevant provision and reference).</p> <p><b>If no</b>, is there any draft legislation underway?</p>	✓		<p>In March 2015, the <b>Modern Slavery Act 2015</b> came into force.<sup>61</sup> The Act consolidates and simplifies existing offences in a single act and raises the maximum penalty for those convicted of either Sections 1 or 2 offences to life imprisonment.<sup>62</sup> It criminalises slavery, servitude, forced or compulsory labour; and human trafficking in Sections 1 and 2 respectively. Some Sections also extend to Northern Ireland and Scotland. Section 5 provides for penalties with the maximum sentence being life imprisonment. The definition is a broad one – A person will be guilty of the crime of slavery, servitude and forced or compulsory labour if he/she “holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude” (Section 1 (1) (a) of the Act).</p> <p>In November 2015, the <b>Human Trafficking and Exploitation (Scotland) Act 2015</b> came into force,</p>

<sup>60</sup> Please download Annex III from <http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>.

<sup>61</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>62</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 5, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

				<p>which defines human trafficking; slavery, servitude, and forced or compulsory labour in Sections 1 and 4 respectively.<sup>63</sup> These provisions echo the Modern Slavery Act and apply in Scotland.</p> <p>In the second half of 2016, the <b>Immigration Act 2016</b> came into force.<sup>64</sup> The Act provides for additional powers for the Gangmasters and Labour Abuse Authority (see 2.1 below). It also introduced Labour Market Enforcement (LME) undertakings and orders to deal with repeat labour abuse offenders to prevent further offences, which complement existing civil and criminal penalties.<sup>65</sup> Breaching an order can lead to imprisonment up to two year.<sup>66</sup></p>
1.2	<p>Are legal provisions or measures in place to ensure that employers convicted of criminal forms of labour exploitation will be excluded from entitlements to public benefits, aids or subsidies, including EU funding managed by Member States?</p> <p><b>If yes</b>, for what time period is such exclusion provided?</p>		✓	
1.3	<p>Do public procurement procedures ensure that employers convicted of a criminal offence are later-on excluded from participation in a public contract (work, supply or service contract)?</p> <p><b>If yes</b> – for which crimes? Are criminal forms of labour exploitation among the relevant offences?</p> <p><b>If yes</b>, on which legal basis, and briefly explain to what extent (e.g.</p>		✓	<p>However, commercial organisations with a global turnover of over £36mn to prepare a slavery and human trafficking statement for each financial year in which they are required to explain steps taken to ensure modern slavery and human trafficking is not taking place in any part of their business or supply chain.<sup>67</sup></p>

<sup>63</sup> UK, HM Government (2015), *Human Trafficking and Exploitation (Scotland) Act 2015*, 1 October 2015, available at: [www.legislation.gov.uk/asp/2015/12](http://www.legislation.gov.uk/asp/2015/12).

<sup>64</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 10-13, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>65</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14-24, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19). See also UK, Home Office and Department for Business, Energy & Industrial Strategy (2016), *Code of Practice on Labour Market Enforcement: Undertakings and Orders*, November 2016, available at: <http://bit.ly/2gKgPxr>.

<sup>66</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14-24, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>67</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 54, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30). This part of the Act extends to England, Wales, Scotland and Northern Ireland.

	how often was this done since 2014?). And can such employers also be excluded from acting as a subcontractor in the implementation of a public contract?			
1.4	<p>Are legal provisions or measures in place obliging or enabling Member States' authorities to 1) close an establishment that has been used to commit a criminal offence, <u>and/or</u> 2) to withdraw a licence to conduct a business activity?</p> <p><b>If yes</b> – for which crimes? Are criminal forms of labour exploitation among the relevant offences?</p> <p><b>If yes</b>, how often was this provision used since 2014?</p>	✓		<p><b>1. Closure of establishment:</b> Closure of establishment is possible when a person commits the offence of persistently selling alcohol to children.<sup>68</sup></p> <p>Closure is also possible where an employer is employing an “illegal worker”, meaning someone who has not been granted leave to enter or remain in the UK.<sup>69</sup></p> <p><b>2. Withdrawal of licence:</b> The Gangmasters and Labour Abuse Authority (GLAA) can withdraw a licence from an employer (“gangmaster”) in the agriculture sector if he/she does not comply with one or more of the conditions specified in the licence (which, among others, includes standards on the treatment of workers).<sup>70</sup> However, the mere fact of not complying with the conditions set out in the licence is not an offence <i>per se</i>.<sup>71</sup> The GLAA publishes inspections and convictions on its website.<sup>72</sup></p> <p>Furthermore, the Employment Agency Standards Inspectorate (EAS) can apply to an employment tribunal to ban someone from running, or being involved in running, an employment agency or employment business.<sup>73</sup> The maximum period of a prohibition is 10 years and it can be granted in case anyone in the company’s managerial team “is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits”.</p>

<sup>68</sup> UK, HM Government (2003), *Licensing Act 2003*, 10 July 2003, Section 169A, available at: [www.legislation.gov.uk/ukpga/2003/17](http://www.legislation.gov.uk/ukpga/2003/17).

<sup>69</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Schedule 6, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>70</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, Section 9, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>71</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, Section 12 (1), available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>72</sup> See GLAA, 'Who has been inspected?', available at: [www.glaa.gov.uk/our-impact/who-has-been-inspected](http://www.glaa.gov.uk/our-impact/who-has-been-inspected); and GLAA, 'Conviction totals', available at: [www.glaa.gov.uk/our-impact/conviction-totals](http://www.glaa.gov.uk/our-impact/conviction-totals).

<sup>73</sup> UK, HM Government (2016), *Employment Agencies Act 1973*, 18 July 1973, Section 3A, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35).

			<p>The EAS publishes lists of people who have been banned from running an employment agency or employment business online.<sup>74</sup></p> <p>The Immigration Act 2016 introduced LME undertakings and orders to deal with repeat labour abuse offenders to prevent further offences, which complement existing civil and criminal penalties (see 1.1 above). Undertakings and orders can be made when a trigger offence<sup>75</sup> is committed and can include prohibitions or restrictions.<sup>76</sup> There are no statistics available yet on how often these new provisions have been used.</p>
<b>2</b>	<b>LABOUR EXPLOITATION AND THE INSTITUTIONAL SETTING</b>		
	<p><b><i>For each question and each body mentioned under 'Supporting information', please provide the following information:</i></b></p> <ul style="list-style-type: none"> <li>• <i>Name the body/organisation; indicate whether it operates at national or federal level and the year it began operating; and whether it is restricted to monitoring a particular economic sector or sectors;</i></li> <li>• <i>Give a brief summary of the legal obligations and mandate of the body;</i></li> <li>• <i>Indicate the regulatory basis for its work/mandate (legislation, internal regulation, etc.);</i></li> <li>• <i>Provide a brief (1-3 sentences) description of its mandate and tasks.</i></li> </ul>		
		<b>Supporting information</b>	
2.1	<p>a) Which authority (or authorities) is tasked by law with monitoring the rights of workers – for example through carrying out inspections?</p> <p>b) For each authority mentioned, is a distinction made between monitoring of the rights of:</p> <p>1) nationals and EU nationals, and</p> <p>2) third country nationals?</p> <p><i>I.e. Are any specific or different regimes or rules in place?</i></p> <p><i>Please name all bodies in case multiple bodies are involved – for example, labour inspectorates;</i></p>	<p>The main authority in the UK monitoring the rights of workers is the <b>Gangmasters and Labour Abuse Authority</b> (GLAA).<sup>77</sup> The Gangmasters Licensing Authority was established by the Gangmasters</p>	

<sup>74</sup> UK, Department for Business, Energy & Industrial Strategy (2017), 'Guidance: People prohibited from running an employment agency or business', 15 June 2017, available at: <http://bit.ly/2fpCdec>.

<sup>75</sup> A trigger offence is a breach of any of a number of Acts defined in Section 14 (4) of the Immigration Act 2016: UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 14 (4), available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>76</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 14 (3) and 18 (2), available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19)

<sup>77</sup> For more information, see: [www.gla.gov.uk](http://www.gla.gov.uk).

<p><i>specialised police units; trade unions or border guards.</i></p>	<p>(Licensing) Act 2004.<sup>78</sup> In 2016, it was renamed as the GLAA and given additional powers through the Immigration Act 2016.<sup>79</sup> The GLAA works in partnership to protect vulnerable and exploited workers, and provides licences to employers in the agricultural, horticultural and shellfish gathering sectors (and associated processing and packaging).<sup>80</sup> The licence conditions are legal requirements to protect workers from poor treatment and exploitation.<sup>81</sup> The GLAA can inspect and investigate whether the employer still meets the criteria set out in the licence.<sup>82</sup> It is a criminal offence to operate without a licence.<sup>83</sup> In addition to this, the GLAA is now also given a labour abuse prevention function and can therefore directly investigate “labour market offences” in all business sectors.<sup>84</sup> The GLAA can also ask for the assistance of and cooperate with the National Crime Agency and other government agencies.<sup>85</sup> This additional power only applies to England and Wales. No distinction is made between nationals, EU nationals and third country nationals.</p> <p>Secondly, <b>HM Revenue &amp; Customs (HMRC)</b>, which is the UK’s tax, payments and customs authority,<sup>86</sup> enforces workers’ right to National Living/Minimum Wage (on behalf of the Department for Business, Energy &amp; Industrial Strategy).<sup>87</sup> The legal basis for this is the National Minimum Wage Act 1998, which applies to the entirety of the United Kingdom and in all sectors of work.<sup>88</sup> The enforcement officers of HRMC have both civil and criminal enforcement powers to make sure that employers are paying their employees the minimum wage.<sup>89</sup> There is no distinction between</p>
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<sup>78</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>79</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Sections 10-13, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>80</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 3, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>81</sup> For details on the licence conditions, see: GLA (2009), *The Gangmasters (Licensing Conditions) Rules 2009*, 16 February 2009, Schedule Licence Conditions, available at: [www.legislation.gov.uk/uksi/2009/307/schedule](http://www.legislation.gov.uk/uksi/2009/307/schedule).

<sup>82</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 16, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>83</sup> UK, HM Government (2004), *Gangmasters (Licensing) Act 2004*, 8 July 2004, Section 12, available at: [www.legislation.gov.uk/ukpga/2004/11](http://www.legislation.gov.uk/ukpga/2004/11).

<sup>84</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 12 and Schedule 2, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19). See also: GLAA (2017), ‘GLA Brief – GLA Additional labour market powers’, January 2017, available at: <http://bit.ly/2fvFo4b>.

<sup>85</sup> UK, HM Government (2016), *Immigration Act 2016*, 12 May 2016, Section 13, available at: [www.legislation.gov.uk/ukpga/2016/19](http://www.legislation.gov.uk/ukpga/2016/19).

<sup>86</sup> For more information, see: HM Revenue & Customs, <http://bit.ly/19luzCw>.

<sup>87</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law*, July 2017, p. 3, available at: <http://bit.ly/2gMVJlq>.

<sup>88</sup> UK, HM Government (1998), *National Minimum Wage Act 1998*, 31 July 1998, available at: [www.legislation.gov.uk/ukpga/1998/39](http://www.legislation.gov.uk/ukpga/1998/39).

<sup>89</sup> UK, HM Government (1998), *National Minimum Wage Act 1998*, 31 July 1998, Sections 17-22 and Sections 31-33, available at: [www.legislation.gov.uk/ukpga/1998/39](http://www.legislation.gov.uk/ukpga/1998/39). See also UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs*



		<p>enforcing minimum wage between UK nationals, EU nationals and third country nationals.</p> <p>Thirdly, the <b>Employment Agency Standards Inspectorate's</b> (EAS) role is to guarantee compliance with employment rights, particularly for vulnerable agency workers, and to ensure that everyone using the services of private recruitment agencies is treated fairly.<sup>90</sup> EAS is located in the Department for Business, Energy and Industrial Strategy (BEIS). The legal basis for its work is the Employment Agencies Act 1973 and EAS operates in England, Wales and Scotland.<sup>91</sup> EAS can both investigate complaints or proactively inspect recruitment agencies for any misconduct or violation of the Act.<sup>92</sup> EAS officers can bring civil and criminal proceedings,<sup>93</sup> and can apply to an employment tribunal to ban someone from running, or being involved in running, an employment agency or employment business (see above, under 1.4). EAS makes no distinction between UK nationals, EU nationals and third country nationals. In Northern Ireland, the Employment Agency Inspectorate is responsible for the regulation of the private recruitment sector and has similar functions to EAS.<sup>94</sup></p> <p>In addition to their civil and criminal proceedings powers under the relevant Acts, all three authorities also have the power to request an LME undertaking or make an LME order (see 1.1 above).</p>
2.2	<p>How and to what extent is such a legal obligation (to monitor the rights of workers) implemented in practice? (E.g. statistics available on number of inspections?).</p>	<p>The GLAA can undertake inspections both under its licensing regime and under its labour abuse prevention function (see above). It can undertake the former throughout the UK but only in selected licensing sectors while the latter is possible in all business sectors but is restricted to England and Wales. The GLAA publishes inspections and convictions on its website.<sup>95</sup> So far in 2017, 28 inspections have been carried out.<sup>96</sup></p>

enforcement, prosecutions and naming employers who break National Minimum Wage law, July 2017, pp. 6-15, available at: <http://bit.ly/2gMVJlq>.

<sup>90</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, available at: <http://bit.ly/2gOEIq9>.

<sup>91</sup> UK, HM Government (1973), *Employment Agencies Act 1973*, 18 July 1973, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35).

<sup>92</sup> UK, HM Government (1973), *Employment Agencies Act 1973*, 18 July 1973, Section 9, available at: [www.legislation.gov.uk/ukpga/1973/35](http://www.legislation.gov.uk/ukpga/1973/35) and UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, pp. 5-6, available at: <http://bit.ly/2gOEIq9>.

<sup>93</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, pp. 8-10, available at: <http://bit.ly/2gOEIq9>.

<sup>94</sup> For more information, see: UK, Northern Ireland Department for the Economy, 'Employment Agency Inspectorate', available at: <http://bit.ly/2h4u8c8>.

<sup>95</sup> See GLAA, 'Who has been inspected?', available at: [www.glaa.gov.uk/our-impact/who-has-been-inspected](http://www.glaa.gov.uk/our-impact/who-has-been-inspected); and GLAA, 'Conviction totals', available at: [www.glaa.gov.uk/our-impact/conviction-totals](http://www.glaa.gov.uk/our-impact/conviction-totals).

<sup>96</sup> GLAA (2017), *List of Compliance Inspections conducted by the GLAA in 2017*, available at: <http://bit.ly/2vpuS3M>.

		<p>BEIS/HMRC operates a naming and shaming scheme for employers breaking minimum wage law.<sup>97</sup> In February 2017, a record number of 359 employers were named.<sup>98</sup> The latest statistics on investigations, penalties and prosecutions are available in BEIS' report to the Low Pay Commission.<sup>99</sup> In 2016/17 2,775 cases were opened and 821 penalties issued.<sup>100</sup> Since the introduction of the National Minimum Wage in 1999, 13 criminal prosecutions have occurred of which four were successful.<sup>101</sup></p> <p>The EAS publishes lists of people who have been banned from running an employment agency or employment business online (see 1.4 above). There are currently 13 people banned from running an employment agency or employment business.<sup>102</sup> The latest publicly available statistics on inspections and prosecutions are from 2015/16.<sup>103</sup> In 2015/16, EAS undertook 194 inspections and took on 924 cases.<sup>104</sup></p>
2.3	<p>Name any other authorities in a position to learn (or that typically learn) about the situation of workers and their rights? (E.g. in Austria the financial police are the ones who know most about exploitation, even though they have no legal mandate to deal with the rights of workers).</p>	<p>The stakeholders/authorities mentioned in the introductory report by the Director of Labour Market Enforcement will be in a position to know about workers and their rights, namely:<sup>105</sup></p> <ul style="list-style-type: none"> <li>• The authorities within the National Referral Mechanism (see 3 below):<sup>106</sup> <ul style="list-style-type: none"> <li>○ National Crime Agency</li> <li>○ police forces</li> <li>○ Border Force</li> <li>○ Home Office Immigration and Visas</li> </ul> </li> </ul>

<sup>97</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National Minimum Wage Law: Enforcement – Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law*, July 2017, pp. 16-18, available at: <http://bit.ly/2gMVJlq>.

<sup>98</sup> UK, Department for Business, Energy & Industrial Strategy (2017), 'Record number of employers named and shamed for underpaying', 15 February 2017, available at: <http://bit.ly/2kAUy59>. For the most recent list, see: UK, Department for Business, Energy & Industrial Strategy (2017), 'Record £2 million back pay identified for 13,000 of the UK's lowest paid workers', 16 August 2017, available at: <http://bit.ly/2wVPPT1>. For more statistics, see: UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, table 10, p. 29, available at: <http://bit.ly/2uHFjRj>.

<sup>99</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, available at: <http://bit.ly/2uHFjRj>.

<sup>100</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, table 4, p. 19, available at: <http://bit.ly/2uHFjRj>.

<sup>101</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, para. 71, available at: <http://bit.ly/2uHFjRj>.

<sup>102</sup> UK, Department for Business, Energy & Industrial Strategy (2017), 'Guidance: People prohibited from running an employment agency or business', 15 June 2017, available at: <http://bit.ly/2fpCdec>.

<sup>103</sup> UK, Department for Business, Energy & Industrial Strategy (2016), *Employment Agency Standards Inspectorate: Annual Report 2015-2016*, July 2016, available at: <http://bit.ly/2eLmtyz>.

<sup>104</sup> UK, Department for Business, Energy & Industrial Strategy (2016), *Employment Agency Standards Inspectorate: Annual Report 2015-2016*, July 2016, Annexes A-B, pp. 9-10, available at: <http://bit.ly/2eLmtyz>.

<sup>105</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, pp. 10 and 27-29, available at: <http://bit.ly/2uaxuCb>.

<sup>106</sup> UK, National Crime Agency, 'National Referral Mechanism', available at: <http://bit.ly/1ZuiLc7>.

		<ul style="list-style-type: none"> <li>○ Local Authorities</li> <li>○ Health and Social Care Trusts (Northern Ireland)</li> <li>● Health and Safety Executive</li> <li>● The Insolvency Service</li> <li>● The Department for Work and Pensions</li> </ul>
2.4	<p>Are authorities that carry out inspections or learn about the situation of workers (referring here to organisations mentioned under both 2.1 and 2.3) legally obliged to report to the police in cases where there is a substantive suspicion of severe labour exploitation?</p> <p><b>If yes</b>, please provide brief information about the obligation.</p>	<p>There is no legal obligation to report to the police.</p> <p>However, in England and Wales, specified authorities have a legal duty to notify the Home Office when they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking.<sup>107</sup> In Northern Ireland, specified authorities have a similar duty to notify to the National Crime Agency.<sup>108</sup> In Scotland, authorities have a legal duty to inform the chief constable of the Police Service of Scotland.<sup>109</sup></p> <p>For England and Wales, a list of authorities is provided in Section 52 (5) and it includes local authorities, police, GLAA etc. The list can be amended by the Secretary of State.<sup>110</sup> More information on the information to be included is available in Home Office guidance<sup>111</sup> and in Schedule 1 of the 2015 Regulations.<sup>112</sup> The Regulations specify that notification does not breach any obligation of confidence,<sup>113</sup> however this only applies to the information required by the Regulations.<sup>114</sup> So far in Northern Ireland and Scotland, no further information is available on the duty to notify.</p>
<b>3</b>	<b>VICTIM SUPPORT</b>	
	<p>Name the main organisation(s) tasked with providing assistance and support to potential victims of labour exploitation? Provide very brief information about the type of support</p>	<p>In the UK, the <b>National Referral Mechanism (NRM)</b> is the framework used to identify and refer potential victims of modern slavery to police and support</p>

<sup>107</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 52, available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30).

<sup>108</sup> UK, HM Government (2015), *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*, 13 January 2015, Section 13, available at: [www.legislation.gov.uk/nia/2015/2](http://www.legislation.gov.uk/nia/2015/2).

<sup>109</sup> UK, HM Government (2015), *Human Trafficking and Exploitation (Scotland) Act 2015*, 1 October 2015, Section 38, available at: [www.legislation.gov.uk/asp/2015/12](http://www.legislation.gov.uk/asp/2015/12).

<sup>110</sup> UK, HM Government (2015), *Modern Slavery Act 2015*, 26 March 2015, Section 52 (6), available at: [www.legislation.gov.uk/ukpga/2015/30](http://www.legislation.gov.uk/ukpga/2015/30). See also: UK, HM Government (2015), *The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015*, 9 October 2015, available at: [www.legislation.gov.uk/uksi/2015/1743](http://www.legislation.gov.uk/uksi/2015/1743); and UK, Home Office (2015), 'Circular 025/2015: duty to notify the Home Office of suspected victims of modern slavery', 2 November 2015, available at: <http://bit.ly/2xZO8nP>.

<sup>111</sup> UK, Home Office (2016), *Duty to Notify the Home Office of Potential Victims of Modern Slavery: Guidance for Specified Public Authorities*, 18 March 2016, available at: <http://bit.ly/2eQtfTR>.

<sup>112</sup> HM Government (2015), *The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015*, 9 October 2015, Schedule 1, available at: [www.legislation.gov.uk/uksi/2015/1743](http://www.legislation.gov.uk/uksi/2015/1743).

<sup>113</sup> HM Government (2015), *The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015*, 9 October 2015, Regulation 3 (3), available at: [www.legislation.gov.uk/uksi/2015/1743](http://www.legislation.gov.uk/uksi/2015/1743).

<sup>114</sup> HM Government (2015), *The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015*, 9 October 2015, Regulation 3 (4), available at: [www.legislation.gov.uk/uksi/2015/1743](http://www.legislation.gov.uk/uksi/2015/1743).

	<p>they provide (e.g. legal advice; psychosocial support etc.)</p> <p><i>These could be, for example, NGOs, trade unions or other representative bodies (e.g. representing workers and their rights).</i></p>	<p>organisations.<sup>115</sup> Individuals who receive a conclusive decision from the Competent Authority<sup>116</sup> that on the balance of probability “it is more likely than not” that the individual is a victim of human trafficking or modern slavery will provide appropriate protection and support.<sup>117</sup></p> <p>In <u>England and Wales</u>, the main organisation providing support is the Salvation Army and their subcontractors,<sup>118</sup> which include Migrant Help, Refugee Council, Medaille Trust, Barnardos and Unseen UK.<sup>119</sup> The Salvation Army were awarded the contract in July 2011.</p> <p>In <u>Northern Ireland</u>, the main organisations providing support are Migrant Helpline and Women’s Aid.<sup>120</sup></p> <p>In <u>Scotland</u>, the main organisations providing support are Trafficking Awareness Raising Alliance (TARA) and Migrant Helpline.<sup>121</sup></p>		
<b>4</b>	<b>RISK MANAGEMENT</b>			
		<b>Yes</b>	<b>No</b>	<b>Supporting information</b>
	<p>Are there any official risk management systems in place to guide monitoring operations/inspections - with a view to detecting severe labour exploitation? (Art 14. of the Employers’ Sanctions Directive (2009/52/EC)<sup>122</sup>.</p>	✓		<p>The authorities described at 2.1 above have their own internal risk management in place.<sup>123</sup></p> <p>The Director of Labour Market Enforcement, David Metcalf, announced the establishment of an ‘intelligence hub’ which will receive,</p>

<sup>115</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (England and Wales)*, 31 July 2017, available at: <http://bit.ly/2wd23G9>; UK, Home Office (2017), *National referral mechanism guidance: adult (Northern Ireland and Scotland)*, 31 July 2017, available at: <http://bit.ly/2htpBDA>.

<sup>116</sup> The Competent Authorities are the NCA’s Modern Slavery Human Trafficking Unit (MSHTU) and the Home Office Visas and Immigration (UKVI). For more information, see: UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Referral to a UK competent authority (first responders)’, available at: <http://bit.ly/1ZuiLc7>.

<sup>117</sup> UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Stage two – “Conclusive decision”’, available at: <http://bit.ly/1ZuiLc7>.

<sup>118</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (England and Wales) - Access to support*, 31 July 2017, available at: <http://bit.ly/2wd23G9>. See also Salvation Army, ‘About modern slavery’, available at: [www.salvationarmy.org.uk/about-human-trafficking](http://www.salvationarmy.org.uk/about-human-trafficking).

<sup>119</sup> UK, National Crime Agency, ‘National Referral Mechanism - The NRM process: Referral to a UK competent authority (first responders)’, available at: <http://bit.ly/1ZuiLc7>.

<sup>120</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (Northern Ireland and Scotland) – Access to support*, 31 July 2017, available at: <http://bit.ly/2htpBDA>.

<sup>121</sup> UK, Home Office (2017), *National referral mechanism guidance: adult (Northern Ireland and Scotland) – Access to support*, 31 July 2017, available at: <http://bit.ly/2htpBDA>.

<sup>122</sup> Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168/24, 30 June 2009. Article 14 on risk assessment does not mention detection of labour exploitation directly, but “identify[ing] the sectors of activity in which the employment of illegally staying third-country nationals is concentrated” (Article 14(2)).

<sup>123</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, p. 42, available at: <http://bit.ly/2uaxuCb>.

	<p>(E.g. in Belgium (see pg. 87 of FRA's 2015 report), specialised police units regularly investigate so-called non-risk and new sectors in an attempt to identify possible new risk factors for labour exploitation. They conduct their own research and publish reports showing current trends and advising on problem areas).</p>			<p>process and produce information and intelligence assets relating to noncompliance within the labour market.<sup>124</sup> The hub could be used for risk assessment by all three enforcement bodies. The Director is currently welcoming evidence from stakeholders on the establishment of the hub (as part of the development of his 2018 strategy).<sup>125</sup></p>
	<p><b>If yes</b>, please describe any such systems in place, and include the following information:</p> <ul style="list-style-type: none"> <li>- List the bodies (for example, of those described in section 2) responsible and describe their various roles</li> <li>- Describe which sectors of the economy such risk assessments apply to</li> <li>- How often is such an assessment carried out?</li> </ul>			<p><b>GLAA:</b> The GLAA uses internal risk assessments to proactively identify breaches, often in partnership with other agencies such as HRMC and the police.<sup>126</sup> More details are not available in the public domain.</p> <p><b>HMRC:</b> HMRC have developed and are testing a risk model which uses data from a range of sources such as PAYE (Pay As You Earn) and Tax Credits information to identify workers at risk of underpayment.<sup>127</sup> This model is still in the process of being developed.<sup>128</sup></p> <p><b>EAS:</b> EAS uses a risk-based assessment process to direct inspections, compliance and enforcement work. The assessments considers factors such as geographic areas where EAS receives a higher than average number of complaints, where the nature of the activity is high risk, etc.<sup>129</sup></p>
<b>5</b>	<b>COURT CASES</b>			
		<b>Yes</b>	<b>No</b>	<b>Supporting information</b>

<sup>124</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, pp. 11 and 14, available at: <http://bit.ly/2uaxuCb>

<sup>125</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *Informing Labour Market Enforcement – Strategy 2018/19: Summary of Issues*, July 2017, p. 5, available at: <http://bit.ly/2xRvFsL>.

<sup>126</sup> UK, Home Office and Department for Business, Energy & Industrial Strategy (2017), *United Kingdom Labour Market Enforcement Strategy – Introductory Report: 1 April 2016 - 31 March 2017*, July 2017, p. 42, available at: <http://bit.ly/2uaxuCb>.

<sup>127</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, para. 53, available at: <http://bit.ly/2uHFjRj>.

<sup>128</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *National minimum wage: Government evidence to the Low Pay Commission on compliance and enforcement*, July 2017, para. 76, available at: <http://bit.ly/2uHFjRj>.

<sup>129</sup> UK, Department for Business, Energy & Industrial Strategy (2017), *Employment Agency Standards Inspectorate (EAS): Enforcement Policy Statement*, June 2017, pp.5-6, available at: <http://bit.ly/2qOEIq9>.

	<p>Since 2014, is there any case law clarifying the criminal law provisions on severe labour exploitation? (<i>i.e. court decisions which clarify basic concepts or categories constituting severe labour exploitation</i>)?</p> <p>If yes, please provide:</p> <ul style="list-style-type: none"> <li>- Decision date</li> <li>- Reference details (name court, case number, link to decision)</li> <li>- Key facts of the case</li> <li>- Main reasoning/argumentation</li> <li>- Key issues (concepts, interpretations) clarified by the case</li> <li>- Results / key consequences or implications of the case</li> <li>- Key quotation in original language and translated into English with reference details</li> </ul>	✓	<p>Most criminal labour exploitation/modern slavery cases are decided at Magistrates or Crown Court level, and are therefore not available in the public domain.</p> <p><b><u>A v. Abu</u></b></p> <ul style="list-style-type: none"> <li>• <u>Reference details</u>: High Court (Queen’s Bench Division), <i>A v. Abu</i>, [2017] EWHC 1946 (QB), 31 July 2017, available at: <a href="http://bit.ly/2fgas4Z">http://bit.ly/2fgas4Z</a>.</li> <li>• <u>Key facts</u>: The case was about whether or not deductions of the claimant’s salary were made in respect of accommodation and meals and hence whether the defence in Regulation 57 (3)<sup>130</sup> defence failed – which it did. The claimant was a domestic worker alleging that the defendant employers had breached an implied term of her employment contract and Section 1 of the National Minimum Wage Act 1998 by paying her below the national minimum wage.</li> <li>• <u>Main reasoning</u>: The defence of “family household” failed as deductions had been made from the claimant’s salary in respect of accommodation and meals. The defendants’ evidence lacked credibility and the defendants had deducted pay from the claimant for nine years on the basis that they were assigning deductible value to the accommodation and food provided to her. The claimant had been in a situation of labour exploitation. The fact that she gained some limited education, had a roof over her head and had food supplied did not change this. She was completely economically dependent on the defendants who were in a position of power deciding what pocket money she was allowed, and her immigration status was that she could only work for the defendants and had no recourse to public funds. In conclusion, her circumstances in the household were oppressive servitude</li> </ul>
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<sup>130</sup> UK, HM Government (2015), *The National Minimum Wage Regulations 2015*, 9 March 2015, Regulation 57 (3), available at: [www.legislation.gov.uk/uksi/2015/621/regulation/57](http://www.legislation.gov.uk/uksi/2015/621/regulation/57).

				<p>breaching the Regulations and did not provide a basic minimum for the dignity of the claimant.</p> <ul style="list-style-type: none"> <li>• <u>Key issues</u>: While the judgement is narrowly about the provisions of the National Minimum Wage Act 1998, it focused more broadly on the exploitation of the claimant as a victim of trafficking and labour exploitation.</li> <li>• <u>Results</u>: Judgement in favour of the claimant.</li> <li>• <u>Quotation</u>: “The overall picture I have from the evidence is that Ms Ajayi was kept in economic servitude and that she was prevented from having friends, prevented from having a wage sufficient to give her basic freedoms, and was subject to constraints on contact with her brother, all in the context of hard work done by her in the household to which in my judgment the Abus attach little appreciation” [Para. 92]</li> </ul> <p>“The fact that she gained some limited education, had a roof over her head and had food supplied by the Abus is better than starvation and physical imprisonment, but in this case where the attitude of Defendants is that 'she was paid what she deserved', as their counsel put it, it is obvious that the power relationship here was such that she was kept utterly economically dependent on the Abus for their subjective assessment of what pocket money she should be allowed intermittently. Her immigration position was such that she could only work for the Abus and could have no recourse to public funds” [Para. 93]</p>
<b>6</b>	<b>PROMISING PRACTICES</b>			
		<b>Yes</b>	<b>No</b>	<b>Supporting information</b>
	<p>Are there any promising practices in relation to any practical measures to tackle severe labour exploitation or support foreign victims?</p> <p>If yes, please provide:</p>	✓		<p><u>Title</u>: Research project mapping modern slavery partnerships across the UK</p> <p><u>Implementing organisation</u>: Independent Anti-Slavery</p>

	<ul style="list-style-type: none"> <li>- Title of practice</li> <li>- Organisation implementing it</li> <li>- Funding body</li> <li>- Brief description, including start (and if relevant, finish) dates</li> </ul>		<p>Commissioner and the University of Nottingham</p> <p><u>Funding body:</u> Independent Anti-Slavery Commissioner (which is funded by the Home Office)</p> <p><u>Description:</u> The project started in March 2017. The research will identify local, sub-regional and regional partnerships through a targeted questionnaire and interviews. Following this first phase of research an interactive map of UK wide modern slavery partnerships will be made available on the Commissioner's website. The second phase of the project will focus on assessing good practice and end in the production of an online directory of partnerships. The project will culminate in a conference, hosted by the Independent Anti-Slavery Commissioner and the University of Nottingham, where the findings will be shared with practitioners and delegates will be invited to discuss the ingredients needed for successful partnership working.<sup>131</sup></p>
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<sup>131</sup> For more information, see: UK, Independent Anti-Slavery Commissioner (2017), 'Launch of research into UK modern slavery partnerships', 8 March 2017, available at: <http://bit.ly/2vwZaCZ>; and University of Nottingham (2017), 'Tackling modern slavery together', 10 March 2017, available at: <http://bit.ly/2vx66iH>.