

Social Fieldwork Research (FRANET)

Severe forms of Labour Exploitation

Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States

United Kingdom, 2014

FRANET contractor: Human Rights Law Centre | School of Law |
University of Nottingham

Author: Prof David Harris, Dr Jackie Sheehan, Dr Alex Toft, Amy
Weatherburn

DISCLAIMER: This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the [project 'Severe forms of labour exploitation'](#). The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

Categories of interviewees:	4
1. Introduction	5
1.1 Individual Interviews	5
Table 1- Geographical location of respondents.	5
Table 2: Professional Groups Represented in the Sample	5
1.2 Focus groups.....	6
1.3 Contentious issues approved by the FRA for discussion at the Focus Groups:..	7
1.4 Case Studies	7
Table 3: Economic Areas explored in the Case Studies.	7
2. Legal framework	9
New legal framework from 2015:	9
2.1 Review of UK Legislation – Procedural developments.....	11
3. Labour exploitation and the institutional setting	12
3.1 Tasks of institutions involved in preventing labour exploitation and in enabling victims to access justice	12
3.1.1 Law Enforcement Bodies	12
3.1.2 Monitoring Bodies	13
3.1.3 Health and Safety.....	15
3.1.4 Employment Organisations	16
3.1.5 Workers’ Organisations	17
3.1.6 Victim Support Organisations.....	19
3.1.7 National Policy Experts	21
3.2 Forms and frequency of incidents of labour exploitation encountered by experts in their work; economic areas affected	22
3.2.1 Forms of labour exploitation encountered by professional group.....	22
3.2.2 Most frequent occupations of exploited migrant workers	23
Table 5: Most frequent occupations of exploited migrant workers by professional group	24
3.2.3 Most frequent economic sectors for exploitation of migrant workers.....	25
Table 6: Most frequent economic areas of exploitation by Professional Group.....	25
3.2.4 Specific conducts that contribute to labour exploitation	26
Table 7: Specific conduct that contributes to labour exploitation by Professional Group	27
3.2.5 Frequency of cases of labour exploitation	28
Table 8: How professionals learn of cases of exploitation:	29
4. Risks and Risk Management.....	30
4.1 Identification of common risk factors for labour exploitation	30
4.1.1 Quantitative Data	32
Table 9: Identification of common risk factors for labour exploitation by Professional Group.	34
4.1.2 Personal Characteristics and the Situation of the Worker.....	35

4.1.3 Risk Factors in Relation to the Workplace	36
4.1.4 The role of recruitment agencies in creating/preventing exploitation	37
4.2 Prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area	39
4.2.1 Prevention measures and promising practices	39
Table 10: Promising Practice 1	40
Table 11: Promising Practice 2	41
4.2.2 Pre-departure information programmes.....	43
4.3 Protection against (repeat) victimisation: actions undertaken by the police to protect victims against the risk of repeated victimisation, including how the police conduct investigations.....	44
4.3.1 Exploited migrant workers with an irregular status: victims or illegal immigrants?	44
4.3.2 The role of the police in ending exploitation and preventing re-exploitation.....	45
4.3.3 Investigations and Prosecutions.....	47
5. Victim support and access to justice	48
5.1 Victim support, including available support services	48
5.1.1 The effectiveness of support in the UK.....	48
Table 12: Names of organisations providing services and the type of services provided	50
5.2 Access to Justice and other mechanisms to empower victims	50
5.3 Lodging complaints through third-parties	51
6. Attitudes.....	54
6.1 Interventions into Labour Exploitation	54
6.2 Why do exploited workers not come forward?	55
Table 13: Why exploited worker do not come forward by Professional Group.	56
6.3 Most important factors to workers who are victims.....	57
Table 14: Most important factors to victims by Professional Group.	58
6.4 Is enough is being done in the UK to address severe forms of labour exploitation?	58
6.5 Measures to improve the situation with regards to labour exploitation	60
Table 15: Measures which would mostly improve the situation of Labour Exploitation by Professional Group.	62
7. Conclusion	64

Categories of interviewees:

Nine categories of experts working in the context of labour exploitation took part in the interviews and focus groups:

M – Monitoring bodies (such as labour inspectorates, health and safety bodies)

P – Police and law enforcement bodies

S – Victim support organisations

J – Judges and prosecutors

L – Lawyers

R – Recruitment and employment agencies

W – Workers' organisations, trade unions

E – Employers' organisations

N – National policy experts at Member State level.

FG – Focus Group

Throughout this report, references to these groups as 'M', 'P' etc. are to be understood as referring to the above-named 9 categories.

Where [M(X)] appears, this denotes the group from which the referenced interviewee came, in addition to the number of interviewees from that group referenced (for example, if a statement is supported by references to three interviewees from the M group, two from the S group and one from the J group, the reference will read '[M(3); S(2); J(1)]'. Likewise, if a statement is supported by statements from interviewees who participated in focus groups (in the following example, a lawyer), the reference will read '[FG(L)]'.

For data protection reasons, no names of interviewees have been mentioned.

1. Introduction

In the UK, the fieldwork commenced on 10 October 2013 and finished on 15 January 2014. In total 37 individual interviews were conducted. The two recommended focus groups were conducted, each containing the required number of participants. Additionally, 16 case studies were completed as per FRA requirements.

1.1 Individual Interviews

A total of 37 individual interviews were conducted. All interviews were audio recorded and 15 were transcribed, two more than the FRA requirement. Of these 37 interviews, 26 were completed face-to-face and 11 were conducted over the telephone. There were no issues to note with regards to the telephone interviews as they were successfully managed by the research team and the data obtained was as strong as that of the face-to-face interviews. There was a relatively even spread with regards to the gender of the interviewees, with 21 male respondents and 16 female respondents.

The geographical coverage of the sample has a strong bias towards the London area however; this was due to the fact that the professionals required for each target group are located in London as their professional remit is predominantly focused upon the situation of labour exploitation at a national level. There are of course exceptions to this, with the Gangmasters Licensing Authority (herein the GLA) being located in Nottingham. Furthermore, lawyers, police and monitoring agencies were also less likely to be based in London when conducting this type of work. The table below shows the number of respondents from each area of the UK using the NUTS 1 classification.¹

Table 1- Geographical location of respondents.

NUTS 1 (Region)	Number of Respondents
London	18
East Midlands	6
Yorkshire and the Humber	4
North West England	3
South East England	1
South West England	2
Scotland	2
Wales	1

The average length of the individual interviews was 50 minutes to the nearest minute. The shortest interview was 36 minutes [R] and the longest was 77 minutes [M]. This gives the interview durations a range of 41 minutes. The UK was largely successful in obtaining the sample as the following table shows.

Table 2: Professional Groups Represented in the Sample

Professional Group	Number of interviews conducted	Number of interviews required by the FRA
--------------------	--------------------------------	--

¹ UK, Nomenclature of territorial units for statistics (2014) NUTS 1 for the United Kingdom, available at: www.epp.eurostat.ec.europa.eu/portal/page/portal/nuts_nomenclature/introduction.

Monitoring Bodies	7	4-7
Law Enforcement	6	4-7
Support Groups	7 (including 1 specialist children organisation)	6-8
Lawyers	4	2-4
Recruitment Agencies	4	2-4
Workers Organisations	3	2-4
Employment Organisations	5	2-4
National Policy Experts	1	1
Total	37	

Sourcing the participation of recruitment agents proved to be difficult, particularly national agents; several of which were approached for interview but declined to participate. Such agents take a localised approach with branches aimed at attracting local residents into their offices. This makes engaging with anyone who has experience of working with migrant workers or has knowledge of policy and procedure very difficult. In the cases outlined agents decided either to ignore requests or to argue that they do not have any such policies and that an interview would not be beneficial as migrant workers are treated the same as UK nationals.

In total 11 telephone interviews took place. Although face-to-face interviews were preferable, these interviews would otherwise not have taken place at all, due to the limited availability of the respondents. The clearest example of this is with the UK police force who do not have specialist regional departments for labour exploitation, although some sexual exploitation units also tackle this issue (Merseyside Police and Greater Manchester Police for example). As a result, the interviews with police were with senior officers or with officers of specialised units. This often meant that their time was at a premium, particularly as a result of recent funding cuts, the pre-legislative scrutiny of the Draft Modern Slavery Bill 2013² and a recent high profile case involving slavery in London.³

1.2 Focus groups

Two focus groups were completed, taking place in London and Nottingham.

The London focus group consisted of seven participants and comprised of the following professionals: one law enforcement representative, one support group representative, one lawyer, one recruitment agent, two employment organisations representatives and one national policy expert.

The Nottingham focus group consisted of five participants and comprised of the following professionals: two monitoring agency representatives, one law enforcement representative and two support group representatives.

² UK, Parliament (2013) Draft Modern Slavery Bill 2013, available at: www.gov.uk/government/publications/draft-modern-slavery-bill. Please note that since the research was conducted, the Modern Slavery Act 2015 received Royal Assent on 26 March 2015 and will come into force on 31 July 2015.

³ UK, BBC News (2013) 'Slave' women rescued: Three held in 'horrific conditions', 22 November 2013, available at: www.bbc.co.uk/news/uk-england-london-25046624.

1.3 Contentious issues approved by the FRA for discussion at the Focus Groups:

The Role of the Gangmasters Licensing Authority (GLA) - During the interviews the role of the GLA was an area of contention. Respondents made particular note of the fact that the GLA is under-resourced but nevertheless is largely effective, and has been particularly useful in amassing a large body of intelligence about employers and employment agencies which enables signs of exploitation to be picked up from patterns in the data which might be missed in spot checks on work sites.

Lack of cooperation and engagement amongst relevant organisations - There is no centralised body that takes the lead in cases of labour exploitation (outside the GLA sector). This makes cooperation difficult but vital in combating labour exploitation.

The existence of an ineffective and inadequate domestic legal framework - The data from the interviews suggests that the existing legislation is ineffective and inadequate. Possible abolition of 6-month Visa for Domestic work/ Reinstatement of Overseas Domestic Worker Visa - The 6-month Visa for domestic workers creates exploitation as the workers are tied to employers with no opportunity to move.

Mandatory regulation of recruitment agencies - Recruitment agencies in the UK do not have to register or obtain licences to practice. This could potentially result in agents who do not meet workers or the employers.

There were no major obstacles with regards to the focus groups other than the anticipated practicalities of selecting a date on which most people would be available. As a result, although the groups are generally well represented, no-one from the workers' organisations group could attend due to lack of availability.

1.4 Case Studies

In total 16 case studies were completed using recommendations from respondents (five cases- all from the Monitoring Bodies Professional Group), desk research/media reports (six cases) and court reports (five cases).

As many economic sectors were covered as possible, although there is a slight over-representation of agricultural cases. This is clearly because this is the only effectively regulated sector of the UK economy and therefore cases are more likely to surface. The small table below summarises the sectors of work covered by the Case Studies.

Table 3: Economic Areas explored in the Case Studies.

Economic Area	Number of Case Studies
Agriculture	6 (1 involving children)
Domestic Servitude	4 (2 involving children)
Service Occupations (Car washing)	1
Service Occupations (Waiters)	1
Food Processing	1
Farm Workers (not agriculture)	2

Criminal (Child begging)	1
TOTAL	16

Of the case studies, eight victims of labour exploitation successfully accessed justice, three perpetrators had their GLA licences removed and one did not have recourse to any redress. It is likely that this statistical breakdown is not particularly representative of cases throughout the UK. When researching the case studies, it was more likely that information in the public domain emanated from cases where a prosecution was sought, and where the respondents have brought a case study to the attention of the research team, it is often where a case has had a successful outcome.

2. Legal framework

New legal framework from 2015:

At the time the research was conducted, the following legal framework (outlined in the below section) criminalised various criminal acts relevant to the severe forms of labour exploitation that was pertinent to the research. However, since then the legislative framework has been significantly amended.

In England and Wales, the Modern Slavery Act 2015 was enacted in March 2015 and consolidated the legal framework for all human trafficking (S2), slavery, servitude and forced labour (S1) criminal offences.⁴

In Northern Ireland, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 was enacted in January 2015.⁵

In Scotland, the Human Trafficking and Exploitation (Scotland) Bill 2014, was introduced in December 2014 and is still going through the pre-legislative scrutiny. The Scottish Government Bill completed Stage 2 on 16 June 2015.⁶

The devolved administrations within the UK mean that the legal framework varies according to the jurisdiction. The distinction between England and Wales, Northern Ireland and Scotland will be made clear throughout this section.

In England, Wales and Northern Ireland the most relevant legislative provision is Section 71 Slavery, Servitude and Forced or Compulsory Labour of the Coroners and Justice Act 2009.⁷

A person (D) commits an offence if –

a) D holds another person in slavery or servitude and the circumstances are such that D knows or ought to know that the person is so held, or

b) D requires another person to perform forced or compulsory labour and the circumstances are such that D knows or ought to know that the person is being required to perform such labour.

In Scotland, Section 47, Slavery, Servitude and Forced or Compulsory Labour of the Criminal Justice and Licensing (Scotland) Act 2010 states that:⁸

A person (A) commits an offence if –

a) A holds another person in slavery or servitude and the circumstances are such that D knows or ought to know that the person is so held, or

⁴ www.legislation.gov.uk/ukpga/2015/30/contents/enacted.

⁵ www.legislation.gov.uk/nia/2015/2/contents.

⁶ www.scottish.parliament.uk/parliamentarybusiness/Bills/84356.aspx#sthash.UXY1VJpG.dpuf.

⁷ UK, Parliament (2009) Coroners and Justice Act 2009, Section 71 Slavery, Servitude and Forced or Compulsory Labour available at: www.legislation.gov.uk/ukpga/2009/25/section/71.

⁸ UK, Scottish Parliament (2010) Criminal Justice and Licensing (Scotland) Act 2010, Section 47 Slavery, Servitude and Forced or Compulsory Labour, available at: www.legislation.gov.uk/asp/2010/13/section/47.

b) A requires another person to perform forced or compulsory labour and the circumstances are such that D knows or ought to know that the person is being required to perform such labour.

The exploitation of child labour is included under all of the offences outlined in the legislative framework above.

UK legislation covering England, Wales, Northern Ireland and Scotland does protect individuals from trafficking for Labour or other Non- Sexual Exploitation, as stipulated by Section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004:⁹

(1) A person commits an offence if he arranges or facilitates the arrival in the United Kingdom of an individual (the “passenger”) and –

(a) he intends to exploit the passenger in the United Kingdom or elsewhere, or

(b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.

(2) A person commits an offence if he arranges or facilitates travel within the United Kingdom by an individual (“the passenger”) in respect of whom he believes that an offence under subsection (1) may have been committed and –

(a) he intends to exploit the passenger in the United Kingdom or elsewhere, or

(b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere/

(3) A person commits an offence if he arranges or facilitates the departure from the United Kingdom of an individual (“the passenger”) and –

(a) he intends to exploit the passenger outside the United Kingdom, or

(b) he believes that another person is likely to exploit the passenger outside the United Kingdom.

(4) For the purpose of this section a person is exploited if (and only if) (a) He is the victim of behaviour that contravenes Article 4 of the Human Rights Convention (slavery and forced labour).

In addition to the above legislation, Section 31 of the UK Border Act 2007 widened the extra-territorial range of the human trafficking offences.¹⁰

⁹ UK, Parliament (2004) Asylum and Immigration (Treatment of Claimants etc.) Act 2004, Section 4, available at: www.legislation.gov.uk/ukpga/2004/19/section/4.

¹⁰ UK, Parliament (2007) UK Border Act 2007, Section 31 People Trafficking, available at: www.legislation.gov.uk/ukpga/2007/30/pdfs/ukpga_20070030_en.pdf.

2.1 Review of UK Legislation – Procedural developments

In 2012 the UK government reviewed the human trafficking legislation with a view to ensuring that it provided support for the effective prosecution of traffickers. As a result of the review, as of August 2012, trafficking for non-sexual exploitation was added to the schedule of offences referable to the Court of Appeal on the grounds of being unduly lenient. A similar amendment will be introduced in Northern Ireland. The Scottish framework provides for this in *Section 108 (solemn proceedings) and Section 175 (summary proceedings) Criminal Procedure (Scotland) Act 1995*.¹¹

The *Gangmasters Licensing Act 2004*¹² established the Gangmasters Licensing Authority (GLA)¹³ to set up and operate the licensing scheme for labour providers operating in regulated sectors. The legislation also created the following offences:

Section 12- Operating as a gangmaster without a licence

Section 13 – Using an unlicensed gangmaster

Section 18 – Obstructing a GLA Officer

The *Protection of Freedoms Act 2012*¹⁴ allows for UK nationals who commit trafficking offences to be prosecuted even if those offences are not connected with the UK:

Section 109 – Trafficking people for sexual exploitation

Section 110 – Trafficking people for labour and other exploitation

The *Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [HL] 2012-13* is forthcoming legislation currently at draft stage.¹⁵ The bill makes provision for human trafficking offences and exploitation and outlines measures to prevent and combat human trafficking and provision of support for victims. The second reading, the general debate on all aspects of the Bill, is yet to be scheduled.¹⁶

¹¹ UK, Parliament (2012) First Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking (October 2012, London), paras 8.27 – 8.32, available at: www.official-documents.gov.uk/document/cm84/8421/8421.pdf.

¹² UK, Parliament (2004) Gangmasters Licensing Act 2004, available at: www.legislation.gov.uk/ukpga/2004/11/contents.

¹³ UK, Gangmasters Licensing Authority, available at: <http://gla.defra.gov.uk/>.

¹⁴ UK, Parliament (2012) Protection of Freedoms Act 2012, available at: www.legislation.gov.uk/ukpga/2012/9/contents/enacted.

¹⁵ This Bill did not proceed any further in the legislative process as provisions related to victim support was dealt with in Modern Slavery Act.

¹⁶ UK, Parliament (2013) Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill www.services.parliament.uk/bills/2012-13/humantraffickingandexploitationfurtherprovisionsandsupportforvictims.html.

3. Labour exploitation and the institutional setting

3.1 Tasks of institutions involved in preventing labour exploitation and in enabling victims to access justice

Within the UK there are several different authorities tasked to prevent labour exploitation, or more broadly to monitor cases of labour exploitation. Consequently, the roles of the organisations overlap which leads to a lack of clarity in the institutional mechanisms that are mandated to prevent and combat labour exploitation. In practice, cases of labour exploitation will principally be dealt with by the following organisations: Police, National Crime Agency (NCA), UK Human Trafficking Centre UKHTC), UK Border Agency (UKBA) and the Gangmasters Licensing Authority (GLA) (if the case falls within the remit of the GLA-regulated economic sectors). This section will highlight the extent of their mandate with regards to prevention and the ways in which they cooperate with other institutions.

3.1.1 Law Enforcement Bodies

There are a number of law enforcement bodies within the UK who are mandated to prevent labour exploitation. In the UK, the de-centralised nature of the police force leads to a variation in operational models when it comes to dealing with labour exploitation. In general, it is not standard practice for a police force to have a specialist unit which is mandated to prevent labour exploitation. However, where an operational need has been recognised then there are areas where a specialist unit has been tasked with preventing labour exploitation. For example, the London Metropolitan Police have a specialist Human Exploitation Unit focussing on detection and investigation of all forms of exploitation:¹⁷

QUOTATION: 'We have a dedicated Human Trafficking unit that's designed to identify and investigate all forms of human trafficking that will include labour exploitation within the London region.' [P(1)]

It is the remit of the unit to police, investigate, advise and ensure access to justice in cases of exploitation [P(1)]. Therefore, in this particular case, through intelligence gathering and investigation the police are responsible for preventing cases of labour exploitation.

Several other police forces have specialised units dealing with labour exploitation, but it appears that this is a new development where a mandate extension has been introduced for pre-existing specialist units. Several examples of this emerged during the fieldwork research, for example Greater Manchester Police [P(1)] have extended the remit of their Sexual Crime Unit to cover labour exploitation and Merseyside Police [P(1)] have done the same. These operational developments perhaps are indicative of a trend in UK policing to include labour exploitation in the work of sexual exploitation/trafficking units. Other police forces have commenced specialist projects focussing upon labour exploitation such as Project Imperial at Gwent Police [P(1)].

Other law enforcement bodies exist to assist the police in their work to prevent labour exploitation. A national specialised child exploitation unit, the Child Exploitation and Online Protection Centre (CEOP) will support the work of regional police forces. Although led by the police, this is a multi-agency organisation focussed upon protecting children against sexual

¹⁷ UK, London Metropolitan Police (2014) Human Trafficking Unit, available at: www.met.police.uk/sco/specialist_units/economic_specialist_crime.htm.

abuse.¹⁸ In June 2011 a free-phone line was launched by the police to encourage those who have been victims of trafficking to report the crimes.¹⁹

The UKHTC serves as a central point of expertise and coordination in relation to the UK's response to the trafficking of human beings.²⁰ Since 2013, the UKHTC has become part of the Organised Crime Command in the National Crime Agency. The UKHTC still operates in partnership with police forces, the Home Office and other government departments, the UKBA, the GLA, international agencies, NGOs and many charitable and voluntary expert groups to combat human trafficking. The role of the UKHTC is to prevent human trafficking, protect victims of human trafficking and to prosecute those responsible for it. The UKHTC has identified forced labour and domestic servitude as two main categories of exploitation linked to human trafficking.²¹ The UKHTC are responsible for the operation of the National Referral Mechanism (NRM) which is the main framework for identifying victims of human trafficking.²² The restructuring of the UKHTC within the umbrella organisation of the NCA raised concerns from respondents. In Focus Group 2, two of the participants were uncertain about the future role of UKHTC now that it has been integrated into the NCA, and particularly with regard to the investigation into cases of labour exploitation that do not involve human trafficking.

"I think this is placed at strategic level, but I don't think that's where it needs to be its practitioner level where the links needs to be. If you have got the GLA leading on this and the government saying the National Crime Agency is going to be the lead agency then unless the GLA becomes a sub-section of the National Crime Agency you have got double people working and who does what. That's the confusion that it creates." [FG(E)]

Issues may arise from cases of labour exploitation whereby there is no human trafficking element. The participants felt that situations of labour exploitation involving EEA nationals who have the right to work in the UK were not suited to the expertise of the NCA.

"You can't have the national crime agency dealing with labour exploitation because it is not their area of expertise, its areas of expertise is working with European partners in trafficking situations etc. The kind of stuff that SOCA used to do. So I don't think it makes sense to have a completely different organisation doing labour exploitation. I just don't see [how] the national crime agency could do that. I don't think it's [in its] remit and I don't think it would be interested in doing that." [FG(M)]

3.1.2 Monitoring Bodies

The UK has several bodies that monitor and then act upon their findings in an enforcement capacity, such as the GLA. However there are also more informal organisations (usually

¹⁸ UK, Child Exploitation and Online Protection Centre (2014) available at: www.ceop.police.uk/.

¹⁹ UK, BBC News (2011) Freephone for trafficking victim, 1 June 2011, available at: www.bbc.co.uk/news/uk-england-london-13604946.

²⁰ UK, UK Human Trafficking Centre, available at: www.nationalcrimeagency.gov.uk/contact-us/contact-the-ukhtc.

²¹ UK, National Crime Agency (2014) Types of Human Trafficking, available at: www.nationalcrimeagency.gov.uk/crime-threats/human-trafficking/types-of-human-trafficking.

²² UK, National Crime Agency (2014) UKHTC National Referral Mechanism, available at: www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism.

NGOs) which try to work in this area and inform government of any problems through dissemination of information.

It is clear from the fieldwork (as will be discussed throughout) that the most effective monitoring body that exists within the UK for labour exploitation is the Gangmaster Licensing Authority (GLA). The *Gangmasters Licensing Act 2004* established the GLA to set up and operate the licensing scheme for labour providers operating in regulated sectors. The aim is to have a sector of the economy (namely agriculture) that is monitored and regulated centrally, therefore cutting down on the opportunity for unscrupulous gangmasters to operate. The GLA inspect and gather information, and can give evidence when the police and Director of Public Prosecution prosecute individuals. However, the GLA continue to have its resources cut and by 2015 will lose 20% of their funding.²³ In cases of labour exploitation, the GLA are responsible for investigating the exploiters. They will strip the employer of their GLA licence, meaning that they can no longer work in the food sector. In severe cases they will attempt to prosecute the gangmasters. However, their focus is not on the victims of labour exploitation and they rely on other parties to support victims. The GLA's role is to collect information on potential cases of labour exploitation and then to inspect work places.

One respondent [M(1)] stated that the GLA have two main aims with regards to labour exploitation:

- 1- Ensuring that licenced gang-masters are complying with their standards and treating the workers fairly. The gang-masters must comply with their guidelines in order to receive a licence. If someone is abusing workers the respondent will investigate, talk to workers and find evidence.
- 2- Trying to catch illegal gang-masters. This is where the serious exploitation lies because these gang-masters tend to have strong links to other criminal activities.

It is clear that the GLA monitor businesses and employers, they can investigate and inspect (or indeed police the situation) and then bring about punishment for the perpetrators. In the agricultural/food sector the GLA are effectively the enforcement organisation.

Outside of the GLA-regulated sector, labour exploitation monitoring is extremely limited, falling to the Employment Standards Agency Inspectorate (EASI) and Her Majesty's Revenue and Customs (HMRC). The EASI was set up by the Department for Business, Innovation and Skills. The agency works with agencies, employers and workers to ensure compliance with employment rights, particularly for vulnerable workers, and inspects work places to uncover exploitative practices. The scope of this agency to monitor labour exploitation is extremely limited as it has now been subsumed within the HMRC.²⁴ According to one respondent [E(1)] during one Focus Group the agency now has just three members of staff, including a part-time administrator, to monitor 10,000 businesses. All of the respondents who made reference to EASI were very critical of their lack of impact, stating that it was not fit for purpose [E(1)].

HMRC enforces the National Minimum Wage and carries out inspections on businesses. HMRC officers have the right to carry out checks at any time and can ask to see payment records. They can also investigate employers following a worker's complaint to them. If HMRC finds that an employer hasn't been paying their employees the national minimum

²³ UK, Guardian News (2012) Gangmasters watchdog told to cut 'red tape', 5 March 2012, available at: www.theguardian.com/law/2012/mar/05/gangmasters-watchdog-defra-licensing-authority.

²⁴ UK, Department for Business, Innovation & Skills (2013) Making the labour market more flexible, efficient and fair, available at: www.webarchive.nationalarchives.gov.uk/+/https://www.gov.uk/government/policies/making-the-labour-market-more-flexible-efficient-and-fair.

wage, any arrears have to be paid back immediately. There will also be a penalty.²⁵ In addition to this, the UK government offers a free and confidential Pay and Work Rights Helpline service which provides help and advice for workers and employers on workers' rights at work.²⁶

In light of the limited institutional mechanisms that are available to monitor those outside of the regulated GLA economic sectors, the fieldwork research identified a number of organisations that unofficially monitor the situation of labour exploitation in the UK and ensure that their intelligence and information is shared with the relevant organisations. These include: Focus on Labour Exploitation, Forced Labour Monitoring Group, the Wilberforce Institute for the Study of Slavery & Emancipation, and the Human Trafficking Foundation. These organisations do little other than advocacy and education to try to prevent exploitation. In actual cases of labour exploitation these organisations collect data and attempt to make the cases known to higher authorities such as government. By bringing such cases to the attention of policy makers, it is hoped that positive action will be taken. One respondent [M(1)] for example noted that their organisation's main role is to monitor the situation and then conduct research in order to make a case for policy holders:

QUOTATION: 'Our brief is to support government and civil society to tackle more effective enforcement of trafficking for labour exploitation. Research and raising awareness, basically.' [M(1)]

This idea of collecting data by monitoring cases of labour exploitation was important to these types of monitoring bodies. There was no direct involvement with cases of labour exploitation in terms of policing, support or justice for the workers; the focus was upon inspiring other organisations to do something about the situation, usually the police or government. However, for some bodies this sometimes resulted in multi-agency cooperation. One respondent [M(1)] stated:

QUOTATION: 'Our brief is around the identification and prevention, the identification of victims, the recovery, so assisting organisations to recover those individuals.' [M(1)]

There are also monitoring agencies with a stronger focus on advocacy such as Anti-Slavery International. Monitoring bodies such as these use experts and professional judgement to assess cases of labour exploitation. As they are unregulated non-governmental bodies, they have no specific policies to follow. Furthermore, their assessments of what constitutes labour exploitation will be reliant on their own knowledge or understanding. According to one interviewee (M), employees monitor media coverage and research in the area of labour exploitation and then decide what they consider to be a case of labour exploitation. Once the information has been digested or collected through their own research, they publish findings or speak at conferences or briefings. The intended outcome of such awareness raising is to influence government policy.

3.1.3 Health and Safety

Health and Safety inspections within the UK are carried out by the Health and Safety Executive (HSE).²⁷ Although there is no specific remit to investigate potential cases of labour

²⁵ UK, Department for Work and Pensions (2014) National Minimum Wage, available at: www.gov.uk/national-minimum-wage.

²⁶ UK, Department for Work and Pensions (2014) Pay and Work Rights Helpline, available at: www.gov.uk/pay-and-work-rights-helpline.

²⁷ UK, Health and Safety Executive, available at: www.hse.gov.uk/index.htm.

exploitation of migrant workers, or indeed to prevent exploitation, the Field Operations Directorate of the HSE have developed a Topic Inspection Pack on Migrant Workers that is to be used by HSE officers when monitoring the compliance of employers with health and safety law. This not only refers to compliance with health and safety, but also to the need to be aware of factors that may be indicators of forced labour, such as:

- The worker being given no information, or false information, about the law and their employment rights;
- Excessive working hours being imposed by the employer;
- Hazardous working conditions being imposed by the employer;
- Poor accommodation being provided by the employer;
- Poor or misleading information having been given about the nature of the employment;
- The person being isolated from contact with others.²⁸

One respondent [M(1)] clarified how health and safety standards relate to the issue of labour exploitation. Namely, the role of the HSE is inclusive of all workers as they must ensure that all employees are working in safe conditions:

QUOTATION: 'The organisation's brief is to enforce health and safety legislation and we are blind, as it were, to categories of work so we have no mandate to exclude trafficked workers, workers who may be working here without documentation and so forth, they are covered by our legislation.' [M(1)]

However there was a realisation that certain workers are more at risk of exploitation, particularly migrant workers who may not know the language or the health and safety rules of the UK. Therefore the Health and Safety Executive work to make all their information accessible to speakers of a variety of languages:

QUOTATION: 'Below that we also have a mandate to provide advice and guidance to employers and to workers and in respect of vulnerable workers, particularly migrant workers, we've done a lot of work in recent years to make information available simply in a range of languages spoken by migrant groups that are prevalent in the workplaces.' [M(1)]

The respondent further noted that in practical terms, this would result in the HSE supplying employers with booklets and posters ensuring that all workers, including migrant workers, could access the relevant information.

3.1.4 Employment Organisations

Although there are no governmental bodies tasked to work specifically with preventing exploitation with regards to the employers (other than the work that the GLA does in its designated sector), there are a number of employment organisations who fulfil this role. The Recruitment and Employment Confederation is a body which helps to ensure recruitment agencies are operating in a fair manner. This is mainly done through a code of conduct:

QUOTATION: 'Fundamentally the REC exists to raise standards within recruitment, ensure compliance with all UK legislation, that's the

²⁸ UK, Health and Safety Executive (2010) Tool Inspection Pack for Migrant Workers, page 8, available at: www.hse.gov.uk/foi/internalops/fod/inspect/migrantworker.pdf.

cornerstone of our code of practice so all members sign up to that. So as part of membership you are pledging to adhere to all UK legislation obviously; not exploiting people, not trafficking people, not forcing people into debt bondage is a core part of that.' [E(1)]

There is also the Association of Labour Providers (ALP) who have initiated the Stronger2gether Campaign.²⁹ The aim of this initiative is for employers, labour providers and workers to work closely together to reduce exploitation. The Association of Labour Providers work to educate their members about compliance with the GLA's licensing regulations and how to work in a non-exploitative fashion.

QUOTATION: 'Our members are required to be licensed by the Gangmasters Licensing Authority. GLA issues a license and assesses compliance to 33 different licensing standards which are all directly or indirectly related to how workers are treated.' [E(1)]

Much of the respondent's work is helping businesses to be compliant with the GLA's licensing standards. Through training and expert advice, the ALP aim to educate employers about what constitutes labour exploitation. Employers sign up to become members of the ALP with the hope that they will learn how to stay within the regulations.

In the UK there are also groups which try to bridge the gap between business and the government in an attempt to get the government to engage with this area. The Institute for Human Rights and Business currently are working with hotels in particular in order to increase the government's awareness of labour exploitation in this unregulated economic sector. It was noted during Focus Group 1 that the hospitality sector was an area of concern. One respondent [FG(P)] suggested that suspected undetected cases of labour exploitation probably occur.

QUOTATION: 'We haven't had any cases referred into us, and one would have thought with the hotel industry alone, with the sheer volume of people being employed at that low wage end and the volume of migrant workers in that sector, we haven't seen anything there, which is interesting I think.' [FG(P)]

Here the respondent notes that as a law enforcement agency they have not had any referrals. This is confirmed with regards to support services during one Focus Group. One respondent [FG(S)] noted that their organisation have had very few referrals from the hospitality sector.

3.1.5 Workers' Organisations

The most general organisation preventing exploitation in the UK is the Citizens Advice Bureau (CAB), which provides employment-related advice and guidance to workers and employees.³⁰ CAB regularly publishes evidence reports and briefings on problems raised by CAB clients; these are then used to campaign for change in policy and service delivery. An example of this is their evidence briefing entitled *Give us a break! The CAB service's case for a Fair Employment Agency*.³¹

²⁹ UK, Stronger2gether (2014) available at: www.stronger2gether.org/.

³⁰ UK, Citizens Advice Bureau (2014) available at: www.citizensadvice.org.uk/.

³¹ UK, Citizens Advice Bureau (2011) Give us a Break, available at: www.citizensadvice.org.uk/print/give_us_a_break.pdf.

Trade Unions are the most visible organisations pushing for rights of workers and within the UK there has been work done in the area of migrant workers and vulnerable employment. The Trade Union Congress (TUC) for example undertook the TUC Migrant Workers Project which compiled a list of the rights of migrant workers on the TUC website³². A main focus is given information to workers such as: TUC Migrant Worker's Project (2007) Living and Working in the UK: Your Rights³³, and TUC Unemployed Workers Centres³⁴.

The TUC has also conducted empirical research on the topic of forced labour and migration to the UK.³⁵

The TUC clarified that in cases of labour exploitation their main role lies with educating and providing information:

QUOTATION: 'I would say one is the one we are most involved with and most of that would be about researching and monitoring developments and trends as gathered by their institutions, it wouldn't be about direct monitoring of individual cases.' [W(1)]

Unison Scotland³⁶ has compiled a charter outlining a code of practice for migrant workers. The Migrant Workers project tries to ensure that the employment rights of migrant workers are protected and secured. Unison Scotland also advocates for the promotion of the employment rights and prevention of labour exploitation with the promotion of a Migrant Workers Charter, Unison Scotland (2008) Minimum Standards Charter: A Voluntary Code of Practice on Employing Migrant and European Workers.³⁷

In 2003, UNISON Scotland launched an Overseas Nurses Network to assist healthcare professionals who qualified overseas. The network provides an opportunity to meet and get to know other nurses from overseas. It will also provide information and support.

Scottish Trade Union's Congress (STUC) have done work in this area also. Following email correspondence with a representative of STUC, the extract below summarises the engagement of the STUC with the issue of labour exploitation:

QUOTATION: "We have had motions passed on these issues at a number of our equality conferences and at our Annual Congress over a number of years. Individual unions have done specific work to tackle issues around exploitation of workers in certain sectors and many unions have spoken out about trafficking for sexual exploitation. At STUC level we have run campaigns around sexual exploitation.."

Research findings suggest that workers' organisations often do not have specific policies or procedures for migrant workers, aiming instead at workers in general. One respondent [W(1)] was a member of the National Farmers Union of Scotland (NFUS) and suggested that all workers are given information about the national minimum wage and how they can expect

³²UK, Work Smart (2014) Migrant Workers - Working in the UK, available at: www.worksmart.org.uk/rights/migrant_workers.

³³ UK, TUC (2014) Working in the UK, available at: www.tuc.org.uk/extras/workingintheuk.pdf.

³⁴ UK, TUC (2014) Unemployed Workers Centres, available at: www.tuc.org.uk/union/index.cfm?mins=55&minors=53&majorsubjectID=14.

³⁵ UK, TUC (2014) Forced Labour and Migration to the UK, available at: www.tuc.org.uk/international/tuc-9317-f0.cfm; UK, Anderson, B., and Rogaly, B., (2005) Forced Labour and Migration in the UK, (Trades Union Congress, London).

³⁶ UK, Unison Scotland (2014) available at: www.unison-scotland.org.

³⁷ UK, Unison Scotland (2014) Migrant Workers Charter, available at: www.unison-scotland.org.uk/activists/migrantworkerscharter.pdf.

to be treated. In cases of labour exploitation they would seek further guidance from the GLA who would investigate on their behalf. There are also organisations which try to bridge the gap between Trade Unions and migrant workers, such as the Migrant Rights Network.³⁸ Migrant Rights Network works for individuals who have been involved in cases of exploitation. One respondent [W(1)] stated that the organisation works collaboratively with employees in order to increase understanding of the labour exploitation. Where there are easy remedies the respondent would work with the victims to encourage them to improve their situation. An example was given of a scenario of a migrant worker who is being paid below the national minimum wage; in such a case, the respondent would encourage the individual to become a member of a trade union. The respondent explained that the main aim of their work was to share their expertise of labour exploitation with Trade Unions or and government agencies and departments:

QUOTATION: 'A big part of our work is establishing what the arguments are and then trying to persuade people in government and people who are influential, what they are.' [W(1)]

3.1.6 Victim Support Organisations

In 2011, the Salvation Army were awarded the contract for providing support to adult victims of human trafficking funded by the Ministry of Justice.³⁹ Effectively, the Salvation Army administer the National Referral Mechanism (NRM) in the UK. The Salvation Army provide specialist confidential support services to help men and women who have been victims of labour exploitation to recover and rebuild their lives, including safe accommodation, counselling, medical care, translation services, legal advice and educational opportunities. There was criticism of the government by one respondent with regards to the handling of the contract for victim support services for trafficking victims. Previously the Poppy Project had held the contract and they were seen as more expert and more experienced by one respondent [FG(M)].

QUOTATION: 'To be fair, when I was having a pop at the Salvation Army, is because the Poppy Project has spent a considerable amount of time in recent years challenging UK Border Agency decisions and getting them overturned. I cannot imagine that the Salvation Army is going to do any of that because they are a non-conflictual organisation. They will take the money, provide the services and they won't challenge anything.' [FG(M)].

Apart from those working within the NRM and the Salvation Army, victim support services are provided by NGOs. There are a multitude of small organisations which at times have similar roles. A number of these were engaged with as part of the research.

Kalayaan⁴⁰ work to support victims of domestic servitude and aim to get justice for exploited workers. The organisation comments on potential policy changes and are currently involved in campaigning against the 6-month domestic workers' Visa. As a small organisation they have a limited role but they support victims and liaise with the police to help victims to access justice. One respondent [S(1)] noted that they focus all their resources upon supporting the victims and giving them the opportunity to access justice. Support also extends to language classes and helping the victims to enter real employment. The organisation historically would focus their efforts on workers with an irregular immigration

³⁸ UK, Migrants Rights Network (2014) available at: www.migrantsrights.org.uk/.

³⁹ UK, Salvation Army (2014) Anti Human Trafficking Victim Support Programme, available at: www.salvationarmy.org.uk/uki/Trafficking.

⁴⁰ UK, Kalayaan (2014) available at: www.kalayaan.org.uk/.

status who have often been trafficked from South-East Asia. Today the organisation would work with victims who are here legally through the six-month Domestic Worker Visa. These workers are also at risk if they leave their employer and become undocumented workers.

Kanlungan⁴¹ are a collective organisation supporting individuals from the Philippines. They currently run a campaign to support victims of labour exploitation in a domestic setting. Research revealed that this involves working with victims on a one to one basis and trying to convince the police that victims have a case that needs investigation. Their main focus is upon irregular migrants who find themselves working for unscrupulous employers. Similarly to Kalayaan they often deal with workers who have escaped their exploitative employers after coming to UK on the six-month Domestic Worker Visa. One respondent [S(1)] argued that the organisation supports victims to stand up for themselves, as very often victims fear deportation and are afraid to come forward:

QUOTATION: 'Because their immigration status is being compromised and this will be taken against them. Most of our cases on labour exploitation, they are scared to file complaints because they are scared their employer will report them to the police.' [S(1)]

The Medaille Trust⁴² supports victims of all forms of exploitation, but with a focus on severe forms of labour exploitation. In cases of labour exploitation, the Trust works to rescue victims by providing safe-houses, but also help with the physical and psychological rehabilitation of the victims. One respondent [S(1)] revealed that the organisation also helps to create links with local businesses to help the victims back into employment. The Medaille Trust does not limit their support to certain groups of migrant workers and as a result deal with a wide range of exploitation. However, one respondent [S(1)] stated that they tended to work on more severe cases involving the trafficking of workers with an irregular status.

The Poppy Project⁴³ are an organisation supporting female victims of labour exploitation, particularly cases of sexual exploitation and domestic servitude. They work with only a small number of victims as they provide a complete service once the victim is rescued. This involves all aspects of support and assistance with accessing justice. The Poppy Project was responsible for running the NRM prior to the contract being awarded to The Salvation Army. Respondents [FG(M)] were positive about the Poppy Project's role in the NRM. One respondent [S(1)] noted that the organisation has a very wide remit:

QUOTATION: 'We look at all forms of exploitation so we look have forced prostitution, domestic servitude, organ harvesting, forced criminal activity. We will take anyone as long as they have been trafficked.' [S(1)]

The respondent noted during the interview that a good proportion of their work was with women who had been the victims of trafficking and would have an irregular status. There were often links to organised crime networks. The respondent stated previously the organisation focuses⁴⁴ upon the whole support package from recovery to re-employment.

Some organisations work with the Salvation Army to provide housing space and support for victims of trafficking and exploitation. City-Hearts, for example, do this in the North of England. ⁴⁴ Here the focus is supporting victims by giving them a safe-house and helping them to rebuild their lives.

⁴¹ UK, Kanlungan (2014) available at: www.kanlungan.org.uk/about/.

⁴² UK, The Medaille Trust (2014) available at: www.medaille.co.uk/.

⁴³ UK, Poppy Project (2014) available at: www.eavesforwomen.org.uk/about-eaves/our-projects/the-poppy-project.

⁴⁴ UK, City Hearts (2014) available at: www.city-hearts.co.uk/.

In terms of labour exploitation and children, work has been done by ECPAT UK (End Child Prostitution, Child Pornography and Trafficking of Children)⁴⁵ who are active in research, campaigning and lobbying government to prevent child exploitation and protect children in tourism and child victims of trafficking. Research findings revealed that the organisation works in support through their youth group but also as experts when asked to write reports by government and policy makers. One respondent [S(1)] noted that the organisation is also contacted by lawyers to give expert opinion on cases of child exploitation. Research also highlighted the role of CEOP (Child Exploitation and Online Protection)⁴⁶ which is an agency run by the National Crime Agency. Several respondents felt that this organisation could take the lead on aspects of child exploitation. Another organisation which was identified as part of the desk research but not referred to by any respondents is the NSPCC's Child Trafficking Advice Centre (CTAC) which provides specialist information and advice to any professional working with children or young people who may have been trafficked into the UK.⁴⁷ Similarly, two children's charities, identified as part of the desk research, provide support services and advocacy for children who have been victims of sexual exploitation.⁴⁸ However, these organisations were not mentioned by respondents and do not refer to other forms of labour exploitation.

3.1.7 National Policy Experts

The Equality and Human Rights Commission (EHRC) is the National Human Rights Institution for the UK.⁴⁹ In 2012, an inquiry into Human Trafficking in Scotland was initiated led by Baroness Helena Kennedy QC. The aim of the investigation was to identify the nature and estimate the extent of human trafficking and understand its underlying influences and causes, as well as learn how and where policy and practice needs to improve. The report of the investigation is now publicly available.⁵⁰

The research showed that the EHRC also conducted research specifically investigating labour exploitation in a variety of workplaces. One respondent [N(1)] noted that they conducted research within the meat processing industry which found severe breaches but also an industry that was making progress in tackling exploitation.⁵¹ The respondent also highlighted a current project exploring exploitation in the cleaning sector.⁵² It was noted with frustration however that the EHRC, due to the way the equality legislation is drafted, are not allowed to report individuals who they suspect are acting illegally:

⁴⁵ UK, ECPAT (2014) available at: www.ecpat.org.uk/.

⁴⁶ UK, Child Exploitation and Online Protection (CEOP) (2014) available at: www.ceop.police.uk/safety-centre/.

⁴⁷ UK, NSPCC (2014) Child Trafficking Advice and Information Line (CTAIL), available at: www.nspcc.org.uk/Inform/research/ctail/ctail_wda84866.html.

⁴⁸ UK, Barnardo's (2014) Sexual Exploitation of Children on the Streets (SECOS), available at: www.barnardos.org.uk/secos.htm; UK, Children's Society (2014) Child Sexual Exploitation Policy and Lobbying, available at: www.childrensociety.org.uk/what-we-do/policy-and-lobbying/children-risk/child-sexual-exploitation; UK, Children's Society (2014) Children at Risk on the Streets, available at: www.childrensociety.org.uk/what-we-do/helping-children/our-programmes/children-risk-streets.

⁴⁹ UK, Equality and Human Rights Commission (EHRC) (2014) available at: www.equalityhumanrights.com.

⁵⁰ UK, Equality and Human Rights Commission (2012) Inquiry into Human Trafficking in Scotland: Report of the Equality and Human Rights Commission, available at: www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_inquiry_into_human_trafficking_in_scotland-full-report_pdf.pdf.

⁵¹ UK, Equality and Human Rights Commission (EHRC) (2014) Inquiry Into The Meat And Poultry Processing Sectors, available at: www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/.

⁵² UK, Equality and Human Rights Commission (EHRC) (2014) Commission calls for evidence as it shines a spotlight on the cleaning industry, available at: www.equalityhumanrights.com/news/2013/november/commission-calls-for-evidence-as-it-shines-a-spotlight-on-the-cleaning-industry/.

QUOTATION: ‘...we have limitations placed on us by our legislation. So for example, if we carry out an inquiry, that generally is to look at issues that are common across a sector, or a particular issue. The purpose of it isn’t to go out and find cases to take. Because of that, we are then limited in being able to pass on any personally identifiable information. We publish our findings but we don’t name organisations, we don’t name people unless they’ve given us their permission.’ [N(1)]

3.2 Forms and frequency of incidents of labour exploitation encountered by experts in their work; economic areas affected

3.2.1 Forms of labour exploitation encountered by professional group

The data suggests that the respondents experienced more examples of forced labour than other forms of exploitation. Twenty-nine of the sample (37) reported forced labour. The least frequently observed form of exploitation was child labour exploitation, with just 14 of the 37 reporting this. The quantitative data concerning the other areas are inconclusive and too tightly packed to reveal anything of note. Of the sample, 24 had encountered slavery, 28 trafficking and 20 exploitation of kinds not captured within these categorisations. This is consistent with the findings from the focus groups, as all respondents noted encountering forced labour. The case studies however, present a different scenario as the more severe forms of slavery and exploitation are highlighted. Although a wide variety of sources were consulted for the case studies including court reports, media outlets, respondent recommendations and researcher expertise, the case studies tend to reflect more serious forms of labour exploitation. These cases tended to provide more information and more detail such as convictions and possible motivations.

It is worth noting that several respondents took issue with the categorisations of forced labour, slavery and trafficking, arguing that how these are understood would affect how people responded. For example one respondent [S(1)] argued:

QUOTATION: ‘I wasn’t quite sure what you would define as ‘slavery’, that’s an issue in itself I think. Something to potentially consider is what ‘slavery’ technically means. People use them quite interchangeably ‘trafficking’ and ‘slavery’, especially the government at the moment calling it ‘modern day slavery’, the Slavery Bill. We always use the ‘trafficking’ definition and sometimes that can amount to ‘slavery’ under article four of the [ECHR] or the 1926 convention of slavery, just to make that point.’ [S(1)]

Although quoting at length here, it is important to report this response. Although technical definitions were supplied, they were not agreed by all the respondents.

Analysis of the different forms of labour exploitation encountered per professional group is interesting in that it does not deviate from the overall situation. Table 4 below clearly illustrates this:

Table 4: Forms of exploitation encountered by professional group:

	Forms of labour exploitation encountered
--	---

Professional group	Slavery	Forced labour	Child labour	Trafficking for labour exploitation	Other forms of labour exploitation
Monitoring Bodies (7)	6	7	6	7	3
Law Enforcement (6)	4	6	1	5	6
Support Groups (7)	6	7	3	6	4
Lawyers (4)	3	3	2	2	2
Recruitment Agencies (4)	2	1	0	3	2
Workers Organisations (3)	1	2	0	2	1
Employment Organisations (5)	2	2	1	3	1
National Policy Experts (1)	0	1	1	0	0
TOTAL (37)	24	29	14	28	20

3.2.2 Most frequent occupations of exploited migrant workers

The data shows that the most frequently performed occupations by migrant workers were as follows:

- Service Occupations e.g. cleaner, kitchen assistant, care-taker, domestic worker: Collating the data shows that of all the responses (111), 36 respondents selected Service Occupations as being the most common occupation.
- Unskilled Worker e.g. labourer, porter, unskilled factory worker: Collating the data shows that of all the responses (111), 29 respondents selected Service Occupations as being the most common occupation.
- Farm Worker e.g. farm labourer, tractor driver, fisherman: Collating the data shows that of all the responses (111), 25 respondents selected Service Occupations as being the most common occupation.

To confirm that Service Occupations are the most exploited positions, an analysis of the occupation selected first by the respondent can be done. Fifteen (15) of the sample (37) chose Service Occupations first, implying that it was the most often encountered. Within these 15 responses the specific jobs given by the respondents were: cleaners (2), house servant (1), domestic worker (6), carer (3), chefs (1), takeaway worker (1), hotel staff (1). There is also a strong gender divide within Service Occupations with the majority of jobs being performed by women. However it is notable that the 'cleaners' identified were jobs that were performed by men. There is also a divide here within the professional groups and this is clearly shown in Table 5.

Table 5: Most frequent occupations of exploited migrant workers by professional group⁵³

Professional Group	Occupation performed		
	Service Occupations	Unskilled Worker	Farm Worker
Monitoring Bodies (7)	1	2	4
Law Enforcement (4)	1	1	2
Support Groups (7)	4	1	2
Lawyers (4)	4	0	0
Recruitment Agencies (4)	2	2	0
Workers Organisations (3)	1	0	2
Employment Organisations (5)	2	1	2
National Policy experts (1)	0	1	0
TOTAL (35)- Only applicable to top 3 occupations highlighted	15	8	12

The table above shows that monitoring bodies, police and worker organisations encountered more exploitation in farm working than others. However it is the support groups and the lawyers that push the data towards service occupations. Lawyers would not usually be involved in cases within the agriculture sector because the GLA handles these cases. It would be within their remit to investigate and if necessary revoke the exploiting employer's or agent's licence and/or prosecute. Also, it is arguable the instances of domestic servitude skew the findings towards service occupations for the support groups.

Within the UK there seems to be a particular issue of exploitation of domestic migrant workers. This is as a result in a change in the Immigration Rules in April 2012, regarding the introduction of a new six-month domestic migrant worker visa.⁵⁴ One respondent [S(1)] argued that the new Visa was very problematic and could potentially lead to a rise in the exploitation of domestic workers. The respondent stated that workers are brought over by their employers and are not allowed to change employers as this is a condition of the new Visa system. As a result if the workers are being treated poorly they have little recourse. If they try to leave the employer they are left open to accusations that they are undocumented workers. During the interview the respondent told the story of a domestic worker who had been beaten by her employer. When the worker went to the police she was arrested and detained until her immigration status could be proven. It is clear to the respondent that there are potential problems with this system. This change has created concern and resulted in support groups focussing solely upon this potentially exploitative scenario.⁵⁵ It could be argued that because of the relatively large number of support groups targeting this area, there is a high profile for this type of case. Compared to other areas of the economy (construction and hospitality for example) there are more support services looking for these

⁵³ UK, Please note that in order to narrow the occupations down to the single type of occupation that each respondent felt was most frequent, the following table is put together using the answer that the respondent gave first. The respondents were asked to give their Top Three answers so these answers reflect the work that exploited migrant workers most frequently perform.

⁵⁴ UK, United Kingdom Border Agency (UKBA) (2014) Domestic Workers in Private Households, available at: www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers/.

⁵⁵ UK, Kalayaan (2012) Immigration Information for Overseas Domestic Workers in Private Households, available at: www.kalayaan.org.uk/immigration.htm.

cases. This may in turn parallel a 'GLA effect' where more cases are found because there are more people looking for them.

3.2.3 Most frequent economic sectors for exploitation of migrant workers

The findings on the economic areas in which most exploitation occurs are not in line with those on occupation. When all the responses are collated, the top 3 responses (note the joint response) with regards to economic area are as follows:

1. Agriculture, Forestry and Fishing: Of all the responses (111), 18 respondents selected this economic area.
2. Construction: Of all the responses (111) 9 respondents selected this economic area.
3. Manufacture of Food Products: Of all the responses (111) 7 respondents selected this economic area.
 - Non-diplomatic households as employers of domestic personnel: Of all the responses (111) 7 respondents selected this economic area. (Joint)

As is clear from the relatively low number of responses even for each of the most commonly identified sectors above, with the possible exception of agriculture, it was found that instances of exploitation occurred over many different sectors of the economy. Table 6 breaks this down further in terms of professional groups.

Table 6: Most frequent economic areas of exploitation by Professional Group⁵⁶

Economic Area (listed in order of code number)	Professional Group (using defined initials). Number of respondents who selected this Code.							Total
	M (7)	L (4)	S (7)	E (5)	W (3)	P (6)	N (1)	
Agriculture, forestry and fishing (Code 01)	7	1	1	4	3	6	1	22
Manufacturing (Code 19)	1	0	2	0	0	0	0	3
Manufacture of food products (Code 20)	4	0	0	3	0	0	0	7
Construction (Code 43)	3	0	1	1	0	3	1	8
Accommodation and food service activities (Code 60)	1	0	1	0	3	0	0	4
Hotels and similar accommodation (Code 61)	1	0	1	0	3	0	0	5
Restaurants and mobile food service activities (Code 64)	0	2	1	0	0	0	0	3

⁵⁶ UK, In order to narrow the responses only economic areas reported by at least two respondents have been included.

Hairdressing and other beauty treatment(Code 117)	0	0	2	0	0	0	0	2
Other (other service activities) (Code 119)	0	1	1	0	0	1	0	3
Non-diplomatic households as employers of domestic personnel (Code 122)	0	1	3	0	1	1	1	7

The data above clearly highlights the universal feeling that food and agriculture is the area in which most exploitation occurs. However, there are consistent results for the Professional Groups across all the economic areas selected.

3.2.4 Specific conducts that contribute to labour exploitation

The respondents in general found categorising the specific conducts that contribute to labour exploitation very difficult. It was argued that all the answers would be relevant [L(1)]. In one case the respondent [M(1)] refused to narrow their answer stating that all were vitally important apart from the options that relate to not paying social security (National Insurance in the UK) or being allowed to have annual leave, because these are so commonplace. Other respondents [P(2)] struggled to justify why they had selected certain codes, arguing that they had done so based upon what they had experienced in their professional life.

1. Employments withhold wages or pay considerably less than what they are obliged to pay: Collation of the data to include all responses to Question 15 indicates that of the 152 responses supplied 25 selected this as being the most common form of labour exploitation that they had encountered. It is important to note that of the 25 respondents 10 selected this as the most important aspect by giving this response first.

In reality the respondents argued that a promise of a good wage was made to lure the workers over but they were actually paid a lot less [S(1)]. This can also be linked to their immigration status. If they are not entitled to be working in the UK then exploitative employers take that to mean that they are not entitled to a decent wage. A lawyer suggested this:

QUOTATION: 'If they don't have immigration [status] they don't see them as being entitled to the national minimum wage.' [L(1)]

The argument is that because they are not nationals of the country they are not entitled to the same level of benefits, pay and conditions that a national would receive.

2. Migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc.: Of the 152 responses supplied, 21 respondents selected this code.

The respondents felt that the migrant workers are not told about their rights [M(1)] and this is particularly common with regards to conditions of employment such as their wages and working hours [P(1)]

This has links to language barriers which prevent migrant workers obtaining the information they need:

QUOTATION: ‘...we see that quite a lot [referring to Code 02 - Migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc.] whether because there are language barriers or the employers deliberately kept information from them.’ [P(1)]

For some respondents the language barrier was the key obstacle and not the fact that they were not being informed of their employment rights. Although contracts are confusing for native English speakers, migrant workers would not even be supplied with any sort of translation about their rights [W(1)]. Such an activity would be seen as too costly for the employer. There was also a feeling that employers might risk not informing workers about their rights:

QUOTATION: ‘I think migrant workers are not properly informed about their rights. I think part of that is what an employer thinks they can get away with in some aspects.’ [E(1)]

The respondent above, a member of an employment organisation, is arguing that in some situations employers will risk not informing workers in order to save money. For example, if the employer does not tell the worker that they are entitled to a break after so many hours work then they will be more productive.

3. Migrant workers do not have a contract written in a language they understand, or do not have a contract at all: Respondents tended to take this as a given in cases of labour exploitation. One respondent [S(1)] for example stated that this would occur in every case of labour exploitation. Furthermore, those with experience of working with victims of labour exploitation who were in the country illegally [S(1)], stated that as a support agency they no longer ask about contracts because no employment that they would be involved in would include a legally binding contract. Another respondent [W(1)] argued similarly that it is standard practice to not have a contract and that possessing a contract would be surprising. Table 7 breaks this down further by Professional Group.

Table 7: Specific conduct that contributes to labour exploitation by Professional Group⁵⁷

Conduct (listed in order of code number)	Professional Group (using defined initials). Number of respondents who selected this Code.						Total
	M (7)	L (3)	S (7)	E (5)	W (3)	P (6)	
Migrant workers do not have a contract written in a language they understand, or do not have a contract at all (Code 01)	4	1	5	3	3	4	20
Migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc. (Code 02)	5	1	4	4	3	4	21
Employers withhold wages or pay considerably less than what they are	4	2	6	4	3	5	25

⁵⁷ No respondents selected Code 12 ‘Don’t Know’.

obliged to pay (Code 03)							
Parts of what is paid flows back to employers, e.g. for fees which the employer owes to recruiters or for food or services provided by the employer (Code 04)	4	2	3	2	3	2	16
The migrant worker depends on the employer beyond the employment contract, e.g. as concerns accommodation or employment of family members (Code 05)	5	1	4	3	2	3	18
Employer does not pay social security contributions; (Code 06)	1	1	3	1	0	0	6
Migrant workers are not allowed to go on annual leave (Code 07)	0	2	2	2	0	0	6
Migrant workers are restricted in their movement, either by physical barriers or by practical means, such as withholding travel documents (Code 08)	5	2	3	1	1	5	17
The employer adds to the migrant worker's isolation by impeding communication e.g. communication to representatives of labour unions or to labour inspectors (Code 09)	2	0	1	0	0	1	4
The migrant worker is subjected to physical violence or to threats of such violence (Code 10)	2	1	4	0	0	4	11
The worker's health conditions are impaired, e.g. through labour-intensive work or long hours (Code 11)	4	1	2	0	0	3	10
Other (Code 12)	2	0	0	1	0	0	3

Breaking down the data per Professional Group does not highlight any significant differences with regards to conduct that contributes to labour exploitation. There is an even spread across the groups showing that the sample were consistent in their responses.

3.2.5 Frequency of cases of labour exploitation

There was an even spread of the frequency of cases encountered by professionals, with seven respondents noting encountering cases of exploitation on a regular basis (twice or more than twice a week), and the other seven noting that they heard of cases on a monthly basis. Within professional groups there was a spread of selections. Within workers organisations, one respondent [W(1)] encountered cases 'daily' but for another respondent [W(1)], it was once a year or less. There was more consistency within support groups as their main focus is on exploitation of some form. As a result the majority of the support groups selected 'twice or more than twice a week' [S(1)] (once a month), [S(1)] (less than once a week) and [S(1)] (once a month) are the exceptions).

How respondents learned of cases of labour exploitation was consistent across the sample. The majority used connections with public institutions such as the police. Only a handful of respondents noted that they would pro-actively look for cases, reflecting the lack of resources in the area as bodies were forced to react to cases rather than taking a proactive approach in order to discover cases. In the case of the police, this was stated as being completely justified by one respondent in particular [P(1)]. The argument was that the police react to threats of safety to the public, usually through 999 emergency calls, and therefore the police would remove the individual from danger and punish the person causing the danger. Table 8 illustrates how professionals typically learn of cases of exploitation, and in particular highlights the frequency of cases being brought to the respondent's attention by another institution.

Table 8: How professionals learn of cases of exploitation:

How experts learn of cases of exploitation	Code	N
Pro-actively looking for cases	01	9
The case is brought to your attention by another institution (public)	02	19
The case is brought to your attention by another institution (private)	03	13
The case is brought to your attention by a private person/individual	04	14
Other (please specify)	05	1

4. Risks and Risk Management

4.1 Identification of common risk factors for labour exploitation

There was a good deal of commonality in the responses to the question of what exacerbates the risk of exploitation for migrant workers. The key risk factors highlighted by the respondents included language barriers, social isolation, and a lack of understanding of employment rights and immigration status. However, it should be clearly noted that some respondents [M(1)] stated that common risk factors are difficult to understand as there are no stereotypical victims. Basing their answer on personal experience in monitoring and enforcing, the respondent stated that the only possible exception to this would be a lack of life-skills on the part of the victim.

The isolation of the victims was seen as aggravating the risk that migrant workers might be exploited. For one respondent [M(1)], all exploitation emanates from the fact that workers are kept in isolated remote social conditions and are solely reliant on the gangmaster. This creates a dangerous power imbalance between the gangmaster and migrant worker. Social isolation is also enhanced by language barriers which are an obstacle to migrant workers as information and communication channels are simply not accessible. One respondent [W(1)] noted that information from the government with regards to pensions is not provided in multiple languages.

QUOTATION: 'The majority of these guys will end up in the NEST pension which is a non-government pension provider. But none of the information they are going to be putting on their website or their call centres or any letters or information will be in anything other than English.'
[W(1)]⁵⁸

One respondent [N(1)] noted that potential exploitation is exacerbated by issues of language. There might for example be a contract written in a language that workers do not understand. Furthermore, they are often not properly informed about their employment rights such as wages, working conditions and annual leave.

QUOTATION: 'So if you're in this country and your English isn't great that makes you more vulnerable because you're not necessarily aware of what your employment rights are and so on. In the course of our work we find people that are employed in this country but don't know, for example, that they should be being paid the national minimum wage; they don't know that they're entitled to holiday pay, sick pay; all those sorts of things.' [N(1)]

There is a difference here when comparing professional groups' responses when discussing the different risk factors that may lead to labour exploitation. Workers organisations, employment organisations and victim support groups focused upon non-compliance with employment rights, the actual working conditions and the circumstances surrounding the situation of the migrant worker, e.g. provision of accommodation, whereas lawyers and monitoring bodies in particular tended to focus upon the immigration status of the workers.

QUOTATION: 'I think irregularity of status is a big [thing], status used as a hold over by the employer making it difficult to demand.' [M(1)]

⁵⁸ UK, NEST Pensions (2014) available at: www.nestpensions.org.uk/.

The respondent noted that employers often use the migrant workers' irregular status to reinforce their position of power, so that if a migrant worker complains about their working situation, then an employer will often threaten to report the individual to immigration authorities where they would be at risk of deportation. In addition to this, the vulnerability of the migrant worker is exacerbated by the irregular immigration status of the individual which leads them to accept any employment, including employment where they may be exploited. Some respondents [M(3)] suggested that this was the main risk factor as the workers were willing to risk being exploited just to get a job.

Respondents noted that migrant workers often struggle to understand their employment rights within a UK context. It was suggested that the complexity of the system provided unscrupulous employers with the opportunity to take advantage of migrant workers. One respondent [M(1)], a member of a national inspectorate, stated that some employers implemented cost saving measures by requesting that employees provide their own protective clothing, something which should officially be provided by the employer. In addition to this, some respondents felt that migrant workers are often reluctant to report any exploitative practices or seek advice and guidance due to their perception of authority, based on their experiences of authorities in their country of origin:

QUOTATION: '...a reluctance to raise issues with authorities because of the different types of almost authoritative systems in the country that they come from. The police in certain countries are seen as para-military and people want to have as little they can with those.' [M(1)]

One respondent [S(1)] raised this point and made a connection with cultural differences between the migrant workers' country of origin and the UK. Here the respondent was referring to the fact that how a person applies for a job or how a person is treated when performing a role is different in every country. Therefore a migrant worker will simply not understand how the employment system works in the UK. If however, a migrant worker can embed themselves in a migrant community then their risk of exploitation will be reduced as it is likely that communicating between fellow migrants will spread knowledge and information on employment rights [R(1)].

When considering the risk factors that lead to labour exploitation, representatives of the police highlighted personal characteristics and the economic imperative to work. One respondent stated that the workers have often come from very poor countries [P(1)] and the need to earn money makes them open to exploitation. One respondent [L(1)] stated that this might lead to them having to send money home to family. This increases risk as the worker needs to keep a job, no matter what the conditions are, to support their family. Another respondent [P(1)] argued that money is the driving factor and leads to the exploitation:

QUOTATION: 'Quite simply the need to earn money. They've gone into that straightforward debt bond; normally this is motivated by money on both sides...' [P(1)]

When discussing the personal characteristics of migrant workers, there was often reference made to generally low educational levels [P(1); S(2); E(1)]. Respondents suggested that those who are well educated are more likely to have a better understanding of their employment situation and seek support if needed [L(1)]. It was also suggested that the vulnerability of migrant workers can be enhanced by substance abuse and drug and/or alcohol problems [P(1); E(1)].

Particular emphasis was placed on the vulnerability of migrant domestic workers; the risk of exploitation has been increased through the introduction of the six month domestic migrant workers visa. One respondent [S(1)] argued that these workers are more vulnerable to

exploitation because they are under the control of their employers. Furthermore, any attempts to leave the employer would leave them as undocumented migrants as employers very often withhold their identification documents which would show their immigration status. This point was re-iterated in Focus Group 1 as a respondent from a national support group argued that such workers are left without any rights and have to rely entirely upon the employer.

Respondents with specific experience of working with child victims argued that age was a factor:

QUOTATION: 'Age in itself is a vulnerability. Just being a child is an inherent vulnerability.' [S(1)]

Here the respondent was arguing that as children have such limited life experience and little education, they will not understand what is happening because they are young.

It is important to note here that the recruitment agencies were more reluctant to supply information on risk factors as they felt that doing so might implicate them in such practices. One respondent [R(1)] most notably stated that they does not work with 'desperate' people and therefore would not comment. It could be inferred from this, however, that desperation in this case is a risk factor. Recruitment agencies tended to focus upon the positive nature of agency work. One respondent [R(1)] suggested that 'migrant workers will grab jobs', taking any work rather than going through an agency which will vet the employer.

Workers and employment organisations focussed upon the risks emanating from workplace conditions and employment rights rather than general risks. For example, two interviewees [W(1); E(1)] highlighted the problem with extended supply chains in the UK. Businesses do not know where workers have been sourced and the workers are open to exploitation in such a devolved system. Exploitation is made possible by the degrees of separation between the end-user of labour and the agent supplying it, as this quotation demonstrates:

QUOTATION: 'Now, you know you might have a supermarket, and I'm not saying that they are culpable for this exploitation but they procure services from, let's say a food processing factory which in turn procures labour from a gangmaster which may or may not be legitimate but the reason that there is any room for exploitation of workers is because the rates are so squeezed right from the top, all the way down. And you might have two or three other businesses in there. Suddenly these rates and these propositions from criminals become that much more attractive and the fact is when you then do discover these exploitative situations it's never really traced back up the supply chain, there's no holistic accountability and I think that's a problem. So people just wash their hands, they cut that supplier out.' [E(1)]

4.1.1 Quantitative Data

The quantitative data regarding the legal and institutional setting sheds light upon why the respondents felt exploitation occurs. The top three responses including an analysis of the comments are as follows:

1. Low risk to offenders of being prosecuted and punished - 32 responses out of 98 supplied. It is interesting to note that of the 37 respondents, 19 selected this as the most important.

It was felt that there is indeed a low risk of prosecution and exploitative employers use this to their advantage as there is no deterrent. Some respondents had never experienced any sort of justice for the victims they work with. One respondent [S(1)] had worked to support victims of domestic servitude for six years and had never experienced the employer being successfully prosecuted. This type of response is consistent with the views put forward at focus group two. Here the group as a whole argued that prosecution is difficult because the legal system (Judges) do not understand labour exploitation.

One respondent [M(1)] stated that the penalties that are imposed are not representative of the crime and gave the example that a drug trafficker could receive 20 years imprisonment, but for exploiting workers, a prison sentence would only be a couple of years, if a custodial sentence was imposed at all. Prosecution has to be successful in order to deter exploiters [M(1)]. This is best highlighted by one respondent [N(1)] who was clear that the current penalties were not a sufficient deterrent:

QUOTATION: '...there were some cases recently of recruitment agencies withholding wages, not paying people properly and so on and they got something like £1 000 fine for it, it doesn't exactly send a clear message that this is important, that they're going to be properly punished for doing these things.' [N(1)]

It was suggested that the legislative framework is problematic because it has only recently been introduced and as a result has not yet been tested in court. Particular reference was made to the *Coroners and Justice Act 2009* [P(1)].⁵⁹ The case studies clearly show that only very severe cases of slavery are prosecuted. The case studies exploring labour exploitation in agriculture show that prosecution is rare.

2. Lack of institutions effectively monitoring the situation of workers in sectors of economy where labour exploitation occurs - 27 responses out of the 98 supplied.

Respondents reported this code often with the caveat that the GLA do good work but are limited in their remit. One respondent [M(1)] suggested that although the GLA should cover more areas of the economy, it is not realistic to expand their remit based on the currently available resources. It was an argument that was repeated throughout the interviews that outside of the GLA sector, there is little or no monitoring [M(1); W(1)]. For many, monitoring was vital because prosecution can only occur if the cases are brought to people's attention [M(1)].

There was also a sense of apathy with a suggestion that authorities are not interested in exploring potential cases of labour exploitation:

QUOTATION: 'We have experience of institutions not really being particularly interested in whether or not people are being subcontracted to do a bit of work on behalf, or paying any attention to conditions of labour.' [P(1)]

The police officer above felt that there are institutions who turn a blind eye to exploitation, although he/she did not refer to any specific institutions.

The role of the GLA was the centre of much discussion at focus group one. One interviewee [E(1)], for example, noted that outside of the GLA sector monitoring is very limited. Furthermore, key economic areas (such as domestic workers) are unregulated. This point is

⁵⁹ UK, Parliament (2009) Coroners ACT 2009, available at: www.legislation.gov.uk/ukpga/2009/25/contents.

supported in the case studies which have a high level of instances of slavery within a domestic setting.

3. Low risk to offenders of having to compensate exploited migrant workers - 22 responses out of the 98 supplied.

The tribunal system which would be used to claim compensation was seen as not fit for purpose [M(1)]. One respondent [S(1)] stated that they knew of three successful claims out of 500. It was also felt that the process was too long, particularly for migrant workers. According to the experiences of one respondent [S(1)], the compensation process would take around a year, by which time the parties involved would no longer be in the UK.

Conversely, another interviewee [E(1)] stated that workers are protected by the HMRC and the national minimum wage. It was argued that this was policed well. However it should be made clear that this respondent was not supported by the rest of the sample.

Some of the lawyers [L(2)], linked this to issues of immigration status.

QUOTATION: 'Probably the low risk to offenders having to compensate exploited migrant workers. Because if you are illegal you know that you are not supposed to be working anyway. So if they exploit you, what are you going to do? Report them to someone, are you really?' [L(1)]

The above-quoted respondent felt that illegal workers have no rights and that victims would not actually pursue compensation claims because of their status.

It is important to note that no respondents noted corruption in the UK. A number of respondents specifically stated that this was not an issue [W(1); E(1)]. Table 9 breaks the data down further into Professional Groups.

Table 9: Identification of common risk factors for labour exploitation by Professional Group.⁶⁰

Legal/institution setting risks (listed in order of code)	Professional Group (using defined initials). Number of respondents who selected this Code.								Total
	M (7)	L (4)	S (7)	E (5)	W (3)	P (6)	N (1)	R (4)	
Low risk to offenders of being prosecuted and punished (Code 01)	6	3	6	4	2	6	1	4	32
Low risk to offenders of having to compensate exploited migrant workers (Code 02)	6	3	4	3	2	3	0	1	22
Lack of institutions effectively monitoring the situation of workers in sectors of economy where labour exploitation occurs (Code 03)	5	3	6	1	3	6	1	2	27
Corruption in the police (Code 04)	0	0	0	0	0	1	0	0	1
Corruption in other parts of	1	2	2	0	0	0	0	0	5

⁶⁰ UK, No respondents selected Code 07 'Don't Know'.

administration (Code 05)									
Other (please specify) (Code 06)	1	0	1	2	1	2	1	3	11

4.1.2 Personal Characteristics and the Situation of the Worker

The quantitative data with regards to the personal characteristics and situation of the worker highlighted several characteristics of migrant workers that are likely to increase their vulnerability to labour exploitation.

1. Migrant worker has a low level of education - 23 responses of the 104 supplied. Of the 37 respondents 13 selected this option first, suggesting that it was the most important.

This was a very divisive selection. Those who selected it were clear that low education would result in a greater risk of exploitation [P(2); R(1)] and an inability to find a way out of the situation [L(1)]. However, several respondents noted this was definitely not the case. As the following monitoring agent states:

QUOTATION: 'I have found a GP [General Practitioner] picking Strawberries in North Yorkshire, a brain surgeon packing meat in Sheffield.' [M(1)]

It was clear that the police felt that an individual's education background would have an impact. A migrant worker with a low education may be more susceptible to psychological control in particular. Again this professional group did not elaborate in detail stating that the answers given were on the basis of professional experience [P(2)]. It was also suggested that one of the main reasons poorly educated workers come to the UK is that they cannot get good jobs at home [L(1)]. Therefore there is more opportunity for poorly educated workers to be exploited.

2. Migrant worker does not know the language of the country of workplace - 22 responses of the 104 supplied.

Respondents felt that language barriers could be an issue and this is made worse by the relevant agencies in the UK not supplying information in multiple languages. One respondent [M(1)] stated that information is often published in English on websites and there are very few translated websites. Not knowing the language leads to the social isolation of migrant workers and an increased reliance upon exploitative employers:

QUOTATION: 'The second one, in terms of Chinese migrants is the language; you're stuck in Manchester and the snakeheads have got you working all hours God sends for a pittance, can't speak English, where do you go? And even for Polish, Latvians, Russians language is a problem in terms of trying to improve their situation.' [M(1)]

3. Migrant is not allowed to enter into employment - 17 responses of the 104 supplied.

Respondents felt that migrant workers having no right to work could seriously increase the risk of their being subjected to labour exploitation.

QUOTATION: 'They know that migrants can't enforce their rights when they are in illegal employment, they know the balance of power is fully in favour of the employer.' [M(1)]

It was suggested that in cases where a migrant worker is illegally working in the UK, the employer often perceives that they are providing assistance to the migrant worker [L(1)]. Employers will simply sack illegal workers if they suspect that they might get the authorities involved [E(1)]. One respondent [W(1)] noted that this is common within the catering industry. Employments will not pay workers the minimum wage because they are not going to pay National Insurance.

4.1.3 Risk Factors in Relation to the Workplace

The quantitative data with regards to the situation within the workplace highlighted factors which would exacerbate the risk for labour exploitation when actually in employment.

1. The migrant works in a sector of the economy that is particularly prone to exploitation - 27 of the 99 supplied. Out of the 37 respondents who answered, 18 selected this option first, indicating that it is seen as the most important risk factor in relation to the workplace.

The respondents who selected this option tended to reply with regards to sectors such as agriculture and construction. One respondent [P(1)] argued that these sectors are particularly prone to exploitation because the majority of workers will be migrants, as UK nationals will not take such jobs. The profit margins are so tight that exploitation occurs in order for the employer to make a profit. This was also noted in relation to the fact that within agriculture, supply chains are much devolved [S(1)]. This has been previously noted with regards to the thoughts of one respondent [E(1)] who argued that exploitation is rife because of the gap between end-user and workforce. Subcontracting in this regard narrows the margins of profits and leaves workers open to exploitation as wages are pinched in order to maximise profits.

Some respondents [S(1); W(1); E(1)] noted that certain areas of the economy are more open to exploitation because they are not effectively monitored. One respondent [E(1)] stated that effectively outside of the food sector there is no monitoring:

QUOTATION: 'There used to be the Employment Agency Standards Inspectorate, which was useless anyway. That is now being subsumed within the HRMC. We don't bemoan the loss of EASI because it was rubbish...they were so under-resourced. There were 12 inspectors for the whole of the UK, across every sector.' [E(1)]

The respondent went on to clarify their point with regards to monitoring outside of the food sector:

QUOTATION: 'Outside of the GLA area it is the Wild West, there is nothing. Please be very aware of this, there is absolutely nothing. No regulation of it at all.' [E(1)]

Another clear example of this might be that during one focus group, it was noted that the London Metropolitan Police have never had a case of labour exploitation coming from the hotel sector. Yet numerous respondents noted that exploitation within this sector was rife [M(1); E(1) most notably]. Furthermore, during the same Focus Group, one respondent [R(1)] stated that they had never received any complaints from unregulated sectors. This also seems to be particularly pertinent in cases of domestic migrant workers. These workers

are not monitored because their work takes place within the home. This was an issue raised by numerous respondents [S(1); R(1)].

2. The migrant works in a precarious or insecure situation of employment, e.g. formally not employed but self-employed - 16 responses of the 99 supplied.

This was seen as an aggravating factor for a number of respondents. This adds to the migrant workers' vulnerable situation:

QUOTATION: 'What that does, that first bit is create real vulnerability, and what vulnerability does is make people quite desperate and susceptible to additional forms.' [M(1)]

Here the respondent is arguing that an insecure situation is not only a risk factor in itself but it also means that migrants become desperate and leave themselves open to exploitation.

3. The migrant works in relative isolation with few contacts to clients or to people outside the firm - 15 responses of the 99 supplied.

Keeping workers in social isolation prevents them from discovering that there is anything wrong with their working conditions. It also stops the victims from attempting to improve their situation:

QUOTATION: '...from what I've heard, they're deliberately kept away from and discouraged from having contact with people outside of work so that they don't speak to them and don't get an understanding of other things that could be done.' [M(1)]

The police respondents in particular noted this as being common as it increases the control of the exploiter over the victim [P(2)]. It was noted that this is one of the main reasons that exploitation occurs in the domestic sector. One respondent [E(1)] stated that workers are kept within the home, with no colleagues or any real access to the outside world. In agriculture, supplying workers with (often substandard) accommodation close to the work site but remote from other human habitation was a common factor in instances of exploitation.

It should be noted here that recruitment agencies were reluctant to answer this question, for fear of self-incrimination:

QUOTATION: 'If you are in business legitimately it is not an option to do anything you have mentioned there because it is bound to come back to you and bite you on the arse. I don't think any of the situations are causes for concern in UK.' [R(1)]

4.1.4 The role of recruitment agencies in creating/preventing exploitation

It is important to note that within the UK, recruitment agencies are only monitored within the food sector (the GLA regulated sector). Outside of this economic sector, there is no effective monitoring. Although technically the Employment Agency Standards Inspectorate covers agencies in all sectors, the respondents unanimously stated that the agency was unfit for purpose [M(2) most notably]. There are also bodies such as the Recruitment and

Employment Confederation (REC) with whom recruitment agencies can become accredited subject to compliance with a code of conduct. Membership of REC however is not obligatory in order to practice as a recruitment agent, in the way that in the agricultural/food sector, recruitment agents must have a licence issued by the GLA in order to operate legally.

There was a big divide here between the responses from members of employment organisations and recruitment agencies compared to the rest of the sample. The rest of the sample saw such agencies as tending to exacerbate the situation of labour exploitation due to the amount of control they exert over workers. The employment organisations felt that it was employers, i.e. the end-users of labour from agencies, on whom monitoring should be focused, and viewed themselves as a layer of protection against exploitation of the workers they provide.

Gangmasters or recruitment agencies were considered to be very powerful bodies, with a good deal of control over workers. However, this was seen as both positive and negative by several respondents [M(2)], as good agents would use their ability to monitor workplaces and employers to protect workers [M(1)], but poor agents would add to the chances of workers being exploited by isolating them and not informing them of their rights [M(1)]. Poor recruitment agencies will often be very small businesses without the capacity to inspect workplaces and employers [M(1)].

Employment organisations were, in general, positive about the role of recruitment agencies. However, it was clear that there was a feeling that there should not be too much emphasis on the regulation of recruitment agencies when exploring ways to prevent labour exploitation. This was particularly clear during one focus group where some respondents [E(2)] argued that exploitation exists even within the monitored sector. Employers need to take more responsibility. This is indeed the focus of a good deal of the work which one respondent [E(1)] does in educating employers. One respondent [E(1)] summarised the situation well arguing that instead of focussing solely upon the recruitment agents, the interested parties must work together to tackle the problem:

QUOTATION: 'So I think you know good agencies have a very important role to play, increasingly as well in kind of working collaboratively with law enforcement bodies in terms of data sharing. So whether it's you know, business processes, looking through their data for red flags of disguised forced labour, you know lots of people with the same mobile phone, same bank details, same address that sort of – sharing that sort of intelligence with law enforcement, that is something that we're really trying to promote within our membership and will be doing more of next year.' [E(1)]

Interviewees from recruitment agencies perceived their role to be vital to the protection of potential victims of labour exploitation. Respondents stated that any situations of labour exploitation would more often than not be accidental and non-intentional on the part of the agency as the legal framework around employment is extremely complex [R(1)]. Most commonly agencies felt that they gave workers protection and even the opportunity to try out different employers [R(1)]. One respondent [R(1)] spoke most passionately about this subject, arguing that agencies are absolutely vital. Unless the agency is very poor at their job, they will protect both the worker and the employer:

QUOTATION: 'Vital. Absolutely vital. And equally on the inverse side there are instances where a migrant worker can be exploitative towards a family.' [R(1)]

However even recruitment agencies felt that there needs to be some sort of all-sector approach to regulation:

QUOTATION: 'I think there should be a professional body that everybody has to be a member of something or other. This sounds accusatory, but I think the UK has cleaned up its act a lot in the last 10 years.' [R(1)]

4.2 Prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area

4.2.1 Prevention measures and promising practices

The majority of preventative measures identified during the fieldwork related to publishing information which was available to workers or to the general public or general advocacy work, and a limited amount of pre-departure work with migrants in their home countries. It would be fair to say that most of the work with regards to labour exploitation was reactive and was more concerned with helping the victim rather than preventing exploitation in the first case.

One respondent [N(1)] represents an organisation that produces leaflets and documentation for migrant workers. The aim of this information dissemination is to educate migrant workers about their rights:

QUOTATION: 'It tends to be that we work a lot with unions and CAB and other organisations like that especially where they offer advice directly to workers to ensure that we are working with them and that their advice is consistent with what we say about equalities and so on.' [N(1)]

The respondent here highlights the multi-agency approach which is important in ensuring the message is communicated to as many economic sectors as possible.

This is also consistent with the type of work that the monitoring bodies identified in relation to prevention. Due to the proliferation of NGOs working in this area, a key role for monitoring bodies is to collect intelligence and research on the subject and then to disseminate this to interested parties [M(2)]. Many organisations find that it is sometimes more practical to pass information onto organisations that operate as inspectorates and so can go into workplaces and give this information directly to the workers:

QUOTATION: 'There is provision of information to workers. We provide general information about their rights under health and safety legislation. We also provide links to other organisations where we don't have the powers to enforce particular rights.' [M(1)]

The GLA uses intelligence gathering as a measure to directly prevent exploitation (or further exploitation) from occurring. They have the remit to investigate and inspect and therefore prevent. One respondent [M(1)] stated that the more people know about the work of the GLA, the more prevalent this preventative role would become. The GLA also engages with employers and businesses to promote good practice and reduce the potential for

exploitation. The GLA have published a protocol for suppliers and retailers which is aimed at promoting best practice.⁶¹ See table 10 below.

There is also a general tendency for the victim support groups to be reactive rather than proactive with a focus on supporting the victims. However, as the following respondent suggests, they would advocate and be involved in commenting on any potentially important documentation.

QUOTATION: 'Our approach tends to be reactive rather than proactive. If there is a consultation or a debate or something, we might put into that but we're largely about supporting people so we do it, but it's not a primary function.' [S(1)]

It was felt by a number of organisations that because of resource limitations, support provision to victims is often prioritised over and above developing and implementing preventative measures. The respondents struggled to answer questions on prevention and very few initiatives were noted. However, there is a new incentive in the UK called Stronger2gether⁶² (discussed by [E(1)] and during one Focus Group) in which support groups hope to be able to participate. Set up by the Association of Labour Providers, GLA and Migrant Help, the initiative aims to prevent and tackle trafficking and labour exploitation through multi-agency cooperation. The focus is upon educating and bringing together the interested parties in order to learn how the behaviour of one party impacts upon another. Stronger2gether runs workshops and events aimed at tackling hidden labour exploitation. The events seem to be successful with a good uptake of the scheme as several workshops have sold out according to the scheme website. See Table 11 below.

The workers' organisations were mostly involved in advocacy work. This was effectively summarised by the following respondent:

QUOTATION: 'A big part of our work is establishing what the arguments are and then trying to persuade people in government and people who are influential, what they are.' [W(1)]

The focus for such groups is to inform authorities about the issues that are facing migrant workers. This is usually done through conferences or publications.

Table 10: Promising Practice 1

Title (original language)	GLA Supplier Protocol
Title (EN)	GLA Supplier Protocol
Organisation (original language)	Gangmasters Licensing Authority
Organisation (EN)	Gangmasters Licensing Authority
Government / Civil society	Government (Department for Environment, Food and Rural Affairs)
Funding body	Government (Department for Environment, Food and Rural Affairs)
Reference (incl. url, where available)	http://gla.defra.gov.uk/PageFiles/1023/Supplier%20Retailer%20Protocol%20Final%207%20October%202013.pdf

⁶¹ UK, Gangmasters Licensing Authority (2013) Supplier/Retailer Protocol, available at: www.gla.defra.gov.uk/PageFiles/1023/Supplier%20Retailer%20Protocol%20Final%207%20October%202013.pdf

⁶² UK, Stronger2gether (2014) available at: www.stronger2gether.org/.

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	First launched in 2010 but re-launched in October 2013 (and further updated November 2013).
Type of initiative	A document published as guidance for supermarkets (principally) helping to tackle labour exploitation.
Main target group	Supermarkets
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The GLA have prepared a document for supermarkets to use offering best practice for suppliers and retailers. Using their expert knowledge with regards to cases of labour exploitation, the GLA have produced a guide for supermarkets to help to prevent or reduce cases of labour exploitation.
Highlight any element of the actions that is transferable (max. 500 chars)	The idea of a protocol aimed at supermarkets is transferrable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	If the supermarkets engage with the protocol the practice would be sustainable because a two-way conversation could be established. However if the protocol is ignored (there is no mandatory requirement to sign up to the protocol) it becomes a one-off publication.
Give reasons why you consider the practice as having concrete measurable impact	As the experts on labour exploitation in the agricultural sector the GLA understand how it works. They have knowledge and an understanding of the situation that supermarkets might not have considered.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The practice is the publication of expert advice which would be transferrable dependent on other countries' systems with regards to monitoring of labour exploitation (i.e. whether or not such experts as the GLA exist).
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Table 11: Promising Practice 2

Title (original language)	Stronger2gether
Title (EN)	Stronger2gether
Organisation (original language)	Joint venture between: Association of labour providers (ALP), Gangmasters Licensing Authority (GLA) and Migrant Help
Organisation (EN)	Joint venture between: Association of labour providers (ALP), Gangmasters Licensing Authority (GLA) and Migrant Help

Government / Civil society	Joint business (ALP- is a business) and government (GLA)
Funding body	The Co-operative Group, Marks and Spencer, Sainsbury's, Tesco, Waitrose
Reference (incl. url, where available)	http://stronger2gether.org/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	24/10/2013.
Type of initiative	Educating employers to work together with labour providers and workers to create a non-exploitative workplace.
Main target group	Employers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Stronger2gether is a joint initiative aimed at promoting multi-agency and collaborative working between employers, labour providers and workers. This is done through education and training. Stronger2gether run training sessions aimed at making sure that best business practices are followed and potential opportunities to exploit are limited.
Highlight any element of the actions that is transferable (max. 500 chars)	The multi-agency training sessions are transferrable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It is debateable as to whether the initiative is sustainable once a training course has been attended by an interested party. There is a need to develop the sessions in order to make them relevant and to keep the parties involved interested.
Give reasons why you consider the practice as having concrete measurable impact	The role of the GLA and their resources are being constantly reduced by the current government. Therefore it seems vital that professional groups work together to promote positive working practices. Monitoring in the UK is limited and therefore this initiative will hopefully result in some form of self-regulation.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	As above in member states where monitoring is weak, giving professional groups insight and information about exploitation could reduce exploitation through self-regulation.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

4.2.2 Pre-departure information programmes

There was very little information provided by the respondents with regards to pre-departure programmes. This was due to the focus on government-organised programmes in the questioning, which the professionals felt were lacking in the UK. A gap between theory and practice was highlighted here by one respondent [S(1)] with relation to domestic migrant workers coming to the UK. The respondent stated that the government is supposed to give information to migrant workers:

QUOTATION: 'In theory it does and this is one of the government's defences of the timed visa. They say when the domestic worker applies for a visa they will be interviewed and informed of their rights.' [S(1)]

However, the respondent stated that the packs were not given to the migrant workers by the Home Office and this can be evidenced by the information they receive from victims of domestic servitude who engage with their services.

The majority of the respondents stated that they did not know of any pre-departure programmes. However, one respondent [W(1)] argued that the government had started a campaign to deter migrant workers (particularly the Romanian and Bulgarian nationals who from 1st January 2014 have unrestricted access to the UK market) from coming to the UK, but did not develop the point further.⁶³

Some respondents were keen to point out that although there is very little information available from the UK government, there are NGOs and charities who are doing work in this area. One respondent [S(1)] noted an initiative called Two Little Girls.⁶⁴

QUOTATION: ' One for example, a European one, is called "Two Little Girls" and I know that they've done a lot of awareness raising for adults and young people about the risks of young women going abroad to get jobs as au pairs or waitresses or whatever, and how they can end up being exploited sexually...' [S(1)]

The respondent also noted cards that are given out to migrant workers with contact details of support services and helplines. An example of a Lithuanian card designed to look like a prayer card was given as migrants might not think they are going to be exploited. The impact of such a service was questioned by some respondents who felt that such a scheme would have a very limited impact. One respondent [W(1)], similarly to [S(1)], stated that the government would probably argue that programmes are in place, but there is very little evidence to support this. It was felt that in practice the government would prefer migrants not to come to the country at all.

QUOTATION: 'I think the way that it probably has cropped up is deterring people from being a migrant.' [W(1)]

The functioning of a mechanism of standard-setting and accreditation at national and international level was an area in which only a few respondents had experience. Several respondents could not answer the question: [W(2); E(1)] for example stated that they had very little experience in this area. There was a general feeling that accreditation was important. Membership of the GLA and the REC, for example, was considered to be a good

⁶³ UK, Daily Mail (2013) Romanians and Bulgarians to be told: UK's too cold for you in advertising campaign to try and deter them from coming to Britain, available at: www.dailymail.co.uk/news/article-2269313/Romanians-Bulgarians-told-UKs-cold-advertising-campaign-try-deter-coming-Britain.html.

⁶⁴ UK, Two Little Girls (2014) available at: www.twolittlegirls.org.

standard of business which recruitment agencies could be proud to be a part of [R(1)]. The same respondent also noted that supermarket branding plays an important role because this can lead to more inspections and tighter control on potentially exploitative practices. One respondent [W(1)] noted that the Ethical Trade Initiative has done good work and signing up to its code of practice is important.⁶⁵

QUOTATION: '...the aim of which is to ensure that throughout the supply chain minimum labour standards are respected and enforced. We would say that it is not as effective as we would like it to be, but it is better to have the system than to have no system at all.' [W(1)]

One respondent [N(1)] raised an important issue with regard to accreditation. The argument put forward was that a lot of schemes aren't rigorous enough and simply being part of an accredited scheme may not mean that the business works in an ethical manner. The respondent gave the example of the Happy Eggs case where fair-trade eggs were being checked by trafficked Lithuanian workers.⁶⁶ There was a warning here that such schemes may not be standing up for what they believe in. The same respondent also gave a similar warning at focus group one with regards to inspections. Although pro-active inspections can undercover poor practices, they are no substitute to actually talking to the workers and constantly monitoring the workplace.

4.3 Protection against (repeat) victimisation: actions undertaken by the police to protect victims against the risk of repeated victimisation, including how the police conduct investigations

4.3.1 Exploited migrant workers with an irregular status: victims or illegal immigrants?

Apart from the police, interviewees overwhelmingly felt that victims of exploitation would be treated as residing illegally in the country. A number of respondents were very firm in the condemnation of the police and the UK Border Agency in this regard. However, there seemed to be a feeling at times that this was not necessarily a problem within the scope of law enforcement, more a problem with immigration policy:

QUOTATION: 'I think at the moment they are much more likely to be viewed as illegal workers because technically they are, and the police and the border agency are under so much pressure to reduce the number of illegal migrants, that that is the direction in which they will go.' [M(1)]

Here the respondent is alluding to the fact that the current UK government want to be seen as being tough on immigration. Therefore any illegal migrants will be removed swiftly. One respondent [M(1)] argued that the police would have to inform the Home Office who would send an Immigration team to investigate the workplace.

Geographical location was an issue and different forces dealt with this better than others. The London Metropolitan Police specialist trafficking and exploitation unit was highlighted as a model of good practice [S(1)]. Perhaps surprisingly, one police respondent [P(1)] did note

⁶⁵ UK, Ethical Trade Initiative (2014) available at: www.ethicaltrade.org.

⁶⁶ UK, International Trade Union Confederation (2014) Lithuanian workers trafficked and beaten in the UK, available at: www.ituc-csi.org/new-article.12367?lang=en.

that in their experience the victims would simply be seen as illegally staying in the country. It was felt that the police do not understand cases of trafficking and labour exploitation and generally have had very little training in the matter. This was an opinion shared by a number of the victim support agencies. Although some respondents felt that with the correct training police can work well in this area [S(2)], some felt that there is not enough national training. One respondent [S(1)] stated that authorities have not been given any information about exploitation and do not have the knowledge required:

QUOTATION: 'Also the knowledge of the staff and particularly the police and social workers and immigration staff that are working on these cases is often shockingly poor and central to a successful prosecution is keeping the victim safe and making them feel safe and often that falls down which can affect the prosecution because if you don't have the trust of the victim.' [S(1)]

What was key from the responses of the police officers was that as law enforcement officials, their role is to ensure the victim's safety regardless of their immigration status [P(1)].

There was a feeling that viewing exploited migrant workers as criminals rather than victims is now beginning to change with police forces focusing more upon labour exploitation. One respondent [M(1)] argued that the police and other authorities are gradually gaining a better understanding of trafficking and labour exploitation, and are more aware of the potential for such cases. This has resulted in an apparent shift in practice which was effectively summarised by the following respondent:

QUOTATION: 'For a long time they would have been dealt with as an illegal over-stayer or an illegal status in the country. We are currently in the middle of changing this. People are in this situation because they have been exploited.' [P(1)].

One respondent [M(1)] argued that there is now a much more open multi-agency approach to this which results in different agencies with different skills being involved. This makes it less likely that a victim will be immediately labelled as a criminal.

4.3.2 The role of the police in ending exploitation and preventing re-exploitation

The key role that the police play in ending exploitation and preventing re-exploitation is ensuring that the victim is relocated safely and securely. All the police respondents stated that the first thing to do would be to get the victim safe and settled before an investigation can take place:

QUOTATION: 'Number one is obviously we try and take them out of that scenario, so we remove them away and try and get an investigation up and running as soon as a willing victim gives us evidence that we can use, that would be the ideal situation.' [P(1)]

The ultimate goal for the police would be to prosecute the offender to prevent the perpetrator from exploiting the victim again. Also, if the victim has been trafficked, then the police can refer them into the NRM. Furthermore, it was felt that the police are now trying to develop links with international forces: two respondents [M(1); P(1)] stated that this was an important

current project. One respondent [M(1)] stated that this was vital because it stops the perpetrators from simply leaving the country in order to escape punishment.

However, the rest of the sample (apart from the police) was critical of the impact that the police have on deterrence, not as a result of lack of willingness by the institution but due to limitations on their operational capacity. One respondent [M(1)] argued that the police cannot be proactive because they have limited resources and must rely on multi-agency cooperation to ensure that illegal gangmasters are detained or deported. The multi-agency approach with the GLA was noted as being particularly fruitful [M(1)]. There were however, respondents who did not offer any positive comments on how the police protected victims, arguing that they do very little apart from passing the information onto a different organisation.

QUOTATION: '...but in general terms, suppose they visited a farm and a farmer had said his tractor's been stolen, if they saw a load of migrant workers there I suspect that what they would simply do is pass it on to the Border Agency and GLA for further investigation.' [S(1)]

This idea was further emphasised by one respondent [L(1)] who stated that the standard response from the police was to advise workers to visit the Citizens Advice Bureau. One respondent [S(1)] argued that the police rely heavily on the NRM in terms of protecting victims. Their involvement ends once a successful referral has been made. Others stated that the police do very little because they do not have the training or skills in relation to trafficking or labour exploitation [S(1)]. Particular reference was made to cases of domestic servitude:

QUOTATION: 'As far as my recent client, she has been physically abused and sexually abused by her employer. But no action has been taken by the police at this time, it is very little.' [S(1)]

Again, the variation in practice according to the region or department of the police involved does make a difference. Two respondents [S(2)] stated that if the case was investigated by the London Metropolitan police, then the victim would receive a good service.

With regards to the police using support services, the availability of support will depend upon the background of the individual. If there is evidence that the individual is a victim of trafficking, they will be eligible for a referral into the NRM. If the victim is a child, one respondent [S(1)] argued that the police have to refer into Social Services. This is problematic because the age assessment carried out may not be accurate and there are cases where children are considered to be adults.

Early identification makes a successful support process more likely. However, cases of labour exploitation can be difficult to spot and errors can be made. Multiple respondents stated that the NRM works effectively [S(2)], but this only applies where the victim has been trafficked. In cases of labour exploitation it is clear that well established networks involving both public and private institutions are vital. One respondent [P(1)] noted multi-agency working as being important in such cases.

As is perhaps to be expected, some police respondents stated that referrals are successful and would not elaborate further [P(1)]. However another respondent [P(1)] suggested that referrals do not work because the police cannot identify victims. The respondent was very open in saying that they would personally not know how to deal with a case if the respondent discovered an exploited migrant worker at 2am.

4.3.3 Investigations and Prosecutions

The effectiveness of investigations and prosecutions will depend upon who is conducting the investigation. Respondents suggested that where there is a specialist unit of the police involved (and possibly the GLA), a successful investigation is more likely. It is also important to note that this in general was the view of the police [P(2)] and several of the victim support groups [S(2)].

Investigations into child exploitation are more difficult and this issue was raised clearly by one respondent [S(1)] who argued that the children are often controlled very closely by the exploiters. The respondent also noted cases of corruption within the migrant community who supply translators who change the story of the victim.

Prosecutions within the UK are not effective. There was one police respondent who disagreed with this statement [P(1)], but the overwhelming feeling was that prosecutions are not effective and as a result there are not very many examples of successful prosecutions.

The failure of prosecutions was considered to be as a result of three main issues:

Issues with the police: It was argued that the police are not robust enough when investigating cases and therefore cases are not strong enough to result in prosecution [P(1)]. There was also a call for more training and consistency when working on such cases [S(1)]. The situation with regards to domestic workers was more controversial, as the support agencies involved argued that the police do not pursue such cases because the employers are often powerful diplomats or business people [S(1)].

Judges are not interested in learning more about labour exploitation: Several respondents argued that it is the judiciary that do not understand cases and will not punish the perpetrators. One respondent [S(1)] argued that judges are not engaged with exploitation and that the perpetrators realise this.

The legal framework is ineffective:

QUOTATION: 'I have concerns that the criminal justice system doesn't quite accept the gravity of the crime at the moment. There is very little authorities in law on this type of offence.' [P(1)]

The respondent argued that currently UK law does not treat labour exploitation seriously enough.

Recently there have been developments in prosecutions for labour exploitation, led mainly by specialist police units and the GLA. In December 2013, in the first sentencing of its kind, an illegal gangmaster was sentenced to seven years imprisonment for exploitation of migrant workers.⁶⁷ Specially focussed operations run by the police have begun to result in successful prosecutions in recent times. In Cambridge, Operation Endeavour resulted in at least eight arrests.⁶⁸

⁶⁷ UK, Eastern Press Daily (2013) Illegal gangmaster is sent to prison in first action of its kind, available at: www.gla.defra.gov.uk/PageFiles/1496/EDP.pdf.

⁶⁸ UK, BBC News Cambridgeshire (2013) Cambridgeshire Police carry out migrant worker raids, available at: www.gla.defra.gov.uk/PageFiles/1496/endeavour1%20-%20inthenews.pdf.

5. Victim support and access to justice

5.1 Victim support, including available support services

It was unanimously stated that support services are free of charge in the UK. There are no examples of any respondents suggesting that this was not the case.

Within the UK, victims of human trafficking, who may or may not include victims of labour exploitation, are eligible for referral into the National Referral Mechanism.⁶⁹ Once it can be shown that the migrant is indeed a victim of trafficking then they are entitled to access additional support services, including rehousing and advice. Currently the Salvation Army is the contract holder for providing support for these victims. In this situation a First Responder organisation such as the Police, the Red Cross or Kalayaan refer to the NCA (UKHTC) and/or Home Office to assess the case. This would then (if a positive judgement with regards to trafficking was made) filter through to the Salvation Army who would find a place for the victim through their network.

However, if they are not shown to be a victim and receive a negative NRM status, or never apply to the NRM in the first place, then this leads to difficulties in the UK. For example, if you are a victim of labour exploitation but not a victim of trafficking then you cannot access the NRM. As a result, support available outside of this official channel is vital. Another crucial difference is that the National Referral Mechanism is not concerned with the victim's legal status but merely whether or not they have been a victim of trafficking. For those individuals who fall outside of the scope of the NRM but are victims of labour exploitation with an irregular migrant status, then it was suggested that this could impact upon the support that they are able to access. However, one respondent [W(1)] stated that they felt organisations would prioritise those with a regular immigration status:

QUOTATION: 'The government would say yes [support services are open to all] but there is a lot of undocumented gate-keeping going on. The undocumented migrants would be running the risk that the authorities would be focusing on their irregular immigration status.' [W(1)]

5.1.1 The effectiveness of support in the UK

The majority of the respondents were positive about the support services available, although they considered that in the UK support for victims of labour exploitation was a new area of support [S(1)]. Here the respondents were referring to the idea that support services have formerly focussed upon sexual exploitation and trafficking and that labour exploitation is seen as an emerging area. It was noted that the available support is nevertheless restricted by the government:

QUOTATION- 'If they choose to go into the NRM their immediate needs are met. After those 45 days, no, they are left to their own devices which doesn't help them.' [S(1)]

The respondent highlights here one of the concerns that was echoed by a number of respondents [S(2)]. Victims are entitled to a 45-day rest and recovery period. Therefore the support services have to work very quickly to ensure that the needs of the individual are met

⁶⁹ UK, National Crime Agency (2014) National Referral Mechanism, available at: www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism.

within this time period, because once it elapses they are no longer entitled to any support. One respondent [S(1)] argued that the support in place within the NRM is good but it is not possible to meet the needs of the victim within the 45 day period.

QUOTATION: '...you've got six weeks to sort out his health problems, sort out his ID, passport, get him a job, find him accommodation, get him compensation, get him cooperating with the police, maybe put in touch with his family, put in benefits – it just cannot be done in six weeks. [S(1)]

The fact that after the 45 day period the victims are either allowed to go home or back into the community is worrying for some respondents. One respondent [S(1)] noted that because of this lack of a long-term plan it is entirely possible for supported victims to re-enter an exploitative workplace.

It must also be reiterated here that access to the NRM is only granted to those who have been victims of trafficking. This is very problematic and something that the respondents were keen to point out. One respondent [S(1)] suggested that such victims often do not know where to turn and there is limited help available:

QUOTATION: 'There are a huge number of gaps. If someone has been in forced labour I don't really know who would support them. There are things like the Migrant Resource centre and things like Anti-Slavery but they don't tend to be client facing. [S(1)]

This seems to be a problematic area in the UK. Due to the fact that labour exploitation is not the focus of the NRM, victims do not know where to turn. It could be argued that in fact there are a number of good organisations that could be accessed, and this research project has uncovered some of them. However, these might be more difficult for migrant workers with a poor understanding of the UK system and limited English to find. One respondent [S(1)] developed this in relation to children, arguing that not only would the children be unaware of the support available to them, but the Social Services staff would also not understand where to turn.

Some of the workers organisations were more positive about the support available to victims. One respondent [W(1)] for example argued that the fact the UK has such a large migrant community reflects the fact that the country is welcoming and supports the workers. Furthermore, another respondent [W(1)] argued that areas of the country to which migrant workers move have developed good support networks to meet demand. However, practices are inconsistent throughout the rest of the country.

One respondent [N(1)] raised a point that had been noted several times throughout the interviews [most notably by W(1)], which is that government funding for support groups has been severely reduced:

QUOTATION: 'I know from our experience that many of those have been either completely stopped or reduced significantly because they haven't been able to afford to continue them.' [N(1)]

The respondent argued that services particularly for migrant workers had been withdrawn and organisations could no longer do things such as translate information into different languages. This issue was raised at both Focus Groups, where respondents consistently called for proper funding in this area. However, this was countered by some respondents [R(1); S(1)] who argued that the focus needs to be on collaborative working rather than blaming a lack of resources.

Table 12 highlights some of the support services available in the UK and their roles. Please note due to a proliferation of smaller support groups in the UK, those who engaged with the research have been prioritised (apart from those performing a national role, particularly within the NRM).

Table 12: Names of organisations providing services and the type of services provided

Organisation	Type of Service Offered
City-Hearts	Housing and support for those entering the NRM.
ECPAT	Support and expertise on the rights of children.
Kalayaan	Support for victims of domestic servitude enabling them to access justice.
Kanlungan	Support for victims of domestic servitude (Philippines focussed)
Medaille Trust	Support for victims of severe forms of labour exploitation
Poppy Project	Support for victims of severe forms of labour exploitation
Red Cross	Emergency support and aid for victims.

5.2 Access to Justice and other mechanisms to empower victims

Respondents could not always fully apply the scope of this section to the context of the UK. Only a small number of the respondents were able to answer questions in this section of the research with a degree of certainty, notably lawyers or specialised support groups with considerable experience in this area. However, it is clear that this is an area which all of the respondents felt needed improvement within the UK.

It should be clearly noted that the question 'To what extent are civil law claims dealt with by the criminal justice system?' could not be asked in the UK. As stated on the reporting templates, this question does not apply to the UK legal system as civil law claims cannot be dealt with by the criminal justice system. Civil law and Criminal law are two different jurisdictions and will be dealt with by different courts. Where a crime is being prosecuted in the courts, it is possible to have a civil claim considered in the civil courts.

The overwhelming response to using the civil justice system for compensation claims was that the system was poor. Respondents used phrases such as: 'It is very poor' [S(1)]; 'It is pretty dreadful really' [S(1)]; and '...we would say no, the enforcement system does not work well for migrant workers.' [W(1)]

One respondent [S(1)] suggested three things that need to improve: i) the ease of using the system; ii) what the system actually provides; iii) the length of the process. These three suggestions are a good summary of why the respondents felt the system was poor. With regards to the ease of using the system, this was developed by another respondent [S(1)], who stated that the system is difficult to use and access would require legal help. This legal help would be expensive and result in making a potential compensation claim less attractive

as the financial gain would be limited as a result of legal fees. One respondent [W(1)] gave some recent figures from cases with which he was familiar, highlighting the fact that claiming compensation is often not worth the trouble:

QUOTATION: 'It is also enormously expensive now. I think the fee is over £300. Across the board the average claim for unpaid wages is £400.'
[W(1)]

It was also felt that those who provide legal representation would have to be very specialised and knowledgeable in this specific area [S(1)]. It was argued that the courts do not see migrant worker claimants in a positive light. Another respondent [S(1)] argued that there is a bias against the workers and as a result claimants do not pursue action through the courts:

QUOTATION: 'There is a view that they don't [want] to be seen as being greedy...and we are talking about five years of unpaid wages.' [S(1)]

The respondent argues that victims are made to feel guilty for seeking recompense for their work. It was felt that the system was in favour of the employers as the courts would often try to argue there are ulterior motives for claiming. This was confirmed by a lawyer with experience in the area who reaffirmed the feeling that courts are not usually favourable towards migrant workers:

QUOTATION: '... I have direct experience of some that have been successful for small amounts of money – but when it comes to long term claims for years of deductions and for failure to pay the regular wage then employment tribunals are not very sympathetic to these kinds of cases – that's my experience.' [L(1)]

One respondent [N(1)] was also keen to point out that in accessing justice there will be language barriers. The system itself works but it is complex and drawn out, for those without fluent English the whole process will be even more difficult to make use of.

5.3 Lodging complaints through third-parties

The respondents were unsure if complaints could be lodged by third parties and there was a variety of responses. With regards to Trade Union involvement one respondent [W(1)] argued that this was a real problem in the UK. It was stated that in the UK a trade union cannot take cases to tribunal on behalf of workers. Of course, a worker who has been illegally employed will have no union representation. It was argued that there was an exception to this rule in the case of recovery of unpaid wages:

QUOTATION: 'The main exception to that is the national minimum wage, the HMRC enforcement team do take complaints in an employment tribunal to recover wages on behalf of vulnerable migrant workers. That is welcome, we would say that is probably not adequately resourced.' [W(1)]

The lawyers in the sample suggested that in theory complaints could be made through third parties but there would be financial implication [L(1)]. However, two respondents [L(2)] were unsure about this as it had not been part of their work.

The victim support groups who engaged with this research had limited involvement in this area and mainly offered victim support. One respondent [S(1)] for example stated:

QUOTATION: 'We are not really a campaigning organisation. We are but we are much more victim focused than exploitation focused.' [S(1)]

Again, the majority of this professional group were simply unsure of how this would work. Two respondents [S(2)] notably did not know how lodging a complaint in this way would work in the UK and had never done this in their professional lives. Those who suggested that third parties could get involved [S(2)] argued that a limitation within the UK is that even if third parties were to register complaints, at some point the victim would have to come forward and provide a statement.

There were only a few suggestions about how to facilitate the lodging of complaints against employers, with the majority of respondents being unsure about the current situation or not having enough knowledge to supply an answer [S(2)]. It was felt that if third parties could have more involvement then this would improve the situation. One respondent [S(1)] for example noted that it is very stressful for victims to come forward and provide a witness statement. If a third party could take a more direct approach for victims, this would result in more cases being pursued. It was felt by several respondents that the need for a victim to come forward and provide a statement halted the progress [S(1)]. As previously mentioned, in the UK migrant victims have to be able to cover legal expenses. It was noted that if some legal funding was re-instated then more claims would be brought. Some respondents felt a more centralised government approach would be useful [S(1);L(1)]. For one respondent [L(1)], a centralised department monitoring migrant workers would provide support and help them to access justice:

QUOTATION: 'If there was a central organisation that was independent and not part of the government, so if you didn't have immigration papers, at least they would make sure that employers weren't exploiting.' [L(1)]

For the respondent, this body would then be able to report issues to the courts without having to discuss immigration issues. More informal ideas included extending Crime Stoppers⁷⁰, an anonymous phone service for providing information on crimes [L(1)], or even a more general help and support line as victims simply do not know where to turn in such cases [L(1)]. The aspect of support was raised by one respondent, whilst reiterating their argument that the government had cut funding for targeted migrant support groups:

QUOTATION: 'Support to do it, support to help them understand and navigate the system which essentially would mean somebody being able to translate documents and all the things that they're supposed to do and now you're going to need money, you're going to need financial support.' [N(1)]

The idea behind this seems to be that if victims had easier access to advice and guidance then this would make accessing justice easier.

One respondent took this a little further and suggested the establishment of a 'Labour Exploitation Claims Tribunal'. The current tribunal system is too limited and these specialist tribunals would be geared towards migrant workers who may not have contracts and have an irregular status:

QUOTATION: 'Because I think employment tribunals struggle with these kinds of cases because there aren't written contracts or if the person came into the country illegally then they're not entitled to work therefore even if there is a contract, its void through illegality.' [L(1)]

⁷⁰ UK, Crimestoppers (2014) available at: www.crimestoppers-uk.org/.

Here the respondent was suggesting a more focussed approach to cases of labour exploitation which recognised that in such cases victims may not have been employed legally.

6. Attitudes

6.1 Interventions into Labour Exploitation

It is clear through thematic analysis of the responses to this question that although interventions can be important, they do not always serve the interests of the migrant workers concerned. A 'rescue' type intervention can result in a situation where the migrants find themselves worse off than the situation in which they were being exploited. It was notable that all professional groups in general concurred with this. One respondent [P(1)] presented this idea:

QUOTATION: 'In terms of safeguarding vulnerable adults, I think the intervention is necessary but sometimes, from their perspective it causes them problems because if they're satisfied with the situation, they don't want state intervention.' [P(1)]

For this respondent it is clear that migrant workers come to the UK to earn money and anything which prevents this may not be in their best interests. The first part of this quotation does highlight a trend within the police sample, the need for intervention even if the interests of victim are not served. Another respondent [P(1)] furthered this by suggesting that the police should always intervene to set a good precedent. If the police are not seen as being pro-active against this situation then it will encourage the exploiters. There is however a need to be sensitive and not work in a heavy-handed manner, particularly with regards to workers who are debt bonded:

QUOTATION: 'Generally, yes. However, there are potential knock-on effects that we need to be mindful of. If there are debt-bonded or controlled in any way, quite commonly where we would perhaps prosecute the trafficker or someone who's exploiting people, that doesn't get rid of the debt issue so there's still a need for them to continue to go and find work and effectively pay off the debt.' [P(1)]

For those working on these issues in a supporting capacity, this is often an area that the police fail in. Some respondents for example felt that because the authorities do not recognise cases of trafficking and/or exploitation, there is a tendency to focus on uncovering illegal workers rather than supporting victims [S(1)].

During one Focus Group, a discussion between two respondents [M(1); S(1)] developed concerning the handling of migrant workers where the GLA helped to 'rescue' exploitative workers. The migrant workers were relocated to centres which were of a poor standard and they were not fully informed of their rights. Although it was argued that this was a victory against exploitation, the support group representative argued that in this case the accommodation provided by the Local Authority was of a very poor standard and that the workers had all been happy in their jobs. The respondent argued that payslips were produced showing that they were earning around £200 a week.

One respondent [N(1)] also noted that in reality interventions in cases of labour exploitation will only usually come about in the GLA sector. In this situation the perpetrator will simply move to another sector of the economy:

QUOTATION: 'We're doing this work with the cleaning sector and we've had the CPS come and talk to us and say that they have reason to believe that there are or there may be trafficked workers that are now

being used in cleaning firms and so on and that that's been displaced away from other sectors because there's more of a focus on it.' [N(1)]

There is no joined-up approach across the different sectors of the economy which makes tracking businesses and employers very difficult. It is interesting to note here that one respondent [R(1)] used to work in the GLA sector and have a licence to practice. However, after concerns raised by the GLA the respondent did not renew their licence and chose to move into different sectors of the economy.

6.2 Why do exploited workers not come forward?

The respondents in general felt that this all centred around fear: fear of their employers, fear for their family back home, fear of deportation and fear of not having enough money to survive. One respondent [M(1)] summarised this with a very succinct response:

QUOTATION: 'They are terrified.' [M(1)]

Respondents who had dealt with cases of trafficking and severe labour exploitation in a support capacity argued that victims are scared of violence:

QUOTATION: 'They are frightened of the retribution of the traffickers. These people are not playing at it, they are very serious people and threats have been made.' [S(1)]

Victims can also be subjected to psychological control. In the case of child exploitation this was particularly noted as being prevalent. One respondent [S(1)] argued that the perpetrators often brainwash the children into thinking that the police will arrest them and to feel like the exploiters are actually helping them. Another respondent [M(1)] argued that workers are often controlled by criminal gangs. The respondent gave an example of Latvian criminals who threatened to murder family members if a worker did not continue to work in exploitative conditions. A respondent [R(1)] also stated that they had heard of stories of workers being beaten when not complying with demands.

For a number of the respondents, the main concern that migrant workers had was that by coming forward and informing people about exploitative treatment would lead to deportation:

QUOTATION: 'In the UK, the immigration rules, the fear and confusion. The fear that they will be arrested and deported.' [M(1)]

This was an idea put forward by a number of respondents [M(2); P(1); S(1); L(1); R(1)] who all argued that the workers were scared to report their employers for fear of being reported to the Home Office for deportation.

This was even more of an issue for undocumented workers who rightly concluded that they would be forced to leave the country if identified. It was clear from the responses that the situation with regards to undocumented migrants is more problematic. Undocumented migrant workers have very limited access to any sort of remedy as they have virtually no rights. One respondent [W(1)] stated that in this situation even if workers were to complain they would have very little remedy.

Ultimately the concerns often revolve around economic factors. The migrant workers have come to the UK to make money and if this means working in exploitative conditions, then

migrants could be willing to do this. One respondent [P(1)] argued that in some cases they would not even see the conditions as exploitative:

QUOTATION: 'So they're exploited and abused in their own country and they come to the UK and actually, this is only slightly better so they don't see themselves as victims, first and foremost.' [P(1)]

The workers are used to working in such conditions and do not have the knowledge that the UK system is any different. One respondent [L(1)] perhaps argued that working conditions and living conditions in the victim's country of origin could be worse than exploitative conditions in the UK. This was furthered by another respondent [S(1)] who suggested that victims simply do not know what other people are earning or what conditions should be like in their jobs. This was also raised by the police respondents in particular who suggested that due to a lack of education and language barriers, victims often do not understand the help available to them [P(1)]. Victims of labour exploitation will not be given access to the NRM unless they have been trafficked. One respondent [M(1)] argued that victims simply just do not know where to turn for help and would not know where to report such abuse. The reporting channels for labour exploitation were noted as being very unclear within the UK [E(1)]. Furthermore, there is also the issue that the victims might fear the possible support network, particularly the police. One respondent [P(1)] argued that the police in some Eastern European countries could be very tough and corruption is often rife.

The quantitative data regarding why more exploited workers do not come forwards narrows the discussion above. The top three responses were as follows:

1. Victims are not aware of their rights and of support available to them) - 15 responses of the 71 supplied. Of the 37 respondents, 8 selected this code first, implying that it was also the most important.

2. Victims fear retaliation from the side of offenders against them or against family members - 13 responses of the 71 supplied.

3. Lack of effective monitoring of relevant areas of economy - 8 responses of the 71 supplied.

Table 13 breaks down reasons why exploited workers do not come forward into Professional groups.

Table 13: Why exploited worker do not come forward by Professional Group.⁷¹

Reasons for not coming forward (listed in Code order)	Professional Group (using defined initials). Number of respondents who selected this Code.					Total
	M (7)	S (7)	W (3)	P (6)	N (1)	
Lack of effective monitoring of relevant areas of economy (Code 01)	3	2	2	1	0	8
Lack of targeted support service provision available to victims (Code 02)	4	2	1	0	0	7
Victims are not aware of their rights and of support available to them (Code 03)	5	4	1	4	1	15

⁷¹ UK, No respondents selected Code 07 or Code 11.

Victims fear retaliation from the side of offenders against them or against family members (Code 04)	3	4	1	5	1	14
Victims suffer from feelings of shame (Code 05)	0	3	0	0	0	3
Victims believe that speaking to authorities is not worthwhile or they would not benefit from subsequent proceedings (Code 06)	2	2	1	0	0	5
Victims fear that if their situation became known to the authorities, they would have to leave the country (Code 08)	2	3	0	2	1	8
Victims do not trust that the police in particular would treat them in a sympathetic manner (Code 09)	2	0	1	3	1	7
Victims perceive being jobless as worse than working in exploitative conditions (Code 10)	2	2	2	2	0	8
Other-please specify (Code 11)	0	0	0	1	0	1

There is a relatively even spread across the professional groups, with most selecting issues that relate to workers' rights and a fear of retaliation against themselves or their family. One interesting difference is Code 05, feelings of shame, which was only selected by the Support Services. This seems consistent with the role that such organisations play in supporting, counselling and rehabilitating victims of severe exploitation. It could be argued that Support Services would be the only group intensely working on the social and emotional wellbeing of the victims and therefore are exposed to such feelings more readily.

6.3 Most important factors to workers who are victims

The quantitative data regarding factors that are important to victims sheds light on the respondents' views on after-care and victim support. The top three responses (note joint responses) were as follows:

- 1. To be safe and to be protected against further victimisation** - 18 responses of the 80 supplied. Of the 37 responses, 9 selected this code first, implying that it was the most important.
- 2. To be in a position to economically support other family members** - 18 responses of the 80 supplied (joint)
- 3. For their family to be safe** - 13 responses of the 80 supplied (joint third).
- 3. To be able to stay and to make a living in an EU country** - 13 responses of the 80 supplied (joint third).

Table 14 breaks the data down further and presents what factors respondents felt were important grouped by Professional Group.

Table 14: Most important factors to victims by Professional Group.⁷²

Important factors (listed in Code order)	Professional Group (using defined initials). Number of respondents who selected this Code.						Total
	M (7)	S (7)	L (4)	W (3)	P (6)	N (1)	
To be safe and to be protected against further victimisation (Code 01)	4	5	2	2	5	1	19
For their family to be safe (Code 02)	3	3	3	1	5	1	16
To be able to stay and to make a living in an EU country (Code 03)	4	5	0	1	1	0	11
To see that offenders are held accountable and that justice is done (Code 04)	0	1	0	0	1	1	3
To be respected and to see that their rights are taken seriously (Code 05)	0	1	1	2	0	1	5
To be in a position to economically support other family members (Code 06)	3	5	4	2	4	0	15
To receive compensation and back pay from employers (Code 07)	2	1	2	1	0	0	6
To be able to return home safely (Code 08)	0	0	2	0	2	0	4

In terms of the professional groups, there is little variation between the groups. Code 1 was consistently seen as the most important factor for all. There is a very even distribution between groups.

Although the focus groups do not shed any additional light on this aspect, it is clear that the main issues for migrant workers who are victims revolves around safety and providing for their family. The workers require protection and prevention of further exploitation.

6.4 Is enough is being done in the UK to address severe forms of labour exploitation?

There were several big issues that were raised by the respondents in response to the question about whether enough was being done in the UK with regard to labour exploitation. In general the respondents felt that not enough is being done in terms of monitoring the economy for labour exploitation. It was felt by many that good work is being done by the GLA in the food sector, but that their focus is too limited [M(2); E(1)], and that there is no logical reason to limit their work to this sector. Their resources would need to be increased to help provide a better service [R(1)], and this should result in the GLA being rolled out to other sectors of the economy as many of the respondents argued [W(1); E(1)]. Not enough is being done because there are sectors of the economy that are not regulated by the GLA which have more exploitation:

⁷² No respondents selected Code 09 or Code 99.

QUOTATION: 'We know that there is exploitation within catering and construction. Cleaning, catering and construction, they are the worst paid, they are worse than agriculture. Agriculture was targeted because the Morecambe Bay thing.' [W(1)]

This is made more difficult however because of the lack of funding in the area. Resources are being cut even within the areas that are monitored (as previously mentioned the GLA resources have been cut year upon year). Public services have been cut making working in this area difficult:

QUOTATION: 'Every aspect of public services is shrinking backwards. My own organisation has lost 20% of its officers in the last 3 years. So new business unfortunately is a very difficult sell.' [P(1)]

Here the respondent refers to labour exploitation as 'new' business noting that it is not a traditional area of investigation for the police. Some respondents took this to mean that the government were uninterested in the issue. One respondent [M(1)] noted the need for more government input:

QUOTATION: 'There needs to be a strategy from the government and it needs to be coordinated.' [M(1)]

The respondent above was largely positive towards the progress made in the UK but argued that there needs to be a focussed approach and more guidance which, in the respondent's opinion, needs to come from the government, an opinion that was echoed by another respondent [S(1)]. Another respondent [L(1)] developed this even further by arguing that this department would need to regulate movement between different economic sectors to prevent exploitative gangmasters moving from one sector to the next. There would also need to be properly regulated inspections.

A major area which could be effective in the UK, but needs considerable work, is multi-agency collaboration. Respondents felt that because there is no centralised government approach to labour exploitation, this puts the onus on agencies to share information and knowledge as part of their everyday work. Although one respondent [M(1)] noted that there are a lot of agencies doing similar jobs, if these agencies can work together then there will be a lot of expertise on offer. Some respondents felt that this process should be formalised with agencies being forced to share information [P(1)]. A good example of this was supplied by one respondent [P(1)]:

QUOTATION: 'So if I think about a normal set-up of like a paving company, set up by a travelling community and [inaudible] foreign nationals, you have trading standards interest, HMRC interest, police interest. There's no body that looks at exploitation in a singular right, as far as I know. So bringing that intelligence together and see whether the ownership of the problem is mandated.' [P(1)]

It was also felt that more work needs to be done in relation to employers, specifically supermarkets.

QUOTATION: 'Part of the problem I think is social because people want to get the fresh produce at the cheapest possible rate and therefore that forces the wages down. That is a personal view, not a professional one.' [M(1)]

The GLA have produced their suppliers' protocol⁷³ as previously mentioned, but it was revealed at one Focus Group that supermarkets have been slow to adopt this. There appears to be little emphasis on the employers being responsible for any cases of exploitation. One respondent made an interesting point here, stating that consumers also have to take some responsibility in this regard [N(1)]. People need to stop and think about the workers and why retailers are able to sell clothes for £5. One respondent [E(1)] argued at one Focus Group that too often recruitment agencies are blamed. Another respondent [E(1)] argued that there needs to be an engagement with employers, highlighting the potential risks involved in using migrant labour. The respondent hoped that the Stronger2gether, an initiative aimed at educating employers, would help in this area.⁷⁴

The support in place for victims of labour exploitation was not seen as being strong enough, specifically with the NRM focussed upon victims of trafficking only [M(1)]. There is no support in place that tackles the issue long-term, as even for trafficking victims, the NRM has a 45-day limit [S(2)]:

QUOTATION: 'When I talk about support, I don't just mean temporary support like that. I also mean rehabilitation in a kind of liberal sense which is for example, training in other sectors of employment that might assist them when they go home, if they do, to get a better job.' [L(1)]

Here the respondent is stating that support is limited and does not effectively enable the victims to rebuild their lives or contribute to society.

The issue of the six-month domestic workers visa was an area in which a good number of respondents felt that nothing effective was being done to prevent exploitation [S(3); R(1)]. In fact, it was argued that the government's approach was actually leading to exploitation. It was clear that these respondents felt not enough was being done to prevent labour exploitation because the migrant workers were tied to employers who could treat them as they like without any intervention from the outside world.

Underlying all these issues was a feeling that there is a general lack of understanding with regards to labour exploitation. One respondent [P(1)] argued that the general public don't actually understand the concept and another [P(1)] narrowed this by stating that the police themselves do not know enough about it to effectively tackle it. More specifically, some members of employment groups noted that everything in place from government must be clear for everyone to understand:

QUOTATION: 'Make sure the regulations are clear so people can say right here are the things I need to do. I think with the major pieces of legislation in this area, like minimum wage, it is really clear, we think it is really clear. So there is no excuse for not doing it.' [E(1)]

6.5 Measures to improve the situation with regards to labour exploitation

The quantitative data regarding improvement measures focusses the discussion above. The top three responses including an analysis of the comments are as follows:

⁷³ (UK, Gangmasters Licensing Authority (2013) Supplier/Retailer Protocol, available at: www.gla.defra.gov.uk/PageFiles/1023/Supplier%20Retailer%20Protocol%20Final%207%20October%202013.pdf

⁷⁴ UK, Stronger2gether (2014) available at: www.stronger2gether.org/.

1. More effective monitoring of the situation of workers in the areas of economy particular prone to labour exploitation - 20 responses of the 106 supplied. Of the 37 responses, 12 gave this code first, implying that it was also the most important.

Respondents referred particularly to the work of the GLA here, arguing that their resources need to be improved [M(1)]. With better monitoring also comes the opportunity to focus resources in particular areas. The police respondents specifically noted that they cannot investigate such cases if they do not know they are occurring:

QUOTATION: 'Understanding any problem is prerequisite to dealing with it.' [P(1)]

Other types of inspectors (such as health and safety) argued that they can no longer visit places of work uninvited due to lack of resources. This was seen as vital for one respondent [M(1)], who argued that they could make a real difference in uncovering exploitative practices if they were able to undertake more inspections. It was also noted that better monitoring would link in with the other methods of improvement most notably with regards to the legislation. Respondents argued that with better monitoring the legislation would be more effective [S(1)].

2. More effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system - 18 responses of the 106 supplied.

As has been noted numerous times, a number of respondents felt the solution to the problem of not having a centralised response to labour exploitation was to focus on multi-agency working. As a result this was the second most selected code. Of course, there were others who felt that a single central point would be a better model [P(1)].

Co-ordination was particularly key with regards to referrals to victim support services. One respondent [L(1)] argued that there are cases of incorrectly made referrals which would need to be investigated by support groups. However, if the original decision was not made available to the support group, then the victim would have no-one working for them. This can also work to lead the victims being incorrectly labelled as criminals rather than victims [L(1)].

3. Improve legislation against labour exploitation and its implementation - 15 responses of the 106 supplied.

The reason that this code was supplied seems to relate to the clarity of the laws in the UK. This was effectively summarised by the following monitoring agent:

QUOTATION: 'The legislation ought to be good but it is not clearly understood. There is a question about understanding rather than new legislation.' [M(1)]

UK legislation that touches upon labour exploitation runs across several acts and therefore was noted as being too complicated and containing too many loopholes [P(1); S(1)]. This makes enforcing the law difficult, and respondents noted that enforcement is the real issue [E(2)]. However, alongside clarification of the law, it was also suggested that in some situations the law could be improved. One respondent [S(1)] argued that the National Minimum Wage is not enough for people to live on and a Living Wage needs to be adopted in the UK. Legislation can also act as a deterrent and for police respondents it was worrying that there had been few successful cases. Another respondent [P(1)] argued that it is vitally important to get convictions in this area in order to deter criminals.

Table 15 presents the quantitative data with regards to what measures would improve the situation for labour exploitation. Data is presented by professional group.

Table 15: Measures which would mostly improve the situation of Labour Exploitation by Professional Group.⁷⁵

Measures (listed in Code order)	Professional Group (using defined initials). Number of respondents who selected this Code.							Total
	M (7)	S (7)	L (4)	W (3)	P (6)	N (1)	R (4)	
Improve legislation against labour exploitation and its implementation	1	4	1	1	2	1	1	11
Improve legislation to allow better access to justice and compensation	4	2	1	2	0	0	0	9
More effective monitoring of the situation of workers in the areas of economy particular prone to labour exploitation	5	4	1	1	6	0	2	19
Measures to ensure that all workers know their rights	0	4	2	1	0	1	1	9
Measures to ensure that all workers have access to labour unions	0	0	0	2	0	0	0	2
More effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system	5	1	3	2	2	1	1	15
Setting up of specialised police units to monitor and investigate labour exploitation	0	1	0	0	3	0	0	4
Regularising the situation of certain groups of migrant workers with an irregular status	1	1	1	0	1	0	1	5
Regularising the situation of migrant workers once they have become victims of severe labour exploitation	0	0	1	0	0	0	1	2
Measures addressing corruption in the administration	0	0	0	0	0	0	1	1
More training of police, labour inspectors and other authorities	5	0	0	1	2	0	0	8
Police and courts taking labour exploitation more seriously	0	1	1	1	2	1	0	6

⁷⁵ UK, No respondents selected Code 99.

Breaking the data down per professional group highlights some interesting differences between those groups. Using this data it would appear that the issue of legislation is more important to the Support Services compared to other groups. As advocates and groups involved in protecting the workers it is perhaps inevitable that Support Services would call for clearer legislation against exploitation. The data shows that monitoring of the situation was universally seen as the most important aspect with all groups noting this. Interestingly, the Law Enforcement officers were the most vocal in terms of the setting up of specialised police units. It would seem that there was a realisation that targeted police with detailed training results in the best policing of labour exploitation. The monitoring agencies were notably critical of the training of officials and authorities who deal with exploitation. It would seem that monitoring bodies who are watching the cases find particularly failures in how cases are investigated and the outcomes of such investigations.

7. Conclusion

From the data collected during the individual interviews, five contentious issues arose for discussion during the Focus Groups (please see Section 1). Through the entire fieldwork process and subsequent analysis, these have become more nuanced and focussed, therefore they will be used here to help develop the conclusions.

The role of monitoring bodies, particularly the GLA, has emerged from the research as a particularly strong theme. Apart from one respondent [E(1)], who argued that the GLA's prosecution record suggested that another body such as Local Authorities should be given a chance to work in this area, it was felt that the GLA is an important body and does good work in trying to prevent labour exploitation. The issue remains however that the GLA only regulate the food sector and other sectors are largely unregulated. Professionals from different groups agreed that monitoring outside of this economic sector was weak. As has been noted in the report, there is a lack of instances of exploitation in unregulated sectors that respondents felt was due to a lack of monitoring [E(1); R(1)].

The issue of the extension of the GLA raises two quandaries: what would a larger GLA cover, and when the GLA's resources are being consistently cut, will there be the political will to take exploitation seriously and to fund a body able to cover a much broader range of economic sectors? In terms of the GLA's remit, some respondents suggested that the GLA ideally should be extended to cover all areas of the economy, but another more targeted approach was also suggested whereby the GLA would focus on specific types of exploitation. However, either of these models would require funding at a level which seems unlikely to become available in the current economic climate. More radical thinking was put forward from a number of respondents, particularly monitoring bodies working to influence government policy. Two respondents [M(2)] for example noted that the current political climate in the UK is hostile towards migrant workers. The political imperative for government to be seen to be effective in detecting and swiftly removing undocumented migrant workers from the UK, as well as restricting the numbers of documented workers admitted to the country, means that policing workers' immigration status commands the lion's share of available resources. The tendency to treat any incident involving migrant workers as first and foremost an immigration matter creates difficulties for any agency or individual trying to raise funds and awareness around the vulnerability of undocumented and documented migrant workers to labour exploitation.

The importance of monitoring seems to be central to all aspects of the research project. If an economic sector or type of employment is effectively monitored, it not only reduces the risk that exploitation will occur, but also allows bodies to develop effective preventative measures, which as this research has shown are a weak point of the UK's efforts to tackle labour exploitation. The Police respondents also noted that better monitoring would have an impact upon the success of their investigations and potential prosecutions. The police would be able to focus resources if they had a better idea of where to look for cases.

With resources being reduced in terms of monitoring but also in relation to support, as noted by one respondent [N(1)], it would seem inevitable that a multi-agency approach needs to be taken. Several respondents argued that by working together, bodies would have a better chance of preventing exploitation and serving victims of labour exploitation. However, this joined-up approach was seen as work in progress and lessons still had to be learned. An example of this comes from one Focus Group where a story was told of how the GLA rescued workers from an exploitative employer, but, through a lack of communication between the bodies involved, the workers were not informed about their choices or what would happen to them. The absence of a centralised approach towards labour exploitation has resulted in a number of smaller agencies trying to fill this gap. Although some mentioned

that this created great opportunity for multi-agency working [S(1)], it was also seen as being problematic by many. A suggestion such as a labour inspectorate covering the entire economy was a valid solution for some [S(1)]. This would result in a more targeted approach.

The legal framework within the UK seems to cover the issue of labour exploitation. However, the laws in place are not being enforced either by the police (in general; an exception is made for specialised units throughout the UK) or by the courts. It is clear from a reading of the case studies that prosecution in cases of labour exploitation is rare, as it is often seen as enough punishment to strip a gangmaster of their licence. This raises the further issue, confirmed by the case studies, that the focus currently in the UK is upon the perpetrators and not the victims of labour exploitation. The media reports rarely give details of where the victims go after being rescued. It is hoped that the new Modern Slavery Bill will streamline legislation and make prosecution easier.

How victims access justice and the processes involved emerged as the least well understood area in interviews. In the UK it would seem that the majority of support groups in the area of labour exploitation tend to focus on emotional support rather than trying to access justice. There are of course exceptions to this, particularly Kalayaan who work to obtain justice for migrant domestic workers. However, it was noted that the legal system is very much skewed in favour of employers and rarely finds in favour of the victim.

As previously noted, the UK tends to take a more reactive approach to the issue of labour exploitation. The police, outside specialist units, will not pro-actively seek cases and neither will monitoring bodies or inspectorates such as the GLA or the HSE. There is intelligence-based work in these two specific bodies, but their ability to randomly inspect employers and places of work has been dramatically reduced as the size of their teams decreases. As a result there is little in the way of formal prevention in place.

However, there were a few examples of promising practice, most notably the Stronger2gether initiative and the GLA's Supplier/Retailer Protocol.⁷⁶ The rationale of such schemes seems to be that there needs to be a multi-agency approach which engages with employer and gangmasters, forcing them to question their practices and the way that supply chains operate within the UK. There is a call for more ethical practices particularly by the supermarkets in the way they promote farmed produce. An example of this was given at one Focus Group where one respondent [M(1)] argued that supermarkets do not offer store promotions based on an over-crop of a certain vegetable or fruit. Offers are decided based on what will sell. As a result this cripples farmers who have to work with the supermarkets but are sometimes forced to supply products at a loss, creating further downward pressure on their profit margins which is likely to have a knock-on effect on the pay and conditions available to workers in the food supply chain. There is of course a good amount of advocacy work that aims to prevent exploitation through campaigning, dissemination of research/information and lobbying government. The majority of the Monitoring Bodies, the Support Groups and the Workers' Organisations all did advocacy work, although in the case of the Support groups this was often on an individual basis (campaigning for the needs of one victim) in order to better target resources.

Overall, the mechanisms in place for tackling labour exploitation in the UK are complex. The research suggests that that the respondents felt that some good work is currently being done. There are some well-established bodies such as the GLA who are now making a big difference. However, there seems to be a consensus that the 6-month domestic worker Visa is extremely problematic and could have dire consequences on the situation of labour

⁷⁶ UK, Gangmasters Licensing Authority (2013) Supplier/Retailer Protocol, available at: www.gla.defra.gov.uk/PageFiles/1023/Supplier%20Retailer%20Protocol%20Final%207%20October%202013.pdf

exploitation in the UK affecting domestic workers. There are also some contentious issues, as have been outlined here, on which no consensus was reached. It is perhaps the lack of central guidance or planning which means that there are many small agencies doing similar work but struggling to make a difference, as they are unaware of or unable to collaborate and engage with each other in an effective manner. Several focus-group participants noted that the focus group itself had been a useful opportunity to exchange views and experiences with others with a professional interest in labour exploitation, and they expressed the hope that the findings of the research would be fed back to participants and would be used to drive improvements in collaborative working in the future.