Demonising ‘the other’: British Government complicity in the exploitation and vilification of migrant workers.

Over the past decade the author worked at the Contemporary Slavery Research Centre, University of Hull, on four separate but linked studies into the working and living conditions of migrant workers in the UK. (1) The findings drew upon the experiences of a broad range of service providers - national and local, statutory and voluntary, and upon the testimonies of several hundred migrant workers who had themselves experienced or witnessed employment (and related accommodation) exploitation in Gangmaster UK. This paper is based on those studies.

Our research found there to be an enduring demand in the UK for cheap, mobile, flexible and exploitable labour. That demand has not arisen in a vacuum – it arose as a direct consequence of structural factors, of a government induced economic environment where the market is king and deregulation is seen as an end in itself. In this paper I argue that social and employment protections for migrant workers in particular in the UK are wholly inadequate and that the plight of migrant workers has been exacerbated by the irresponsibility and political opportunism of prominent figures in both major political parties. As such, I argue that the UK Government has a moral obligation to positively address the urgent need for greater social and political protection for migrant workers in the UK.

Inviting them in......
Upon coming to power in 1997 New Labour engaged in a deliberate programme of ‘managed migration’ aimed at actively encouraging the flow of temporary migration in the interests of the UK economy by expanding the existing temporary worker schemes and adding new programmes. (2) So that the number of work permits issued to foreign born workers rose from 40,000 a year in the mid 1990s to over 200,000 a year in 2004. (3) Since May 2004, when the EU expanded eastwards, and the UK, along with Ireland and Sweden, were the only three nations to open their borders to ‘free-moving workers’ from Accession 8 countries, over 800,000 migrants from Eastern Europe have registered with the Home Office to work in the UK, with most (around 60%) coming from Poland. Figures from the UK Dept of Work & Pensions revealed a rise in the three years 2006-9 of from 1.66 million to 2.32 million registered foreign workers, an all time high. (4) Figures from the Labour Force Survey in 2007, suggested a higher total of over 3 million – or 12.5% of the UK workforce. (5)

The UK needs migrant workers...
And of course, that economic strategy has worked. Studies sponsored by the Home Office, the International Organisation for Migration, the Institute for Public Policy Research and the Royal Society for Arts have all argued a net benefit to the UK economy of the order of £2Bn-£3Bn per annum. (6) It is clear that the agricultural economy in many regions would today be difficult to sustain without migrant workers. Statistics released by the National Farmers Union reveal that in 2008, when the country’s GDP fell by 1.8%, income from farming surged by 36% and the farming industry’s contribution to the national economy was up 38% - much of that on the backs of migrant workers. (7) The service sector clearly is also benefiting greatly-hotels and catering, restaurants, takeaways, contract cleaning, laundry, etc. have all
become dependent on a cheap, flexible migrant workforce. As for public services, between July 2004 and June 2006, there were 1,500 teachers, researchers and classroom assistants; 600 dental practitioners; 13,000 care workers, over 2000 GPs, hospital doctors, nurses and medical specialists’ and more than 100,000 more working in other public service roles eg in general administrative roles. (8)
And, despite incessant media reports to the contrary, official statistics reveal that in-migrants have simply not been claiming social benefits to any significant degree. Official statistics reveal that between May 2004 and June 2006 the first wave of 600,000 Accession 8 workers arriving in the UK under the Workers Registration Scheme generated only approx. 6,000 applications for income support and Jobseekers Allowance - and of these only 768 cases were allowed to proceed for consideration. Again, as of June 2006, only 110 council houses in the whole of England had been allocated to Accession country workers. (9)

**Labour market deregulation**
However, New Labour invited migrant workers to the UK without first ensuring that the requisite employment rights were in place to protect them. From 1973 the Employment Agencies Act had obligated all labour providers to register and comply with legal standards. However, in 1994 the Major government introduced the Deregulation and Contracting-Out Act, through which agency licensing was abolished. In this regulatory vacuum, the number of employment agencies and gangmasters mushroomed; consequently, the UK currently has more temporary workers than any other European country. (10) In addition, research has found that 80 per cent of UK employers now subcontract parts of their business. (11)

A study in 2007 by researchers at the Universities of Liverpool and Sheffield found that: ‘*Whilst the UK has one of the most significant recruitment industries in Europe, it is also one of the least regulated. Moreover, employment/workplaces have generally been subject to low levels of inspection/enforcement in the UK relative to other EU Member States.*’ (12) At the same time, the system of employment rights for migrant workers in the UK is highly complex, with a variety of visas and work permits for different categories of workers and countries of origin, this leaving many legal migrant workers unaware of their rights. (13) Restrictions on legal entitlements to work and on migrant workers’ mobility have compounded their insecurity and vulnerability to exploitation.

These labour market conditions provoked the General Secretary of the TGWU to assert that: ‘*Flexibility and casualisation have spawned a culture of worker abuse by creating opportunities for rogue employers to thrive across the economy.*’ (14)

**Worker exploitation in the temporary labour sector**
The Commission on Vulnerable Employment (CoVE), published their report, *Hard Work, Hidden Lives*, in May 2008. In it, they estimated that ‘*around two million workers in the UK find themselves in vulnerable employment*, which they defined as ‘*precarious work that places people at risk of continuing poverty and injustice resulting from an imbalance of power in the employer-worker relationship.*’ (15) The number of documented migrant workers working within the agricultural sector has been estimated at between 420,000 and 600,000. As a recent Parliamentary Home Affairs Committee report outlined: ‘*This is mainly a migrant worker issue; it is*
mainly an A8 Accession state migrant worker issue. 82 per cent of the gangmasters we deal with employ Polish or some Polish workers; only about nine per cent of them employ just British workers.’ (16) According to the Gangmasters Licensing Authority (GLA) ‘A typical worker in the sector (is) a national of an EU accession state, relatively young, relatively new to the UK, with only a limited understanding of UK law, the UK labour market or UK institutions. Workers’ command of the English language varies, their family and social networks in the UK are often limited, their financial resources often minimal, and their welfare rights restricted as a result of their immigration status. ... These characteristics make gangmasters’ workers particularly vulnerable to unfair treatment in their already precarious jobs.’ (17)

UK enforcement agencies estimate there to be up to 10,000 gangmasters in the UK. (18) And as our studies have found, in the UK, wherever there are gangmasters there is widespread, routine and systematic exploitation. They routinely sign up as many migrants as they can - they can have thousands on their books at any given time – and to get the maximum return they send them wherever they are needed at a moment’s notice. So in our research we came across migrant workers keeping their property in carrier bags because, “Sometimes they work 2 weeks here, 2 weeks there, 2 weeks there.” They can be in Lincolnshire picking cabbages one day and in Cornwall picking flowers the next. It is a perfect mobile labour force for a deregulated economy and, as Gangmasters are all too well aware, the mobility of the workforce acts as a barrier to migrants accessing support systems or otherwise organising to challenge their exploitation.

**Debt bondage**

Many migrant workers find themselves indebted upon arrival in the UK. They pay a non-returnable sign on fee - figures of up to £1000 are not unusual. Upon arrival they can be passed on to another agent charging a similar fee. They are thus tied to this new and wholly unexpected debt. They either cannot afford the airfare home (many having already used their life savings for the transit fee) or do not wish to lose face by returning home empty handed, and so they resign themselves to the injustice of having to work to pay off the debt. Verbal assurances of good pay are reneged upon and contracts signed in their home countries often turn out to be worthless. Gangmasters deliberately withhold work for periods during which time they continue to accrue accommodation costs - thus their debts continue and in some cases increase.

**Dubious and illegal deductions / systematic underpayment**

Whilst gangasters and employment agencies are careful to comply with minimum wage legislation, some then drive a coach and horses through it by taking a range of irregular, and illegal deductions from migrant workers - for clothing, for training, for transport to work. We even found illegal deductions for local authority refuse collections, a service that is free in the UK. A researcher in South Lincolnshire related: “I found on one occasion a woman who started out with £149 as her net wage, and by the time all the illegal deductions had been taken from that she was left with £19. That sort of thing is disgraceful but not unusual”. Underpayment for hours, or sometimes entire shifts worked is commonplace. Complaints are routinely met with gangmaster and employer indifference or threats of dismissal and workers
reflected that this flagrant and off-hand rebuff to their legitimate concerns was one of the most dispiriting aspects of their current circumstances.

**Sub-standard accommodation**

Employment is often tied to exorbitantly-priced gangmaster or employment agency multi-occupancy accommodation. It is standard practice that migrant workers cannot leave that accommodation without also losing their employment. It is, however, often unsafe, appallingly overcrowded, with inadequate amenities. Across the UK, migrants are crammed in to multiple occupation accommodation (HMOs). Eight to ten workers in small, two bedroomed terraced houses is commonplace. In one small town alone, housing officers identified ‘... 400-500 HMOs which are all overcrowded, all lack means of escape and decent fire precautions, all with one toilet when there should be two or three, inadequate kitchen facilities.’ The lack of fire protection was described as ‘an accident waiting to happen.’ Proactive enforcement of housing regulations is hampered by limited resources, with council officers unable to police more than a small proportion of overcrowded properties. It is also hampered by the reluctance of migrant workers to come forward either because they have a historical distrust of statutory representatives, or through fear of reprisals from their employment provider. (19) ‘Hot bedding’ – a practice whereby as one work shift gets out of bed, another shift climbs in - was common across the UK. Apart from the affront to human dignity, there are clearly personal health and wider public health considerations.

In the countryside we also came across instances of migrants sleeping in barns, and in animal hutchest, without proper washing facilities, others were crammed 6-8 a time into 3-birth caravans. Women were forced to sleep in the same rooms as men they didn’t know. One Latvian woman recounted his experience of arriving in Hull from London: “I was placed in a bedroom with 2 men I had not met before. There was no choice. They take you to the house and put a mattress on the floor and you have got to sleep here.” She related that she never felt safe. When asked how she felt at the time she responded that it was: “Terrible. Having to live in a room with two men. You can’t dress. You can’t do anything.” There were frequent accounts of possessions being stolen and of overseers routinely searching workers’ rooms. This lack of respect for individual privacy was a key element of what migrants and their advocates described as a process of the stripping away of individual dignity and collective agency.

**Unsociable and unsafe working conditions**

Working conditions are often appalling, sometimes dangerous and employers fail to provide adequate safety procedures or training. Unsociable hours are the norm, 12 and 16 hour shifts at a moment’s notice are common, without overtime premiums, and with refusal to work overtime bringing the threat of the loss of work and accommodation. It was constantly made clear to workers that they could be replaced by others who were willing to work under such circumstances. As a voluntary agency worker explained: “We have heard of people that have been at work and their gangmaster has said to their employers if they don’t do what you want them to do, just take them for a ride up the road and drop them off. I’ll get you somebody else. So leave them in the middle of nowhere.”
In construction there has been a huge increase in the use of agency labour in recent years. Systematic violations of health and safety procedures have become commonplace, accompanied by threats to sack those workers who raise concerns. There have been many instances of accidents and injuries on building sites. We found that some construction workers were sleeping on-site, were not provided with essential safety gear or training, and that they faced excessive deductions for tools and transport. Bogus self employment, actively encouraged and exploited by gangmasters, has become a major problem in the industry. Our research findings mirror those of the afore-mentioned CoVE Report, which found that: ‘an increasing concern is that growing numbers of workers are being classified as self-employed but in reality are dependent workers who do not have the independence and autonomy over their work that characterise genuine self-employment.’ The report continued: ‘Research has revealed that sites using bogus self-employment have a higher rate of injuries and fatalities (and) are almost certainly not going to have union organisation. Therefore they will not have independent safety representatives. Excessive hours, which have health and safety implications, are not uncommon. Workers are not in a position to turn down work, as they fear that they can be sacked and easily replaced.’ (20)

In June 2008 a case of severe exploitation on the King’s Mill Hospital regeneration project in Mansfield received considerable national media coverage. Twelve Lithuanian workers were reported as having received as little as £8.80 after working a 40-hour week, and were described as being ‘virtually destitute’. The UCATT Regional Secretary asserted: “This is a terrible indictment for the construction industry. This is a well-organised site where we are generally able to protect construction workers from exploitation.... What is truly frightening is to think what happens on the many unorganised sites in our industry.” (21)

In the cleaning, hotels and hospitality sector. Our own research found evidence of systematic exploitation in the hotel industry in London, but respondents to it confirmed to us that those abuses are replicated in every major city and many major towns in the UK. Many hotels contract out housekeeping and maintenance to agencies, which compete primarily on the cost of labour rather than on the quality of service. There is a particular and widespread problem of chambermaids being paid piece-rates per room cleaned, which routinely results in remuneration below the national minimum wage. We were given account of permanent, documented, and in-house staff being deliberately driven out of hotels in order to make way for way undocumented labour, which was now “widespread across all the hotels.”

In the social care sector we also found evidence of significant and systematic exploitation. This sector has historically had high staff turnover and low rates of pay; as a result, increasing numbers of agencies are looking to employ migrant workers in addition to the local workforce. (22) In this sector, excessive hours of work are particularly prevalent, with some employees working nearly 100 hours per week, and there is an expectation that workers will not take holidays. In addition, travel time between clients’ homes is not paid, which is a major problem for care workers in large rural areas such as Lincolnshire. We were cited instances of care workers working fourteen hours per day and being paid only for eight. Many workers were paid below the national minimum wage, reflecting previous findings that this is the
case for almost 20% of care workers. (23) Here again, we found evidence of debt bondage, with workers paying £2,000 for a job in the UK to be arranged. The Polish Workers’ Federation provided accounts of a number of care homes in Bradford employing South-East Asian staff who were told that they must speak English at all times, and who routinely suffered the abusive comments of employers, fellow workers and care clients: “There have been loads of incidences.” Some nursing staff had been led to believe that they would be able to study for their professional qualifications (NVQs), only to find that shift patterns did not allow them the time to do so. A workers’ advocate related the plight of one worker which reflected a body of similar commentary: “She can’t leave because she’s frightened that her abusive employer won’t give her a reference. She can’t complain to Social Services because she’s frightened that she won’t get another job.” (24)

Violence, verbal abuse and racism

Racist remarks, verbal abuse and harassment by gangmasters, employers and fellow workers are commonplace across the UK and this was clearly reflected in our research findings. For instance, in rural South Holland, the Citizens Advice Bureau took up the case of eight workers in a meat-processing plant, where: “The line supervisor was swearing particularly at migrant workers, and ill-treating them sometimes, and also forbidding them to speak to one-another in their own language.”

This from a trade union official in London: ‘The culture in a lot of hotels for the room cleaners, housemaids, housekeepers, porters, kitchen porters, those people, if you like, at the bottom of the hotel hierarchy, is one of daily harassment. Disrespect. You’re not valued as an individual. You may be shouted at, you may be told to get a move on, you’re not addressed by your first name, no one talks to you... just get on with your job, keep your mouth shut and get on with it... These people are harassed. They’re undervalued. There really is an upstairs-downstairs situation in London today. It is Victorian. And that... insidious kind of daily injustice mounts, and mounts, and mounts, and it leads to stress and low-esteem; it reduces people’s ability to respond.’

Our research teams were also provided with numerous first hand accounts of violent physical assault and threats of assault by gangmasters and foremen. A Polish migrant couple in rural Lincolnshire (the man 41 years, the woman 37 years) who had complained to the management about the non-payment of wages owed related a distressing account: ‘Urek was in the queue for money but the manager pulled him roughly out of the queue and hit him.’ That same day, in September 2008, the manager’s wife came to their room and told them to leave – although she knew that the woman was pregnant. They were sent out onto the street with no money. They had to spend that night homeless in the park. They related that their overseers regularly threatened the workers and told them that if they went to the police or other agency they would “hire special people who will beat them up.” We also interviewed a Polish migrant worker beaten severely across his head and body again, for having the temerity to ask his gangmaster for monies owed. He was deaf in one ear as a consequence.

This from another trade union official in London: ‘I’ve got experience in a number of different industries and it’s only the last couple of years that I’ve been organising in
hotels, and I’ve never seen as much fear amongst employees. I’ve never seen such harassment. I’ve never seen such outdated management methods in my entire life.’ In such circumstances, he explained, there is little protection against violence and abuse: ‘We had an incident where a housekeeper was reprimanding a chambermaid. The chambermaid spoke back and the housekeeper slapped her around the face. Basically said, “Look. You don’t talk to me like that. I’m here to tell you what to do. You’re here to listen.”’. There is no recourse to complaint or redress: ‘That person was illegal so ...[he or she thinks] “I better just shut up and carry on with it.”’

We also came across many cases of lower level forms of physical abuse – of*, for instance, women workers having dirty vegetables rubbed in their faces for not having washed them to required standards. This, an account of the activities of foremen at a flower farm in Lincolnshire: ‘[They were] chucking bulbs at the employees, hitting them on the head. This is normal practice. [Employees] were washing bulbs and one Polish girl missed a bulb. They were on the assembly line and the bulb was dirty, so the guy took this girl who missed the bulb, and took a handful of mud and spread it over her face, and said “now you feel like this bulb.”’

These circumstances have also been reflected in other recent studies. In 2010, an Equality & Human Rights Commission inquiry into employment in the meat industry and poultry processing sector found ‘widespread mistreatment and exploitation’ of agency workers, particularly migrant and pregnant workers, with a fifth of workers interviewed reporting physical abuse, being pushed, kicked or having things thrown at them by line managers. (25)

**Impacts on physical mental health and well-being**

It was clear that cumulatively, these circumstances were impacting severely on the mental and physical well-being of some migrant workers. Both voluntary and statutory advice workers related an increase in mental health problems amongst migrant communities directly related to conditions of employment. The problem was not so much the individual instances of injustice and exploitation, but the ubiquitous nature of the abuses, the continual lack of security and the constant affront to personal dignity. Gangmasters were highly inventive in their methods of exploitation and they were clearly also learning from each other – as innovative forms of exploitation in one locality rapidly became replicated across sectors and across the UK. Workers told of immediate and unwarranted dismissal, of the withholding of holiday and maternity rights, of refusal of time off for medical treatment, of the failure to return accommodation bonds, and of the taking from wages of exorbitant income tax and national insurance contributions which were not then paid on to the Exchequer. As one voluntary agency worker explained: “There are disputes on contracts, disputes on time worked, disputes on pay rates, disputes on deductions, disputes on all sorts of things. All too often people are simply not paid what they are owed and feel they have no redress.” Migrants portrayed their existence as a constant and debilitating struggle. As one explained: “I’m not being treated with any respect or dignity... I have no belief in myself, I feel I have no worth.” Another: “We are nothing. We are less than dog because we have nothing.”

Undocumented migrant workers
Estimates of undocumented, or illegal workers range from between 300,000 to 800,000. (26) The Home Office’s median estimate being 430,000. (27) Some have been trafficked into the country illegally. Many, we found, have arrived in good faith, but have become illegal through the malpractice of Gangmasters and Employment Agencies who have either not explained the necessity of registering with the Home Office, or who have taken their papers, promising to send them on for registration and have then failed to do so. As a recent Migrants Right Network paper explains: ‘The lapse into ‘illegality’ arises for a wide range of reasons not normally associated with criminal activity. Disputes with employers, battles to pay off debts arising from entry into migration, the need to support dependents in countries of origin, and the pursuit if survival strategies within a limited range of options, all give rise to what the authorities term ‘illegality’” (28)

During the course of our studies we found several defining characteristics pertaining to this vast pool of undocumented workers. They are illegally residing in the UK and in constant fear of deportation – oftentimes the gangmaster plays on that fear to maintain his/her control over the victim. That control is also cemented by the fact that they are often isolated, geographically (we were given account of migrants picked up from the airport, driven out to isolated farms and refused transport away from there until their period of work was terminated) and socially (freedom of association being prevented or actively discouraged). In some cases, unfamiliarity with the English language also facilitates gangmaster control. They have little or no access to information relating to their rights. They work long, unsociable hours, in sometimes hazardous conditions, for little, and sometimes no remuneration. They cannot access medical services or mental health support. There are threats of violence to themselves and to their families back home and there is actual violence, both physical and verbal abuse and intimidation. Women live with the constant threat of sexual assault. One migrant advocate explained: “... the things I’m hearing about, particularly from women, is sexual exploitation – and their mental condition is absolutely dreadful. They can’t get access to mental health services because they’re illegal – so they’re in limbo.... A lot of them have spent a lot of time getting here – and it’s an underground journey to get here and they have been sexually exploited – a lot of rape, a lot of sexual abuse.”

One parish priest told of migrant workers being ‘warned off’ talking to the authorities or even to the church, and of a local gangmaster having ‘violent friends.’ The same priest told of having ‘picked up four very frightened folk’ who ‘kept repeating mafia, mafia, and seemed afraid for their families at home and themselves.’ Eventually the GLA revoked the gangmaster’s licence, with the assistance of the local churches, but the gangmaster had posed such a threat that the church had kept their involvement ‘pretty secret for fear of personal reprisals.’ Even after the fact, the priest remained cautious: ‘I don’t want my name mentioned if any research is published, as I am a single woman living alone.’ Citizens Advice Bureaux across the UK provided accounts of violence and threats of violence, ranging from beatings to this: ‘We’ve told people they should have a contract of employment and when they’ve gone back they’ve been shown a knife – that is your contract of employment’.

A trade union official recounted his work as an advice worker: “When the Portuguese workers came to Grantham, Brazilian gangmasters appeared, who were brutal. Then
in Boston, when the East Europeans started going there the Russian gangmasters started to arrive – and they are brutal. This is beyond all comprehension of brutality in terms of what they will do. The people in these situations actually fear for their lives – it’s not about a pound an hour. We had one person who stood up within the Portuguese community who had their child kidnapped.”

These circumstances meet the International Labour Organization criteria for forced labour. (29)

The plight of an estimated 170,000 to 200,000 undocumented Chinese workers and sex workers in the UK has been well-documented by journalist and researcher Hsiao-Hung Pai through her seminal work Chinese Whispers. (30) In London, trade union officials gave account to our researchers of undocumented Chinese workers having no prospect of ‘moving up’ into the formal economy and of their having no escape of any kind: ‘Because of the restrictions on Chinese people leaving China and getting papers to work in this country, many are trafficked in – and then they are effectively trapped. Chinese culture is very insular in London; they stay in their own communities a lot. They don’t socialise overtly in the wider population.” He continued: “The safeguards that the gangmasters get from the Chinese workers is that they know that they can’t go anywhere. A lot of Europeans will have a basic level of English. Chinese won’t. The Chinese will come over and be completely isolated. And you can get to Eastern Europe for a pretty small amount of money. But [if you’re from] China, you’re isolated. Once you’re here, you’re captured. You really are stuck.’

There were similar circumstances in the Chinese community in Manchester, where a Chinese advocacy group informed us that the incidence of illegal working by Chinese nationals was “very, very big.” They had been contacted by many migrant workers in appalling circumstances. Theirs, we were told, is a ‘closed world’ with its own laws and codes where undocumented migrants live in a state of permanent fear, unable to go to the authorities because “Chinese illegal migrants.... 99.9 per cent of them don’t understand English, don’t speak English.” Chinese gangmasters in and around Manchester were all too often involved in a range of serious criminal activities, and they were much feared in the community. We were given account of one Chinese couple, without legal right of remain in the UK, who were persuaded by a gangmaster to conceive a child to sell on to a third party for £200. This was clearly an exceptional circumstance but it reflects both the dire straits that undocumented migrant workers find themselves in, and the corrupt nature of some of the gangmasters who control their lives.

Respondents to our study consistently asserted that the vast majority of undocumented migrant workers were too frightened to approach statutory authorities regarding abuse or exploitation, believing (in most cases, correctly) that should they do so, their illegal status placed them beyond any meaningful process of redress.

Coping strategies and the struggle for redress
Whilst finding themselves in extremely vulnerable circumstances, many of those we interviewed were anything but passive. Interview transcripts were replete with instances of individual and collective solidarity - of workers supporting friends and
strangers alike through illness, bereavement and other adversities; of sharing resources and of covering for workers too tired or ill to carry their full load at work, etc. They were also replete with sardonic humour, a key coping strategy, both in terms of mocking and mimicking the personal foibles and least attractive features of Gangmasters and overseers, and also in self deprecation, mocking their own predicament. To illustrate one of many instances, a construction worker, who was charged £250 by his gangmaster for work clothes consisting of a pair of trousers, two ‘t’ shirts and a sweatshirt, referred to them ironically as his “Versace gear.” A considerable number of Polish workers expressed anger at having paid a substantial fee in to the British Government-sponsored Workers Registration Scheme, only to find that they were exploited at workplaces they had been recruited into by the scheme, and that the scheme provided no means of redress. Some had complained to the Polish authorities about their ill-treatment.

Again, despite the best efforts of gangmasters and exploitative employment agencies to treat migrant workers as beasts of burden, depersonalise and disempower them, our study found a remarkable number of instances where migrants had endeavoured to tackle exploitation head-on. That resistance took many forms. In the first instance, workers would either individually or collectively seek redress directly from the gangmaster, employment agency or employer. Secondly, where grievances were not met (and they usually were not) some would move on to contact statutory and voluntary agencies in order to report abuses and to seek their support for obtaining redress. The most common form of action at this level was to contact Citizens Advice Bureaux ([CAB], which have seen complaints from migrant workers rise exponentially in recent years) and, for the Polish community in particular, through the activities of church groups and Polish advice centres (the Catholic church has seen its congregations rise exponentially since the mass arrival of Accession 8 migrants from 2004). Some would then move on to seek legal redress via industrial tribunals and / or the key standards enforcement agency, the Gangmasters Licensing Authority. (31)

Migrant workers have also taken broader collective action in the form of industrial disputes, with the support of trade unions, which some have found ‘a process of personal and collective empowerment.’ (32) However, victories have tended to be isolated instances, long in coming, and only on the back of considerable sacrifice. For instance, migrant cleaners at London University, in campaigning for a living wage between 2006 and 2009, suffered intimidation to the extent that some workers chose to leave (one, a union official, was actually dismissed by the employer), and the cleaners were subsequently raided by police and immigration officials, six of their number being deported within hours of the raid. (33) There have also been local / national demonstrations against employer abuses and employment and immigration restrictions, again organised through trade unions, and also through national support networks such as the Federation of Poles in Britain, (34) the Joint Council for the Welfare of Immigrants, (35) the Refugee Council, (36) the Migrants’ Rights Network, (37) and Strangers Into Citizens, (38) which have also, between them, organised a broad range of national conferences on migrant worker issues.

It is not the responsibility of migrant workers to ensure that the employment enforcement apparatus in the UK works efficiently and effectively. Neither is it their
personal or collective responsibility to bring exploitative gangmasters to book. Many will be too busy trying to survive from day to day to engage in such activities or to attempt to obtain personal redress for exploitation suffered. Many, we were told, had little faith in the authorities to deliver redress; that is in part because they simply do not view civil authorities in that light. But it is clearly also in part because experience has shown that there is little is to be gained through pressing the issue. We were given accounts of migrants who had tried to obtain redress from their gangmaster, to no avail, and who had subsequently visited the police, also to no avail. Having been told it was ‘not a police matter’, all too often they had not been referred on to the GLA or any other appropriate agency. It is also clear that resistance to exploitation all too often invites reprisals and sometimes violent response from gangmasters and employers. We were given account of gangmasters collaborating to blacklist workers who had sought redress.

Fear of adverse consequences was a common refrain from a broad range of respondents. One voluntary agency worker explained: ‘They are working on those farms and they don’t have any language skills so they don’t have a possibility to find something better. So they are really afraid to lose their job, whatever it is, and they try to ignore that they are being threatened or mistreated because they just don’t want to lose their job ... The worst thing is that, because of the lack of jobs, people have to put up with it, because if the alternative is to close the agency, you lose your job. So very often people don’t do anything – they just put up with it, learn English and try to move on to a proper job. But they have no choice because this is the money that pays for the bread for the whole family.’ And another: ‘The car washers in Tesco’s are an example. They’re from Lithuania, Latvia, Bulgaria. It is the classic things of deductions for rent and transport and you’re in this circle that you can’t get out of, because if you complain you lose your accommodation and you lose your job and you can’t get back home.’

For trade union activists, temporary labour is traditionally difficult to organise at the best of times and large swathes of key sectors employing migrant workers, such as agriculture, construction and hotel and catering, are non-unionised. Immigration laws also leave Trade Union officials hamstrung, prevented from taking abuses to the authorities because to do so would leave undocumented workers liable for deportation. One termed it a “real vicious Catch-22 situation... If you report them to the National Minimum Wage Agency, then that’s going to come back on them.” And to reiterate, estimates of undocumented migrant workers living on the margins of society range from between 300,000 to 800,000. That is a huge pool of fearful, exploitable labour.

These circumstances clearly militate against the possibility of redress of exploitation and abuse. For the vast majority of undocumented and also many documented migrant workers, therefore, their only realistic coping strategy - and this was reflected repeatedly in our research interviews - is to put particular instances of abuse and / or exploitation down to experience and to seek ways to move on to a better gangmaster or employer. These were usually accessed through word of mouth. Of course, for those in debt bondage that is not always an option.
That being the case, and given the scale and form of exploitation and abuses visited upon migrant workers in the UK, there is a clear imperative for Government action to forcibly and proactively challenge and prosecute the exploiters.

**New Labour's approach to Migrant Worker Exploitation**

Reluctant to interfere with the operation of the free market, the New Labour government proved slow to respond to the emerging reality of migrant worker exploitation. The initial response was to pretend that there simply was no problem - ‘out of sight, out of mind’ is probably the most apt description. Indeed, under the mantra of flexible working, Labour Ministers long considered it a badge of honour to ensure that the EU’s Agency Workers Directive did not provide UK agency workers with the same fundamental rights and protections as permanent employees and they continued to drag their feet, post-adoption of the Directive. (39) However, in the wake of the national outrage surrounding the deaths of the 23 cocklepickers in the February 2004 Morecambe Bay tragedy, and facing concerted pressure from trade unions and a broad range of voluntary organisations and church groups, they finally established the Gangmasters Licensing Authority, which became operational in April 2005. The new Act made it a criminal offence to operate as a gangmaster without a licence, or to use an unlicensed labour provider. The maximum penalty for the former offence is a prison sentence of ten years and a £5,000 fine, for the latter a prison sentence of six months and a fine of £5,000. But New Labour limited the GLA’s remit to those supplying labour for agriculture, forestry, horticulture, shellfish gathering and related food processing and packaging. So that other key sectors, including construction, hospitality and care, which are all highly dependent upon migrant labour, and awash with exploitative practices, remained beyond the GLA’s remit.

Our research revealed that the GLA were considered highly effective by labour providers, unions, retailers and representatives of vulnerable workers, for their significant work in improving working conditions for migrant workers and at the same time, for creating a more level playing field for employers. Those positive findings have been confirmed in a range of fora – from the Home Affairs Select Committee on Human Trafficking, to the Commission on Vulnerable Employment. By July 2010 there had been 90 license refusals and some 140 license revocations. Grassroots respondents to our own research enquiries reported the GLA to have curtailed the activities of some of the most exploitative, abusive and vicious gangmasters. In several of the most serious cases with which it had dealt up to spring 2008, the GLA found evidence of activities matching the International Labour Organisation’s indicators of forced labour: the intimidation of workers with threats of violence; attempted forced evictions from tied accommodation; debt bondage; the withholding of wages; and threats to cut off water and electricity from tied accommodation. (40)

However, from the outset, the GLA was provided with insufficient resources. In 2006 it had only 18 enforcement officers and 11 compliance officers for the whole of the UK. It’s annual operational budget has never exceeded £4m. A significant number of unlicensed gangmasters continue to operate and exploitation, sometimes severe, is still being discovered in those sectors in which the GLA operates. Outside of the GLA’s remit, enforcement is so scarce and penalties are so disproportionately weak that there is no meaningful disincentive to the most pernicious of exploiters. There is
clear evidence of gangmasters simply diverting migrant workers under their control away from agriculture and into those sectors instead. It is worth considering here the total of 1,128 gangmasters licensed by the GLA in July 2010, in the context of the estimated 10,000 operating in the UK. Virtually all respondents to our studies considered the failure to expand the GLA’s remit into all sectors of vulnerable employment as incomprehensible. (41)

With the notable exception of the GLA, the UK employment enforcement framework has failed temporary workers in general and migrant workers in particular. In recent years the Health & Safety Executive have suffered a significant reduction in staffing, including front-line inspection staff, so that an average employer can now expect a visit from an inspector once every 12-20 years. (42) For migrant workers, the industrial tribunal system is simply not fit for purpose, the process being lengthy, overly complicated, and weighted in favour of employers. (43) Even where awards are made against an exploiter, all too often the judgement is not enforced. (44)

The Employment Agency Standards Inspectorate, whose responsibility it is to seek out exploitative employment agencies is both understaffed and has been hamstrung by what one respondent referred to as “civil service inertia,” with a wholly reactive (to complaints) rather than a proactive approach to enforcement. (45)

The ‘othering’ of migrant workers
The most disreputable and pernicious approach from New Labour was, however, the cowardly and opportunistic decision to hound migrant workers, representing them as a monolithic entity, who were undermining the terms and conditions of indigenous workers and exploiting the UK social welfare system.

Despite the initial welcoming words from Prime Minister Blair about the positive contribution of migrant workers to the UK economy, a stream of prominent faces – from the Home Secretary John Reid, to Industry Minister, then Culture Secretary Margaret Hodge, to Secretary of State for Communities & Local Government, Hazel Blears, to Immigration Minister Phil Woolas, (46) drowned out such perceptions in a welter of misinformation, at best insinuating, and at worst directly accusing migrants of abusing the NHS and of taking "our council houses," when they must have know, because the previously cited Accession Monitoring Reports clearly indicated this, that they were doing nothing of the sort. Thus, migrant workers became reconfigured as a problem and a threat. The impact on public opinion was immediate and damaging. Robinson terms this an ‘anatomy of a moral panic’ as a ‘media frenzy’ took off around the notion of new immigrants gaining access to social housing at the expense of British citizens. (47) This from Margaret Hodge, then Industry Minister, in 2007: “We should look at policies where the legitimate sense of entitlement felt by the indigenous family overrides the legitimate need demonstrated by the new migrants.” Whilst Hodge and Blears veiled their political opportunism in the claim that they were simply responding to the perceptions and fears of white working class communities, Immigration Minister Woolas showed no such reticence, speaking, as he did of widespread fraudulent claims by asylum seekers and “an industry” of legal specialists subverting the asylum process on their behalf, and Home Secretary Reid’s comments to the BBC were shameless and particularly all-embracing and offensive in their castigating of
migrants: "It is unfair that foreigners come to this country illegitimately and steal our benefits, steal our services like the NHS and undermine the minimum wage by working. Year on year, we are going to make it even more difficult for them to do that." (48)

Those unhelpful contributions took place within a constant backdrop of racist anti-migrant hysteria from much of the media. For every newspaper article expounding the positives of migrant labour, there have been countless expressing negative sentiments - whether that be misleading articles in the Daily Mail about a ‘migrant worker crime wave’ or the delightful cartoon in the Sun that had a drawing of the globe, with arrows point to the North Pole and the South Pole and then a huge arrow heading from Eastern Europe to the UK with the epithet ‘all the other Poles’. Even that august institution the BBC was not able to resist the migrant-kicking spree, running, as they did in March 2008, with a programme entitled The Poles are Coming, a thinly veiled exposition that small UK towns were being economically and culturally swamped by East Europeans to the detriment of white working class youth. (49) Not surprisingly, the Far Right BNP made significant gains in the summer 2008 local elections, and in January 2009, there came several well coordinated and massively publicised ‘British jobs for British workers’ strikes across the UK. (50)

And of course, this all took place in a the wider context of historic concerns over immigration (51) and the media witch hunt against asylum seekers over the past decade (52) which again, was very much fed by New Labour opportunism (and Ministers’ pejorative rhetoric around ‘bogus’ asylum seekers) (53) and in the context of the War on Terror, in which all immigrants were now represented by elements of the media as potential terrorists. (54) In such a context, the approach taken by Reid, Blears, et al was both irresponsible and inflammatory and it served to further feed a media frenzy of negative stories around immigration during the 2010 General Election campaign. (55) This New Labour approach continued post the election defeat, with Margaret Hodge drawing the conclusion from her victory over the BNP’s Nick Griffin that in difficult times ‘we’ should find ‘ways of rationing’ housing and other services on the basis of ‘how long you have been there,’ (56) Whilst both Ed Balls and Andy Burnham made early waves in the 2010 Labour Party leadership contest by stating that Labour in government had been too lax on immigration controls. The Guardian reported Burnham as stating: ‘For me the big task is for Labour to reconnect with people who are feeling this. They need to feel that Labour understands what they are saying and then will take steps to address it.’ (57)

A deteriorating situation
From February 2008, the Civil Penalty Regime provided the UK Borders Agency with additional powers to tackle illegal working. Grassroots advocates relate that this, together with more recent government initiatives such as the points-based system for work and study, introduced in the summer of 2008, is making migrant workers yet more vulnerable to abuse by exploitative employers, and the likelihood is that the new regimen will push some workers even further underground and into the hands of the worst exploiters. (58)
In addition, the global financial crisis and subsequent economic downturn has impacted on temporary and agency working and there is evidence to suggest that for labour suppliers the market is becoming more competitive. (59) The most unscrupulous labour providers and users will seek to cushion themselves from this downturn by further exploiting the most vulnerable workers. As the GLA have observed: ‘Since the onset of the economic downturn, new forms of reducing workers’ pay through cutting wages, charging for new services and effective non-payment of social security contributions have emerged...... Across many sectors of the economy, tougher competition and workers’ diminished ability to challenge or leave bad employers combine to create real risks of exploitation as the recession bites.’ (60) The adverse impact on labour standards for Chinese migrants has been documented in a recent report from the East Midlands. (61)

Similarly, recent political developments do not auger well. The Conservative/Lib-Dem. Coalition’s focus has clearly and loudly been on the need to tackle mass immigration and illegal immigration, not migrant worker exploitation, (62) and Ministers have made repeated calls, and well publicised calls for UK based firms to employ more indigenous workers, (63) (whilst at the same time allowing state projects to go to firms who would transfer the operations overseas!). (64) An early target of the Spending Review cutbacks has been the GLA, which has seen its expenditure reduced to the point of having to pare back press and publicity functions and cancel planned research into the plight of undocumented migrant workers. (65)

Policy recommendations
After several decades of light touch regulation, the OECD has confirmed that the UK has one of the least regulated labour markets of all developed economies. This has allowed widespread and largely unchecked exploitation and abuses by unscrupulous and sometimes vicious gangmasters and criminal gangs, and the growth of what is for some, modern slavery. The New Labour government response to that exploitation and abuse was half-hearted at best, begrudging at worst, and simply not fit for purpose. This paper has primarily considered New Labour’s role, but as was pointed out at the outset, previous Conservative governments were equally culpable in creating the loose regulatory environment in which these abuses occur. So regardless of its complexion, the current British government has a moral responsibility to tackle this problem in a strong and effective manner.

It is clear that in order to protect all vulnerable workers employed through gangmasters, the GLA’s remit must immediately be extended to the sectors of construction, hospitality and social care, and that in the longer term, one single enforcement agency should be created to be responsible for regulating all agency labour across every industry in the UK. (66) The GLA’s staff and resource base should be increased accordingly. As of January 2008, the Authority was estimated to have assisted in raising over £2 million in additional VAT payments to the Exchequer. When the estimates were revealed, Andy Armitt, Deputy Director, HMRC Labour Provider Unit stated: “The work of the GLA in partnership with HMRC is now producing real benefits. The identification by the GLA of businesses trading in the licensed sector has greatly assisted HMRC in ensuring compliance with taxation obligations and in protecting the rights of workers.” (67) Were the GLA to...
begin operating in other sectors, in all probability those benefits to the Exchequer would escalate to the point that the Authority would be more than paying for itself. For instance, the CoVE Report, considering exploitation in the construction industry noted that: ‘There is also evidence that bogus self-employment is a significant cost to government. UCATT estimate that the tax revenues lost from the construction industry alone are around £5 billion: £2.5 billion in NI contributions and £2.5 billion in tax revenue from workers.’ (68)

In addition, the Government should also institute a one-off programme of regularisation for undocumented migrant workers, an approach which has worked with some success in Spain, Italy and Greece. Undocumented workers inhabit the UK in their hundreds of thousands, many, perhaps the majority, have become undocumented through no fault of their own. They contribute substantially to the UK economy. Many are forced to live an ‘underground’ existence, vulnerable to appalling levels of exploitation, being unprotected by any of the labour-related enforcement agencies. It makes no economic sense whatsoever for government to be deprived of their tax contribution. But above all, given the current levels of exploitation, there is a moral responsibility to act. A recent opinion poll by the Strangers into Citizens campaign found two-thirds of the British public supported a one-off regularization programme. There is also all-party support for this in the House of Commons. (69) In May 2009, the Migrants’ Rights Network produced a policy document that makes an authoritative, persuasive, and extremely detailed argument for regularisation. (70) The Institute for Public Policy Research has also made the case for regularisation. (71)

Government also needs to tackle the hegemonic power of the major supermarkets in the food chain. During New Labour’s time in office, everything from tax policies to local planning processes favoured their expansion. Time and again, in the course of our research, the users of exploited labour claimed that they themselves were forced into this position by the ruthless pressures from above that were driving the prices of suppliers down. (72)

The author is not holding his breath! For all Deputy Prime Minister Clegg’s posturing in support of exploited migrant workers during the General Election campaign, it is clear that the Coalition government is not giving serious consideration to any of these options. Ministers prefer, instead, to continue with the myth propagated by New Labour that exploitative practices are isolated instances, the predilection of a few rogue gangmasters active in a limited number of sectors, whereas, as our research clearly identified, such practices are the norm, they are systematic and they are conducted on an industrial scale across the whole of the temporary labour market.

Finally, there is a clear and urgent necessity for a sea change in the public stance of all the major political parties on this issue. It is nonsensical, hypocritical and irresponsible for the UK polity to sign up to EU Conventions promoting the free movement of labour across European borders, whilst at the same time contextualising migrant labour as a threat to the well being of the nation state.
References:


9. Ibid.


15. CoVE Report, op cit, p117
19. These findings have been confirmed by other recent studies. For instance, see Phillimore, Jenny, Dr., et al (2008) Migrants from A8 Countries and Housing in the East Midlands. Centre for Urban and Regional Studies for Decent and Safe Homes. University of Birmingham.
31. Found at http://gla.defra.gov.uk/
33. Ibid.
34. http://zpwb.org.uk/
35. http://www.jcwi.org.uk/
37. http://www.migrantsrights.org.uk/
38. http://www.strangersintocitizens.org.uk/
40. House of Commons Home Affairs Committee, op cit, Volume 1, Prevention, 47
41. This is now also the position of an increasing number of research outputs. See, for instance, Jarman, Neil, et al (2011) *Forced Labour in Northern Ireland*. Joseph Rowntree Foundation, York.
42. CoVE Report, op cit, pp136-7


56. BBC Radio 4, World This Weekend, 23 May, 2010.


65. Communications between author and the GLA, June 2010; GLA 28th & 29th Board Meeting Minutes, January / April 2011.

66. For reasons of space, represented here are the key recommendations. For a more comprehensive list of recommendations see Wilkinson et al, (2010), Forced Labour, op cit.

67. GLA News release, Gangmasters to pay more than £2m to UK Government thanks to the GLA, 29.01.2008.

68. CoVE Report, op cit, p182


70. Ibid.