
REPORT

EXPERIENCES OF FORCED LABOUR IN THE UK FOOD INDUSTRY

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This report looks at evidence of exploitation and forced labour in sectors within the UK food industry. It draws upon in-depth testimonies from 62 migrant workers mainly originating from the EU and China.

Three sub-sectors of the food industry are represented in the study: agriculture, food processing and minority ethnic catering. The research is based in five areas of the UK: south Lincolnshire and the Wash area, east-central Scotland (encompassing Dundee, Angus, Fife, and Perth and Kinross), Bristol and the south-west of England, London and Liverpool.

The UK government recently reaffirmed its commitment to eradicating modern-day slavery by creating the criminal offence of 'forced labour'. Focusing on sub-sectors of the economy known to be home to significant levels of exploitation, the report seeks to identify forced labour in four ways. It:

- lists the key forced labour indicators affecting the 62 migrants interviewed;
- highlights the labour-market contexts closely associated with forced labour;
- discusses the practices employers engage in that, if severe enough or numerous enough, lead to forced labour situations;
- identifies the negative outcomes that result from workers experiencing forced labour.

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EXECUTIVE SUMMARY

The report is an empirical study of ‘forced labour’ among low-wage migrants within the UK food industry. Forced labour became a criminal offence via the 2009 Coroners and Justice Act (Section 71) in England, Wales and Northern Ireland and the 2010 Criminal Justice and Licensing Act (Section 47) in Scotland. For at least the past two decades there has been considerable concern at a policy level that the UK food industry harbours significant levels of exploitation that in its extreme may constitute forced labour.

Using in-depth interview evidence from 62 exploited migrant workers across five study sites (south Lincolnshire and the Wash area, east-central Scotland (encompassing Dundee, Angus, Fife, and Perth and Kinross), Bristol and the south-west of England, London and Liverpool), forced labour is identified as an issue. Analysis is four-staged and focuses on forced labour indicators (Chapter 2), forced labour contexts (Chapter 3), forced labour practices (Chapter 4), and forced labour outcomes (Chapter 5). For the purposes of the study three areas of the food industry are examined: agriculture, food processing and minority ethnic catering.

Forced labour indicators

In terms of defining forced labour, the report adopts the International Labour Organisation (2005, pp. 20–1) definition, which involves:

- threat or actual physical harm to the worker;
- restriction of movement;
- debt bondage;
- withholding of wages or excessive deductions;

- retention of passport and identity documents; and
- threat of denunciation to the authorities.

It then notes that the ILO (2009a) has expanded upon this list, and advances a set of 19 forced labour indicators. These indicators were used in the research to select interviewees and to provide aggregate statistical data on the nature and extent of the exploitation uncovered.

In terms of the latter, the following indicators were ranked as of 'strong' or 'medium' significance for more than half of the interviewees:

- deceived by employer (ranked as of 'strong' or 'medium' significance for 50 interviewees);
- non-payment of wages or illegal deductions (49);
- fear (47);
- breaches to, or lack of, contract (46);
- psychological harm (45);
- excessive working hours (>50h week) (40);
- payment below the National Minimum Wage (£5.80 at the time the indicators were devised/£5.83 by the time they were deployed) (38);
- crowded accommodation (>2 adults per room) (38);
- confinement to the workplace (32).

At the other end of the spectrum, the following indicators were ranked as of 'strong' or 'medium' significance for fewer than half of the interviewees:

- sexual harm (3);
- fearful of harm to family and friends (5);
- trafficked/smuggled to the UK (5);
- threat of denunciation to the authorities (13);
- indebtedness (19);
- purposefully isolated at work (20);
- retention of ID documents (24);
- physical harm (24);
- restrictions on movement beyond workplace (24);
- desire to return to home country (28).

Forced labour contexts

There are known to be underlying conditions, or risk factors, associated with forced labour. The report identifies four such 'contexts'. Firstly, migrants appear to be at particular risk of exploitation. Based on testimony evidence from the 62 interviewees, it seems that migrants' economic circumstances, limited language ability, widespread use of tied housing and reliance on gangmasters render them particularly vulnerable. Secondly, forced labour appears linked to concentrations of low-paid and demanding work. Thirdly, it is especially prevalent when worker flexibility is required. Fourthly, forced labour is also associated with jobs where insecurity is chronic and where employers cultivate a resultant culture of expendability in order to create deferential workers.

Forced labour practices

Forced labour practices are the acts done to a worker by an employer or employment agent that are exploitative and, if severe enough and/or

numerous enough, may constitute forced labour. The report identifies 14 such practices:

- Upfront fees and debt bondage: many migrants paid fees to Labour Market Intermediaries (LMIs) both for their journey to the UK and to secure work. These fees often put migrants into debt and/or lead them to be channelled into exploitative work and housing contexts.
- Threats and bullying: migrants all too often felt bullied. This general sense of being undervalued and treated as a commodity in some cases translated into racism and sexism.
- Disciplining through dismissal: there were three very questionable forms of dismissal: dismissal to avoid paying a worker; dismissal if a worker refuses overtime; dismissal when a worker becomes ill or pregnant.
- Productivity targets and workplace surveillance: migrants, because of productivity targets and management's monitoring of these targets, had little opportunity to behave as social beings while at work. They felt they were treated like 'a robot, a machine' (Interviewee 6 – see Appendix).
- Overwork: the Chinese work particularly long hours in their ethnic catering sector. As a result, they appear to have no life outside work. This is also the case for those working on farms in the peak season.
- No breaks: on a daily basis, workers are denied basic breaks and are even docked pay for going to the toilet. This is especially the case on the intensive and tightly managed production lines of the food packing/processing sector. In minority ethnic catering, the issue is more about the lack of any time off for holiday or any holiday pay.
- Non- and underpayment of wages: the denial of wages for labour already provided is tantamount to slavery and servitude, yet it appears remarkably common. Moreover, it was not obvious to us that migrants were in a position to get back the pay they were owed.
- Underwork and indebtedness: it seems implausible that a lack of work can actually lead to a forced labour situation. However, we found that it can be in the interest of LMIs to recruit workers even when work is scarce. This is because they charge fees for finding work, however limited the work is, and/or charge workers for travel, accommodation and other household bills. The more workers they have, the more charges can be levied; and it can be in the interest of LMIs to provide workers with just enough hours to be able to pay these charges. The situation leaves migrants without any spare money to escape their exploiters, and serves to further their dependency.
- Deductions and charges: there was ample evidence of workers paying LMIs fees to become one of 'our people'. This is tantamount to extortion. There was also the issue of other charges being levied on workers that, in extreme cases, led to 'zero-wages' work whereby migrants were earning just enough to meet their financial obligations.
- Some workers we spoke to had their passports retained for 'safe keeping'. Even more lacked appropriate in-work documentation such as contracts and pay slips.
- Threat of denunciation: although only a few interviewees were undocumented or semi-compliant, the impact of the recent UK Border Agency (UKBA) crackdown was clear. It appears to have worsened pay and conditions for migrants (especially those we interviewed from China) and strengthened the hand of employers.
- Tie-ins – work permits: while work permits do not in theory tie migrants to a single employer, they do require an employer sponsor and it is, therefore, difficult to change jobs. This means that employers have a hold over workers, which is open to abuse.

Working at the bottom of the labour market, living in some of the most marginal privately rented or tied accommodation, and experiencing one or more of the forced labour practices identified above, took its toll on those we spoke to.

- Tie-ins – accommodation: the quality of tied accommodation was shocking. Not only was it overcrowded, but migrants were also often trapped in this housing because of their lack of language skills, limited local knowledge, low pay and associated indebtedness.
- Tie-ins – money: some employers held on to workers' pay for 'safe keeping' and while, arguably, innocuous, this can act to tie a worker to a firm unnecessarily.

Forced labour outcomes

Working at the bottom of the labour market, living in some of the most marginal privately rented or tied accommodation, and experiencing one or more of the forced labour practices identified above, took its toll on those we spoke to. Specifically, there are five unsavoury outcomes that result from migrants experiencing the forced labour indicators, contexts and practices highlighted, namely: poverty; dreams before migration turning sour; fear and a sense of powerlessness; psychological harm; and physical harm. Even if forced labour is difficult to detect in terms of indicators, contexts and practices, the outcomes are often clearly visible.

Conclusions and recommendations

The Ministry of Justice (2010a) estimates that there will be a mere 20 forced labour cases per annum in the UK. The report – focusing on indicators, contexts, practices and outcomes – takes a more expansive approach to the study of forced labour than this.

In terms of main findings, what stands out most of all is the acute sense of powerlessness among low-wage migrant workers and, in many cases, this extends to a fear of the employer and/or employment agent. It is also the case that workers continue to experience a lack of basic rights: to the minimum wage, to breaks, to holidays, and so on. Most surprising, however, was the 'underwork scam' whereby too many workers are recruited for the work available and are given just enough work to meet their financial obligations to the gangmaster. They are effectively trapped in an exploitative relationship by the poverty that results from low pay, underwork, and excessive charges and deductions.

In terms of recommendations, it is clear that forced labour is not just related to the acts of isolated criminal employers but that it is concentrated in particular industries because of the competitive conditions and structures shaping employment in these industries. Whether economic or criminal causes dominate, we argue that, in all cases, the 14 forced labour practices identified in the report can be amalgamated into three domains relating to employers' and employment agents' actions, making workers: time poor; money poor; and feeling controlled, insecure and oppressed. These three domains help us understand the way in which, and why, contemporary forms of slavery persist in the UK and appreciate that, while slavery has long been abolished, some of the power relations that underpinned it remain.

A number of policy recommendations are made that could improve migrants' working experiences in the UK. The main ones are as follows:

- The UK government has been **reviewing workplace regulation**. Any government changes to workplace regulation – including its resourcing – should be made with the welfare of workers as well as interests of business

in mind. This study will hopefully inform those carrying out and designing regulation.

- The courts must be encouraged, in various ways, to take **a wider view** of what constitutes forced labour under existing legislation. Case law is needed to:
 - 1 establish the boundaries between exploitation and forced labour; and
 - 2 determine whether workers employed 'illegally' (irregular migrants, cash-in-hand work) have an enforceable employment contract to pursue their rights.
- The government needs to explore whether the victims of forced labour could pursue grievances without having to go through Employment Tribunals and/or criminal courts. In other words, is there scope for a **less formal and more accessible tier of justice**? ACAS is one such option that already exists, but the degree to which exploitative employers would be willing participants is questionable.
- The government needs to ensure that there is continuing support for the **Gangmaster's Licensing Authority**. Given its vital role in addressing worker exploitation, the GLA needs to be able to continue with at least the same powers, if not a greater role in tackling workplace abuse.
- HMRC needs to develop a clearer link between the **National Minimum Wage and forced labour** agendas as those experiencing forced labour are highly likely to be receiving payment below the NMW.
- There is a relationship between **language ability** and vulnerability. Learning English can be the main way in which people avoid becoming forced labour victims. The government should recognise this as a key argument to support the funding of free ESOL provision (which has been severely cut over recent years).
- Pressures placed on employers and gangmasters by the large retailers and suppliers that dominate food supply can sometimes lead to exploitation. Larger businesses must recognise, particularly in light of the Groceries Code and the potential Groceries Adjudicator, that there are **structural economic causes** behind forced labour and that it is not always simply the result of isolated criminal businesses.
- Inspectorates should recognise the problem of accessing candid **worker testimonies** through workplace visits. Related to this, recognise the reluctance of people to come forward and report abusive employers even to independent agents outside of government.
- Given that exploitation through work and accommodation tend to go hand-in-hand, there may be a role for the **unions and labour inspectorates to work alongside Local Authority Houses of Multiple Occupancy (HMO) teams** and to share information.
- Unions should continue to **support grass-roots activity**. Examples of successful campaigns include: the Latin American Workers Association and Justice for Domestic Workers (funded by Unite) and the Overseas Nurses Network (funded by Unison).

INTRODUCTION

The UK recently created a stand-alone forced labour offence. Under national law – Section 71 of the Coroners and Justice Act 2009 (England, Wales and Northern Ireland) and Section 47 of the Criminal Justice and Licensing Act 2010 (Scotland) – anyone found guilty of engaging in forced labour may be subject to a maximum sentence of 14 years in prison.¹

Such developments are to be welcomed from a labour protection and human rights perspective. However, much uncertainty remains about the situations in which forced labour arises, how it occurs and its effects.

There is a pressing need, therefore, for more research to address this knowledge gap, and the report, along with a parallel report on the scope of forced labour in the UK (Scott, *et al.*, 2012a), has been designed with this in mind.² It investigates workers' experiences of forced labour in different parts of the UK food industry. The food industry focus is justified by other recent studies, which together highlight the extent of worker vulnerability, disempowerment and poor working conditions existing in different sub-sectors (e.g. Brass, 2004; EHRC, 2010a, 2010b; Jarman, *et al.*, 2011; Kagan, *et al.*, 2011; Pai, 2008; Rogaly, 2008a; TUC, 2005, 2008). The investigation reported here underscores similar problems to these, but goes further in drawing attention to the exploitative practices that providers and users of vulnerable and flexible workers engage in for their own monetary gain. These practices were identified using material from 62 worker interviews conducted in five case-study areas in England and Scotland. Analysis of these interviews – discussing specific practices, as well as outcomes for workers – forms the main focus of this report.

Defining forced labour

Article 2(1) of ILO Convention 29 defines forced or compulsory labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.³

There are, however, significant challenges involved in translating this concept into a practicable footing. It is difficult to imagine that forced labour would not involve breaches of prevailing labour law or statutory minimum working conditions, yet such breaches alone do not in themselves constitute a forced labour situation, which instead would typically involve more serious activities.

In consequence, different approaches towards identifying forced labour are being pursued. To assist national lawmakers and agencies, the ILO (2005, pp. 20–1) has proposed six forced labour indicators:

- threats or actual physical harm to workers;
- restriction of movement and confinement to the workplace or to a limited area;
- debt bondage, where the worker works to pay off a debt or a loan, and is not paid for his or her services;
- withholding of wages or excessive wage reductions that violate previously made agreements;
- retention of passports and identity documents, so that the worker cannot leave, or prove their identity and status;
- threat of denunciation to the authorities, where the worker has an irregular immigration status.

It has been argued (by Anti-Slavery International) that when two or more of these indicators are present then a situation of forced labour exists. It is also clear that there are other indicators beyond these six that can be present alongside a situation of forced labour. Indeed, and this will be argued later in the report, focusing only on these six ILO indicators risks encouraging an approach which is too narrow and restrictive. Illustrative of this, the ILO itself has used a Delphi methodology to identify indicators of forced labour beyond the six highlighted above (ILO, 2008, 2009a).

Moreover, some experts on forced labour have emphasised the need to position its setting within an 'exploitation continuum' (Skrivánková, 2010). This latter perspective is interesting for a number of reasons. Firstly, it suggests that recognising the differences between exploitation and the notion of 'decent work' may be easier than identifying differences between forced labour and exploitation more generally. Secondly, it suggests that any situations that are not decent work need to be addressed, whether or not classed as forced labour. Thirdly, it recognises that forced labour and exploitation may arise through common factors, thus that any difference between them may be attributable to particular combinations of these factors at particular intensities.

Four-dimensional approach

Aware of the nebulous real-world boundaries between forced labour and more general exploitation (Skrivánková, 2010), and of the fact that forced labour extends beyond the six main ILO indicators (ILO, 2009a), we set out to devise a longlist of forced labour indicators and to use this list to recruit interviewees. In the event, a set of 19 exploitation indicators was used to select workers for interview. This list also allowed us to gain aggregate and comparative data on the nature of exploitation and forced labour across our sample (see Chapter 2).

Development and application of these 19 'indicators' was only the first stage in a four-stage analytical framework (see Box 1). The second stage involved analysing the transcripts from the 62 worker interviews in order to draw out the important 'contexts' or risk factors associated with exploitation and forced labour (Chapter 3).

Having started to analyse the testimony evidence, we then went on to look in detail at the real-world experiences of our interviewees to identify potential forced labour 'practices' (Chapter 4). Overall, the interviews uncovered 14 different practices, which in reality rarely exist in isolation. These practices were at the root of pressures reported by the workers who were interviewed. However, this was not to say that they necessarily indicated the presence of forced labour as defined under national law. Put another way, in the real world one is faced with the actual workplace practices that are exploitative but, crucially, may not be sufficient to allow one to say with certainty that forced labour exists. This is why Skrivánková's (2010) notion of the exploitation continuum is so useful.

The fourth and final stage of our framework involved turning attention to the outcomes of the aforementioned forced labour indicators, contexts and practices. Five outcomes were commonly associated with exploitation at work: poverty; dreams before migration turning sour; fear and a sense of powerlessness; psychological harm; and physical harm (Chapter 5).

Box 1 – Four dimensions to the study of forced labour

- 1 Indicators: these help us to *recognise forced labour* in two respects: firstly, to indicate which workers to interview; secondly, to provide aggregate statistical data on the nature and extent of exploitation.
- 2 Contexts: these are underlying conditions or *risk factors* that are often associated with forced labour.
- 3 Practices: these are the *acts done to a worker* by an employer or employment agent that are exploitative and may contribute to someone being a victim of forced labour.
- 4 Outcomes: these are the consequences to a worker of experiencing forced labour indicators, contexts or outcomes; in other words, the *impact of forced labour*.

The UK food industry and migrant labour

The 'food industry', or sector, is an umbrella term for a very wide range of activities and processes, requiring a further decision on the particular sub-sectors on which to concentrate the interviewing work. Specifically, this decision was shaped by three chief considerations:

- sector-specific differences, e.g. in terms of business and regulatory structures;
- the politically sensitive nature of the topic under consideration;
- the industry's heavy reliance on international migrants.

In the event, most workers interviewed were working on farms (notably as fruit or vegetable pickers), in food processing and packing operations, or in 'minority ethnic catering' (i.e. small independent restaurant or fast-food businesses, in which people mostly from the same ethnic or national background are hired).⁴ Clearly these sectors occupy different positions in the 'field-to-fork' food production chain, and do not cover the food industry in its entirety. They were also chosen to help draw out sector-specific differences regarding the exploitative practices being used, and to consider relations between exploitation, power and regulation (see Box 2).

Box 2 – The UK food industry and the ‘field-to-fork’ case study

For the purposes of the study, we use the term ‘food industry’ to refer to the three parts of the industry from where we were able to recruit interviewees. The sub-sectors are farming, food packing and processing, and minority ethnic catering. These three sub-sectors cover three types of workplace – the field, the factory, and the restaurant – and purposefully form a ‘field-to-fork’ case study. In reality, it is important to acknowledge the overlap between sub-sectors and work sites. For example, many field rigs often pack food at the same time as picking it. Similarly, some catering businesses may also have links to particular food packing and processing factories and there is not always a clear-cut distinction between sub-sectors or sites within the case study. This said, it is clear that farmers, factory owners and restaurateurs are located at different points in the production process with different economic pressures shaping employment conditions. Most notably, we have the supermarket-governed supply chains of the farming and food packing and processing sectors versus the cultural networks of minority ethnic catering businesses. It is also the case that the different sub-sectors experience different types and degrees of regulation: most notably, there are farming and food-packing and processing operations (governed by Gangmasters Licensing Authority (GLA) legislation) and minority ethnic catering businesses (subject to increasing levels of UKBA surveillance). Finally, the nationality of migrants varies between sub-sectors. The European workers we interviewed were employed on farms and in food-processing and packing factories while the Chinese migrants we spoke to were working in minority ethnic catering.

Almost all the workers we interviewed either currently worked in or had worked in the UK food industry and had been exploited while working in this industry (see Table 1). All workers were non-UK migrants, spanning twelve nationalities and a wide range of backgrounds, experiences, and proficiencies in English (see Table 2).⁵ To circumvent language barriers, to facilitate access and to address other issues of researcher-interviewee ‘positionality’, a ‘community interviewer’ (also termed peer researcher) methodology was used.⁶ Thirteen interviewers – all themselves international migrants, and all local to their case-study areas (see below) – were recruited. All interviewers received intensive training and were paid for conducting, translating and transcribing interviews (for a discussion of the peer researcher methodology, see Scott and Geddes, 2012). Interviews were carried out away from the working environment.

Geographically, the research was spread across five areas: south Lincolnshire and the Wash area, east-central Scotland (encompassing Dundee, Angus, Fife and Perth and Kinross), Bristol and the south-west of England, London and Liverpool. The first three areas are well known as areas of vegetable and fruit production, and existing publicly available data on worker and national insurance registrations indicated the relatively large numbers of migrant workers in these areas (Scott and Brindley, 2012). The two other areas were chosen to access minority ethnic catering, which although widely dispersed across the UK tends to be concentrated in major urban centres. In other words, interviewing was focused on different sub-sectors in different areas.⁷

Table 1 – Sectors interviewees have worked in while living in the UK

	Current job	Previous jobs
Agriculture and food packing and processing	25	24
Hospitality and catering	13	15
Construction	3	10
Cleaning	3	4
Care and au pair work	1	2
Street vending, leafleting, etc.	0	3
Car wash	0	2
Transport and distribution	2	4
General retail and factory work (non-food)	1	9
Security	0	1
Professional	2	3
Inactive (unemployed, housewife, househusband, retired)	11	1
TOTAL	61⁸	N/A

Table 2 – Nationalities of interviewees

Nationality	No.
Polish	23
Chinese (PRC)	12
Latvian	8
Lithuanian	6
Romanian	3
Bulgarian	3
Ghanaian	2
Slovakian	1
Estonian	1
Belarusian	1
Congolese	1
Nigerian	1
TOTAL	62

Scope of the research

Firstly, it is important to be clear that identifying potentially prosecutable forced labour cases was not the primary aim of this research. Indirectly, the research reported here may contribute to this or clarify general means by which prosecutions might be pursued. Nevertheless, the aim in gathering 62 testimonies from workers experiencing forced labour indicators within the UK was to link these indicators to real-world forced labour contexts, practices and outcomes. These may provide evidence of forced labour offences being committed, though, and in line with Skrivánková's continuum, they may just as likely indicate more general instances of exploitation that are not deemed severe enough in law to constitute forced labour. It is not the purpose of the report to say exactly where the line between exploitation and forced

labour lies. Simply, our aim is to identify evidence of forced labour indicators, practices and outcomes. (These, when used in particular combinations, and at particular (high) intensities, may signify 'forced labour' but we make no legalistic judgements within this report.)

On a similar point, caution is also required in applying a 'victim' label to all those who may experience exploitation or forced labour. One objection to the blanket use of this label is that it implies a complete absence of freedom of choice or inability to pursue alternative courses of action (Rogaly, 2008b). A common misconception is that those experiencing exploitation or forced labour have to be forced to work (Skrivánková, 2010). In contrast, evidence suggests that often workers continue to engage in their own exploitation, despite having the apparent freedom to walk away. As the TUC (2005: 40) report into forced labour in the UK has noted: 'In practice it is very difficult to distinguish between a free and consensual and an unfree and coerced employment relationship'.

A common misconception is that those experiencing exploitation or forced labour have to be forced to work

The ILO, for instance, notes that people may: 'subject themselves through rational choice to conditions that most people used to the enjoyment of labour standards and rights would consider inhumane' (Plant, 2009, p. xi). In other words, there may be a consensual dimension to forced labour and ostensibly no evidence of force. In these instances, the fear of major reprisals by an employer or labour agent appears not to be a key driver. More often, workers are kept in exploitative situations by careful manipulation (of working hours, rates of pay, charges, etc.), which contributes to the normalisation and acceptance of exploitation. Similarly, workers are frequently reminded of their own expendability. This generates an insecurity that acts to disempower by removing the prospect, in the eyes of the 'victim', that alternative employment outcomes are possible. Alongside this, many migrant workers are operating within a national economic context that may, despite severe levels of exploitation, still appear on some bases to be more attractive than that of their home country. The question – and this is something that is subject to considerable debate – is whether evidence of consent is sufficient to rule out the possibility of forced labour.⁹

Secondly, most workers interviewed were working in particular parts of the food industry on which the interview work was focused. To this extent, the study is an investigation of these sectors. However, the interviewees are neither necessarily fully representative of these sectors nor of the food industry as a whole. Access issues, in addition to the fact that much exploitation may remain 'hidden', means that it would not have been possible to attempt a completely comprehensive study. Correspondingly, the findings of the study should be taken as being illustrative and suggestive at best. Also, they do not necessarily signify that the sectors studied – or indeed the UK food industry as a whole – are where forced labour is most prevalent or most extreme. The evidence base does not extend far enough to allow us to draw such conclusions, although there is clearly much that needs addressing within the food industry as a whole.

Thirdly, a simplistic interpretation to avoid is that forced labour is exclusively a 'migrant' issue. There is no proof of this. Indeed, the most recent forced labour case we are aware of is a case of UK citizens being subjected to forced labour within the UK by other UK citizens (Topping, 2011a, 2011b). Similarly, there is no evidence that forced labour is a 'co-ethnic' matter. Rather, our own evidence suggests that problems exist both within and across ethnic lines. This is another reason for the focus of analysis on minority ethnic catering alongside farm and food-processing and packaging work.

Finally, it has been noted that the case-study areas are in different regions of the UK. However, in the context of the current report, this was primarily

a means to ensure that sufficient numbers of interviews could be conducted across the targeted sectors, as well as providing evidence from a number of sub-sectors. Further examination of intra-UK regional differences is held over to a companion report on the scope of forced labour (Scott, *et al.*, 2012a).

Report structure

The remainder of the report is divided into six chapters. Chapter 1 reviews the literature pertinent to the study of forced labour in the UK food industry. Chapter 2 outlines the indicators used to select interviewees and the nature of the interview sample. Chapters 3–5 then examine: forced labour contexts (Chapter 3), forced labour in practice (Chapter 4), and the wider impacts of forced labour (Chapter 5). The final chapter, Chapter 6, summarises the findings from Chapters 2–5 and outlines a number of key policy recommendations that we believe would help improve conditions for those at the bottom of the UK labour market.

1 FORCED LABOUR AND THE UK FOOD INDUSTRY

This chapter reviews the extant literature to draw together evidence of exploitation and forced labour in elements of the UK food industry, which we also refer to as the food supply chain.

It stresses the importance of a nuanced approach to the industry and draws a particular distinction between farming and food processing/packing versus minority ethnic catering. There are two reasons for this: the causes of forced labour differ between different sub-sectors of the UK food industry, and these sub-sectors are subject to different regulatory regimes.

Flexible and vulnerable labour

Forced labour has not always been linked to its underlying structural (political, cultural, economic, legal, etc.) causes and facilitators. Indeed, the ILO's (2005) approach has been criticised because: 'little is done to link forced labour with present-day capitalist development' (Lerche, 2007, p. 430). The purpose of this chapter is to address this criticism.

A starting point is to recognise that the UK has been noted – in some quarters praised and in other quarters criticised – for its flexible labour market. In terms of criticisms, there has been concern that a group of low-wage workers, with insecure jobs, have been cut adrift at the bottom of the labour market and that unions have found it difficult to organise along traditional lines to protect such workers (who have become increasingly of migrant origin). There has also been concern that the UK has a greater proportion of jobs targeting this 'precarariat' (Standing, 2011) than other comparable developed-world countries (Gallie, 2007). It is important, however, not to assume that the precariat lack collective capacity and individual agency and not to reduce them to mere serfs (see Scott, 1985, and Rogaly, 2009).¹⁰

Anderson, *et al.* (2006) highlight some of the sectors in the UK where low-wage and insecure work tends to concentrate. Large swathes of the UK food

industry, for instance, are home to such work. Much of it, over recent decades, has been done by migrants moving to the UK from Europe (especially eastern Europe) and beyond (especially the Indian subcontinent and south-east Asia). European migrants have tended to work in food processing and packing, while those from further afield have tended to work in minority ethnic catering.

Many businesspeople and politicians champion the flexibility of the UK labour market and herald the particular virtues of the flexible migrant worker and the just-in-time supply chains of the UK food industry that they underpin. At its extreme, however, flexibility makes for miserable working lives, given the financial and broader psychological insecurity it causes. It is also the case that forced labour practices tend to be focused where worker disempowerment is greatest. In other words, while not entirely confined to low-wage and flexible labour markets, forced labour is more likely to be found in such areas. As the TUC (2005, p. 4) has stated: 'The conditions for forced labour are created by employers' demand for ultra-flexible labour'.

The UK food industry

The UK food industry has been closely linked to processes of flexibility and the associated growing disempowerment of its low-wage, and increasingly migrant-based, workforce. It is important, however, not to treat this industry as a single megalith. It supports large numbers of high-end as well as low-end jobs. The industry is also made up of various sub-sectors that have quite different features and are subject to different competitive pressures and regulatory frameworks.

The most useful distinction here is between agriculture and food packing and processing (at the producer end of the supply chain) and catering and food retail (at the consumer end of the supply chain). Connecting the producer and consumer ends are transport and logistics firms and there are also myriad servicing agents and suppliers that support businesses at both the producer and consumer ends of the food supply chain.

This study only identified forced labour practices in certain parts of the UK food industry, namely: on farms; in food processing and packing factories; and in minority ethnic catering businesses. We cannot say whether or not forced labour practices extend into other parts of the UK food industry and so want to make it clear from the outset that when talking about forced labour in the UK food industry we are in effect referring here to certain parts of the industry.

The literature is clear that food producers (farmers and food processors and packers) have suffered over recent decades because the food supply system has become increasingly controlled by a few large transnational corporations (the multiple retailers and their 'category managers'). The result has been a concentration of corporate power within relatively few transnational companies, which now preside over a large number of increasingly 'squeezed' subcontractors.

This divide is important because it creates a hierarchy of employment (and power) between core corporations and their less powerful subcontractors. According to Wills (2009, p.444), subcontracting: '... has significant implications for the conditions, experience, and politics of work [and] is a particularly effective way for employers to cut costs, shed responsibility, increase flexibility, and disempower the workforce' (see, for example, Geddes and Scott, 2010; James and Lloyd, 2008; Lloyd and James, 2008; MacKenzie and Forde, 2009; Rogaly, 2008a).

What we have in competitive terms, then, is 'an industry' made up of areas of hyper-competition (for instance, with myriad farmers and restaurants

competing against each other) alongside areas of oligopolistic control (with a few large transnational corporations governing the food supply chain). The economic and competitive character and structure of the food industry are, therefore, very nuanced and this contributes to decent work existing in some parts of the industry and exploitative conditions existing in others.

At the same time, it is important not to assume that economics explains all instances of exploitation. In minority ethnic catering businesses, for example, there are not the overarching oligopolistic pressures (from major food suppliers and supermarket retailers) that farmers face. There are, though, cultural expectations around working long and unsociable hours. It is also the case that minority ethnic catering businesses have tended to look to recruit co-ethnics both to preserve the 'authenticity' of the product and experience being offered and for pecuniary reasons. In the most high-profile cases, this has led employers to hire irregular migrants, a group who are particularly susceptible to exploitation (see, for example, Kagan, *et al.*, 2011; Lucas and Mansfield, 2010; Pai, 2008).

Looking beyond economic and cultural explanations, it is also clear that the different parts of the UK food industry have been subject to different levels of regulatory scrutiny over recent years. The supply-chain relations between farmers and food packers/processors and their buyers (category managers and multiple retailers) have come under the most scrutiny.

In 1998, the Office of Fair Trading (OFT) launched an inquiry into supermarket power, which led to a 2000 Competition Commission report on supermarket monopolies (CC, 2000); that, in turn, initiated an Institute of Grocery Distribution voluntary code of practice (2000); and then a Department of Trade and Industry (DTI) legally enforceable code of practice (2002) for retailers was established. A year later, the takeover of Safeway by Morrisons raised more concerns about buyer-supplier relations; and led to a second Competition Commission investigation. Four years after this, in 2007, a third Competition Commission Inquiry was launched (CC, 2008; GFK, 2007). This led to a new Groceries Supply Code of Practice (called the 'Groceries Code').¹¹ The code applies to UK retailers with a turnover of more than £1 billion in groceries (there are ten such companies in the UK). The Groceries Code (part of the Groceries Supply Order) came into force in February 2010.

With three Competition Commission inquiries inside a decade, calls for an ombudsman to police the groceries code and rein in the supermarkets (Tesco, ASDA, Morrisons, Sainsbury's) – which control 75 per cent of the total food retail market in the UK – have grown (Clarke, 2009).¹² This led, in May 2011, to the introduction of the 'Groceries Code Adjudicator Bill', designed to produce an ombudsman/adjudicator. According to the Department for Business Innovation and Skills (BIS):

The sole purpose of the Adjudicator will be to enforce and oversee the Groceries Code in the ways described in the Bill. This will help to remedy some of the imbalance between large retailers and suppliers mainly to regulate farmer–retailer supply chain relations.

– BIS, 2011: 8

The story, then, has been one of concern over unequal business power relations driving government inquiries. It has been a case of a traditionally strong lobbying group (UK landowners) coming up against a newer and increasingly powerful lobbying group (global food retailers and their conglomerate suppliers).

Low-wage workers in the food industry have not been central to this policy debate and forced labour has barely, to our knowledge, been mentioned at

all (though see TUC, 2005; Rogaly, 2008b).¹³ This said, a number of studies have documented worsening working conditions at the producer end of the food supply chain (most notably: Brass, 2004; Champlin and Hake, 2006; James and Lloyd, 2008; Rogaly, 2008a). In addition, a recent inquiry into the meat-processing sector observed how smaller producers: 'faced a stark choice between trading as ethically as they wished and obtaining contracts' (EHRC, 2010a, p. 31) and identified a host of unsavoury and exploitative working conditions emanating from a tightening competitive climate.

Where workers' welfare has been considered, it has been as part of an industry-led, and, in the recent past, government-backed, ethical trading agenda. In 2000, the Fresh Produce Consortium (FPC) produced a voluntary code of practice for UK food producers to address concerns over working conditions. By 2002, the 'Ethical Trading Initiative' – a tripartite body drawing together business, union and government representatives – had established a Temporary Labour Working Group (TLWG). This group built on the 2000 FPC code and, using ILO guidance, created a voluntary system of supply-chain regulation.¹⁴ This regulation was effectively: 'a forerunner to the compliance arrangements of statutory (GLA) licensing' (ETI, 2004; TLWG, 2004, p. 6).¹⁵ Statutory licensing of employment agencies supplying workers to agriculture and food processing came into force through the Gangmasters Licensing Act 2004 and subsequent establishment of the Gangmasters Licensing Authority.

The above is important because it points to a very different regulatory context between farmers and food processors and minority ethnic catering businesses. While the latter have not been subject to Competition Commission and Equality and Human Rights Commission Inquiries, and have not embraced the ethical trading and associated supply-chain auditing agenda, they have been regulated in different ways. Most notable has been the Home Office's 'civil penalties regime' with a system of fines directed towards employers of irregular migrant workers. Visits to businesses have been increased as part of this regime, with the UKBA directing unannounced raids in particular at some minority ethnic catering establishments.

Put another way, farmers and food processors have seen regulation addressing both the competitive climate they operate within and the labour supply networks they use to address their temporary and seasonal labour market shortages. In contrast, some minority ethnic catering businesses have seen regulation to prevent them from hiring irregular migrant workers. However, the government has been concerned here with removing undocumented workers rather than tackling their exploitation.

Evidence of forced labour in the UK food industry

Despite the increasing amount of government attention directed towards the UK food industry, it is important that we recognise that work within it has always been tough, poorly paid and often very insecure (Collins, 1976; Johnson, 1967). This does not mean that there are no new processes at work, just that employment within the food industry has always been precarious. The most notable contemporary shift has been the growing use of migrant labour on farms, in food processing and packing factories and in minority ethnic catering businesses. In addition, both food processing and packing factories and minority ethnic catering businesses are relatively new sectors of the economy that have expanded considerably over the last quarter of the twentieth century.

In terms of understanding contemporary forced labour in the various sub-sectors of the UK food industry, there is a considerable theoretical literature that helps us to conceptualise the changing nature and position of low-wage work within developed-world economies (Castree, *et al.*, 2004; Gallie, *et al.*, 2007; Herod, 2001; Peck, 1996; Piore, 1979). There is also a growing body of theoretical literature focusing on the low-wage (increasingly migrant) workers themselves (Sassen, 1991; Scott, 1985; Standing, 2011; Wills, *et al.*, 2010).

These literatures, rather than dealing with the intricacies of particular sectors of the economy, show at a general level:

- why and where low-wage and insecure work exists;
- the changing relationship between this work and more rewarding (financially and psychologically) forms of employment;
- why certain groups may find themselves anchored at the bottom of the labour market and increasingly distant from more affluent workers.

It is not appropriate in a policy report of this nature to examine theoretical arguments and debates in-depth: we simply note that they have been and are taking place.

At a more applied level, a number of reports have set out explicitly to document evidence of exploitation and forced labour within the UK food industry. A benchmark in this respect was the Environment, Food and Rural Affairs Committee (House of Commons, 2002–3) evidence. One of the reports that was produced documented:

Poorly paid foreign migrants who work for long hours at low wages and live in overcrowded, barrack-style accommodation, are subjected by labour contractors to a culture of fear and intimidation. The latter includes deductions by contractors from what are already below-minimum wages, the withholding of wages, and threats of physical beatings if workers complain. Migrant casual labourers are not only fined by the contractor if they do not work hard or fast enough, therefore, but have no freedom of movement, are required to borrow from contractors at high interest rates, and to repay what are considerable recruitment costs if they wish to cease employment. Regulation by the state of such casual labour is non-existent, not least because government neither knows nor appears interested in knowing how many migrants there are or what their employment involves: legislation covering pay for and conditions of work is either not enforced or routinely disregarded.

– Brass, 2004, p. 314

The 2002–3 evidence, allied with the evidence gathered to inform the establishment of the Gangmasters Licensing Authority (GLA) in 2004 (Precision Prospecting 2004a, 2004b, 2005), pointed towards major employment issues in the UK food industry. A number of more recent research studies have built upon this policy-centred evidence. Most notably, there have been evaluations of the Gangmasters Licensing Authority (Balch, *et al.*, 2009; Geddes, *et al.*, 2007; Scott, *et al.*, 2007; Wilkinson, *et al.*, 2010) and an EHRC Inquiry into the meat and poultry processing sector (EHRC, 2010a, 2010b).

The evaluations, among many other things, emphasised the link between exploitation at work and exploitation through accommodation, identified extreme low pay, and recognised that workers generally had no incentive to come forward and raise a complaint. The EHRC Inquiry involved 140 face-to-face interviews and 120 surveys and found:

- one in five workers being pushed, kicked or having things thrown at them;
- one in three workers witnessing or experiencing verbal abuse;
- one in four workers experiencing poor treatment of pregnant workers;
- one in six workers identifying health and safety issues;
- one in seven workers paying an agency to find work;
- one in three workers not understanding documents;
- one in three workers being afraid to complain and, in the minority of cases, where people did complain they were disappointed with the response;
- people regularly working over 60 hours per week with individual shifts of up to 16–18 hours;
- workers being refused permission for toilet breaks;
- workers being told they are not needed immediately after arriving for work or during a shift;
- directly employed workers being paid more than agency staff for the same job;
- key employment documents not being translated;
- unfair allocation of work because of nationality.

In addition to these GLA and EHRC research reports, there is a sizeable regional literature on temporary and migrant employment in the UK food industry (Green, *et al.*, 2007; Mercia, 2006; McKay and Winkelmann-Gleed, 2005; Schneider and Holman, 2005; Taylor and Rogaly, 2004; Zaronaitė and Tizite, 2006). Once again, though, issues of contracts, underpayment, poor accommodation, excessive hours, job insecurity and fear are all highlighted but they are not mapped on to a forced labour framework (though see TUC, 2005). This explains the recent body of literature focusing on forced labour from the Joseph Rowntree Foundation alongside this report, with the work of Jarman, *et al.* (2011) and Kagan, *et al.* (2011) also providing primary evidence of exploitative and forced labour practices in the UK. The former is noteworthy for research on the mushroom industry in Northern Ireland and the latter for research on the Chinese catering industry in north-west England.

Summary

Forced labour is concentrated in 'low-technology, labour-intensive activities or industries such as domestic work, agriculture, construction, or prostitution' and 'there is an economic rationale to this' (Belser and Andrees, 2009, p. 2). This chapter has outlined this rationale with respect to the UK food industry (see Box 3 for a summary).

Crucially, however, we have argued that the industry is diverse. Most notably, there are very strong economic pressures – emanating from transnational food retailers and their category managers – that structure employment opportunities on farms and in food packing and processing factories. The same pressures are not evident in minority ethnic catering. Here, flexible, low-wage and often exploitative employment still exists but it is underpinned by the presence of large numbers of highly competitive entrepreneurs and can be explained by both economic pressures and to a lesser extent cultural norms. Put another way, the fact that we found forced labour in different parts of the same industry does not mean that the underlying causes are the same.

In addition, the different sub-sectors of the food industry have also been subject to different regulatory regimes. Most obviously, farming and food processing has witnessed Competition Commission (three) and Equality and Human Rights Commission (one) Inquiries and has, linked to this, seen the development of an ethical supply-chain infrastructure: initiated by business;

Box 3 – Drivers behind forced labour

The ILO has been criticised for ‘ghettoising’ the worst forms of labour exploitation – through the concept of forced labour – and then discussing forced labour both in isolation from its causes and in a depoliticised manner (Lerche, 2007). There is certainly a danger that an empirical review of forced labour experiences, as this report is, could make a similar mistake. Chapter 1 marks an attempt to avoid this, and to contextualise the rich testimony data we have collected: data that comes from workers who rarely articulated what they felt to be the underlying causes of their own exploitation. Given the above, the drivers behind forced labour can be summarised as follows:

- economics: especially the need for a low-cost and highly flexible workforce;
- culture: especially the expectation of long hours, limited breaks and the normalisation of paying for work;
- consumers: expectations of cheap and readily available food;
- supply chains: the structure of food supply chains and the geographical spread of risk and responsibility within them;
- criminals: the activities of criminal employers and employment agencies;
- governments: the role of the state, or lack of, within the labour markets or within specific segments of the labour market;
- migrants: the different (denizen) status of immigrant workers as defined by the state;
- intermediaries: the extent to which agents mediate between a worker and an employment or housing opportunity and the degree of regulation of this;
- law: the extent to which employers or employment agencies fear sanctions should they be found to be exploiting workers;
- civil society: the barriers preventing workers from forming broader collectives.

formalised in law through the establishment of the Gangmasters Licensing Authority; and potentially now being taken further via the proposed Groceries Code Adjudicator Bill. Less regulatory attention has been directed towards hospitality and catering. However, the minority ethnic catering sector has come under Home Office scrutiny via the ‘civil penalties regime’, in part a product of the increasing political panic about both immigration and terrorism, which has initiated increasing workplace raids in order to reduce levels of irregular migrant working.

Thus, while this report can be said to be a ‘field-to-fork’ case study, it is important to recognise that the economic and cultural pressures shaping employment in the UK food industry are not uniform and that different sub-sectors have different regulatory regimes governing, mediating and shaping the competitive conditions and labour relations within them.

2 FORCED LABOUR INDICATORS

This chapter summarises the overall nature of our interview sample and identifies the forced labour indicators used to select our 62 interviewees.

The interview sample

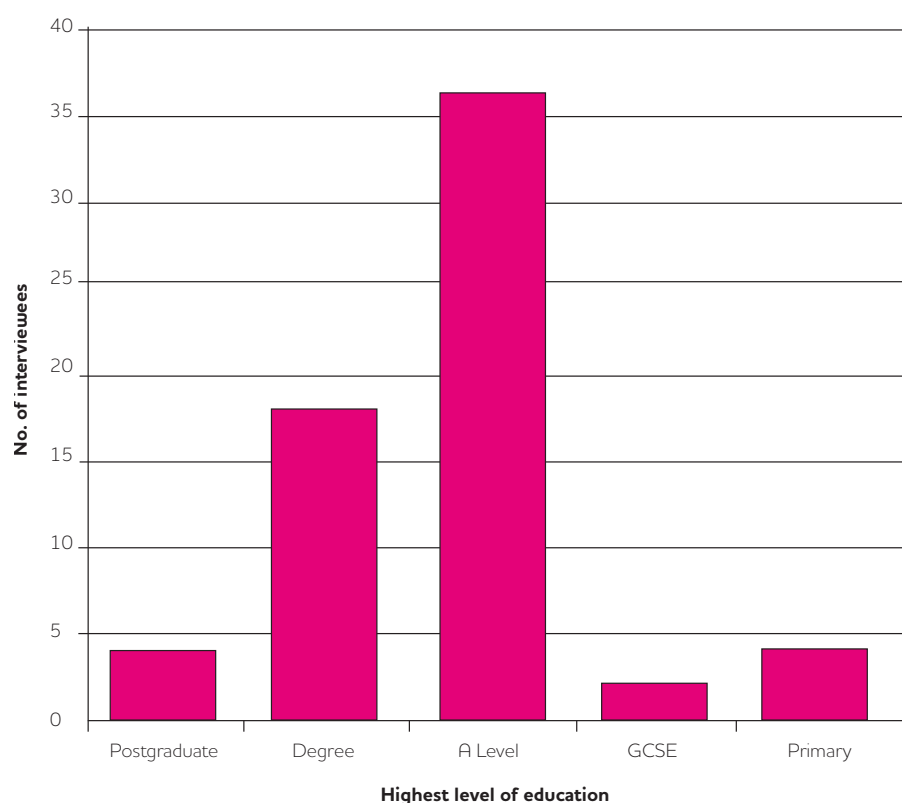
Tables 1 and 2 in the Introduction provide details, respectively, on the jobs done by our 62 interviewees and on their nationality. In addition, more detailed characteristics for all interviewees are contained in the Appendix, and each quotation in this report – via a number in parenthesis following the quotation – is cross-referenced to the Appendix. There is also additional methodological information in an Annex accompanying the report (Scott, *et al.*, 2012b).

In terms of noteworthy aggregate findings from our sample, we were surprised that the average age was 40, having expected migrant workers to be much younger. We also found it interesting that respondents were well educated (see Figure 1) and it appears that qualifications are no guard against working at the bottom of the socio-economic spectrum, especially for migrants moving from the economic periphery to the core (see also Anderson, *et al.*, 2006).

Our sample was relatively evenly gender balanced (with 27 women and 35 men) and we identified four gender dimensions to forced labour (bearing in mind that we had not looked explicitly at sexual exploitation). Firstly, sexist language was used against some women. Secondly, women were particularly vulnerable in shared housing where there was an expectation that rooms, and even beds, would be shared. Thirdly, some women were also fearful of getting the sack on becoming pregnant as many had heard stories of, or seen this happening to colleagues.¹⁶ Fourthly, certain tasks were seen as women's or men's work and allocated accordingly. However, we did not set out to look in detail at the gender dimensions of forced labour and, had we wanted to, we would have ensured that our community interviewers were also gender matched with interviewees.

Unsurprisingly, almost all (52) of those we spoke to had been motivated to come to the UK for economic reasons, underlining a link between economic

Figure 1 – Educational level (UK equivalent) of interviewees



marginality and susceptibility to exploitation and forced labour. Undoubtedly related to this, there was a strong link between housing and forced labour: over half (36) of the sample had lived in tied accommodation (usually houses of multiple occupancy), provided by an employer or gangmaster, since arriving in the UK.

Other notable aggregate characteristics of the sample were that:

- All but 9 of the 62 interviewees had worked in the food industry since arriving in the UK, with 38 of the 62 interviewees still working in the food industry at the time of interview (see Table 1 and the Appendix).
- The average time spent in the UK was 5.21 years, which was higher than we expected. This may relate to the dates of EU enlargement (2004 and 2007) since there was a surge in immigration especially around the time of the 2004 'A8' accession.¹⁷ It is also the case that people are often only willing to talk about exploitation and forced labour years after the event, given the trauma involved. Both factors may have shaped our access to forced labour victims.
- Most migrants had entered the UK legally and only a few were working irregularly (some Chinese and a Belarusian), which indicates that our sample may actually miss the most marginalised of undocumented migrant workers.
- Job mobility was less than we expected given how long respondents had been in the UK: on average, our interviewees had had four jobs since arriving in the country and only 14 of the 62 had done more than five jobs.
- Although hourly pay was not well recorded, the data we have gives an average pay rate of £5.96 per hour (the NMW at the time of the research – October 2010 to October 2011 – was £5.83).¹⁸
- Over half (33) of respondents have dependents.

Forced labour indicators

As noted in the Introduction, the ILO (2005, pp. 20–1) has proposed six forced labour indicators:

- threats or actual physical harm to workers;
- restriction of movement and confinement to the workplace or to a limited area;
- debt bondage, where the workers work to pay off debt or a loan, and are not paid for their services;
- withholding of wages or excessive wage reductions that violate previously made agreements;
- retention of passports and identity documents, so that the workers cannot leave, or prove their identity and status;
- threat of denunciation to the authorities, where the workers have an irregular immigration status.

We felt that recruiting only those people who had experienced one or more of these 6 indicators was unduly restrictive. Drawing on the extant literature (see Table 3), and informed by both the notion of an exploitation continuum (Skrivánková, 2010) and the related critique of the ILO's approach (Lerche, 2007), we devised a broader list of 19 indicators that might suggest the presence of exploitation and forced labour. We put these indicators together to make a forced labour 'score card' (Table 4). In doing this we were mirroring the ILO, which has recently moved beyond the six indicators itself, using a Delphi methodology (ILO, 2008, 2009a).²⁰

The 19 forced labour indicators were chosen either because they featured prominently in the extant literature and/or there was consensus within the research team that they were indicative of contemporary forms of exploitation. We debated whether or not to call them 'exploitation indicators' but decided that the point in their use was, firstly, to help us select interviewees who had experienced forced labour; and, secondly, to give us aggregate statistical data on the nature and severity of forced labour in the UK. This justified, in our view, the term 'forced labour indicators' and an associated broadening of the ILO's (2005) approach.

We stipulated that interviewees must have experienced at least two of the forced labour indicators (a minimum of one strong and one medium) and in reality many more indicators were usually present (see Table 5). It is worth pointing out from Table 5 that there is considerable variation between interviewees in terms of both the nature and the extent of the forced labour indicators experienced. As well as guiding recruitment, the decision to use forced labour indicators also allowed us to look across the sample of 62 interviewees and establish the most/ least significant forms of forced labour (see Figure 2). The following indicators were ranked as 'strong' or 'medium' significance for more than half of the interviewees:

- deceived by employer (ranked as 'strong' or 'medium' significance for 50 interviewees);
- non-payment of wages or illegal deductions (49);
- fear (47);
- breaches in, or lack of, contract (46);
- psychological harm (45);
- excessive working hours (>50h week) (40);

Table 3 – Identification and review of forced labour indicators

FORCED LABOUR INDICATORS	HSE remit	BERR (2008)	ILO (2008)	ILO Delphi (2009a)	Belser & de Cock (2009)	ALP (2010)	Ministry of Justice (2010b)	This study
Threat or actual physical abuse	Y			Y	Y	Y	Y	Y
Threat or actual psychological harm (including supernatural retaliation ¹⁹)	Y		Y	Y		Y	Y	Y
Sexual harm (physical or psychological)	Y		Y	Y	Y	Y	Y	Y
Violence (physical abuse, psychological harm, sexual harm) to worker's family or friends (actual or threatened)			Y	Y	Y	Y	Y	Y
Restrictions on movement beyond workplace			Y	Y	Y	Y	Y	Y
Confinement to the workplace			Y	Y	Y	Y	Y	Y
Debt bondage/induced indebtedness		Y	Y	Y	Y	Y	Y	Y
Withholding wages (non-payment or illegal deductions)		Y	Y	Y	Y	Y	Y	Y
Retention of documents			Y	Y	Y	Y	Y	Y
Threat of denunciation			Y	Y	Y	Y	Y	Y
Surveillance				Y				
Pay below the National Minimum Wage	Y	Y			Y	Y		Y
Birth/descent into slave labour			Y	Y				
Abduction/kidnapping of worker (including trafficking)			Y	Y	Y			Y
Sale of person			Y	Y			Y	
Deception, false information, or false promises (about work, training, accommodation, migration status and/or other benefits)			Y	Y	Y		Y	Y
Exclusion from future employment			Y					
Exclusion from community and social life			Y					

(continued overleaf)

Table 3 continued

FORCED LABOUR INDICATORS	HSE remit	BERR (2008)	ILO (2008)	ILO Delphi (2009a)	Belser & de Cock (2009)	ALP (2010)	Ministry of Justice (2010b)	This study
Removal of rights or privileges			Y	Y				
Deprivation of food, shelter or other necessities			Y					
Move to worsening working conditions			Y	Y	Y			
Loss of social status			Y					
Discrimination/abuse due to identity, beliefs or family/personal situation		Y		Y		Y		
Substandard and/or over-priced accommodation linked to job		Y		Y		Y	Y	Y
Physically hazardous work (when it need not be so dangerous)	Y	Y		Y	Y	Y	Y	
Contract issues (no contract, or breached contract)	Y	Y		Y				Y
Maternity, paternity, compassionate leave etc denied	Y	Y				Y		
Forced into criminal tasks				Y				
Forced to act against peers				Y				
Forced to lie to authorities				Y				
Desire to return to home country								Y
Purposefully isolated at work							Y	Y
Excessive working hours	Y	Y			Y	Y	Y	Y
Unlawful or constructive dismissal		Y						
Denied union representation		Y				Y		
Fearful of raising a complaint						Y	Y	Y

Table 4 – Forced labour indicators ‘score card’ and significance among interviewees

Indicator	Significance of forced labour indicators				TOTAL
	Strong	Medium	Weak	Not an issue	
Physical harm*	9	15	13	23	60
Psychological harm*	30	15	11	4	60
Sexual harm (physical or psychological)*	0	3	7	45	55
Fear*	26	21	10	3	60
Fearful of harm to family/ friends*	4	1	6	44	55
Confinement to workplace*	20	12	12	15	59
Restricting on movement beyond workplace*	14	10	12	24	60
Indebtedness*	11	8	14	27	60
Non-payment of wages or illegal deductions*	40	9	6	5	60
Payment below minimum wage*	34	4	8	12	58
Retention of ID documents*	17	7	6	29	59
Threat of denunciation to authorities*	6	7	9	38	60
Desire to return to home country	12	16	19	13	60
Deceived by employer	33	17	7	3	60
Purposefully isolated at work	7	13	20	19	59
Excessive working hours (>50-hour week)	29	11	6	14	60
Crowded accommodation (>2 adults in same room)	32	6	2	19	59
Breaches in, or lack of, contract	41	5	5	8	59
Trafficked/smuggled to UK	4	1	2	53	60
TOTAL	369	181	175	398	

* An indicator that would fit within one of the ILO's (2005) 6 indicators

- payment below the National Minimum Wage (£5.80 at the time the indicators were devised/ £5.83 by the time they were deployed) (38);
- crowded accommodation (>2 adults per room) (38);
- confinement to the workplace (32).

At the other end of the spectrum, the following indicators were ranked as ‘strong’ or ‘medium’ significance for fewer than half of the interviewees:

- sexual harm (3);
- fearful of harm to family and friends (5);
- trafficked/smuggled to UK (5);²²
- threat of denunciation to the authorities (13);
- indebtedness (19);
- purposefully isolated at work (20);
- retention of ID documents (24);
- physical harm (24);
- restrictions on movement beyond workplace (24);²³
- desire to return to home country (28).

The power of the 19 forced labour indicators lies, then, in their ability to guide recruitment and in their ability to give us insight into the nature and severity of forced labour experiences.

Table 5 – Presence of forced labour for each interviewee

Interview	Severity of forced labour			
	Strong	Medium	Weak	Not an issue
1	2	4	0	13
2	3	5	0	11
3	3	2	6	8
4	6	2	8	3
5	4	3	3	9
6	4	1	5	9
7	3	5	5	6
8	6	3	2	8
9	8	4	5	2
10	5	5	3	6
11	4	7	5	3
12	7	4	5	3
14	3	3	1	12
15	7	3	2	7
16	6	1	2	10
17	6	2	2	9
18	5	4	2	8
19	7	3	0	9
20	7	8	0	4
21	9	3	0	7
22	3	6	1	9
23	5	2	4	8
24	4	1	3	11
25	12	0	2	5
26	2	4	5	8
27	6	3	8	2
28	2	1	1	15
29	1	1	4	13
30	1	3	0	15
31	9	3	5	2
32	7	4	2	6
33	6	4	0	9
34	1	4	0	14
35	5	3	0	11
36	9	1	1	8
37	4	3	3	9
38	3	2	0	14
40	1	3	4	11
41	10	1	5	3
42	12	1	2	4
43	10	4	3	2
44	5	5	6	3
45	12	1	2	4
46	12	1	3	3

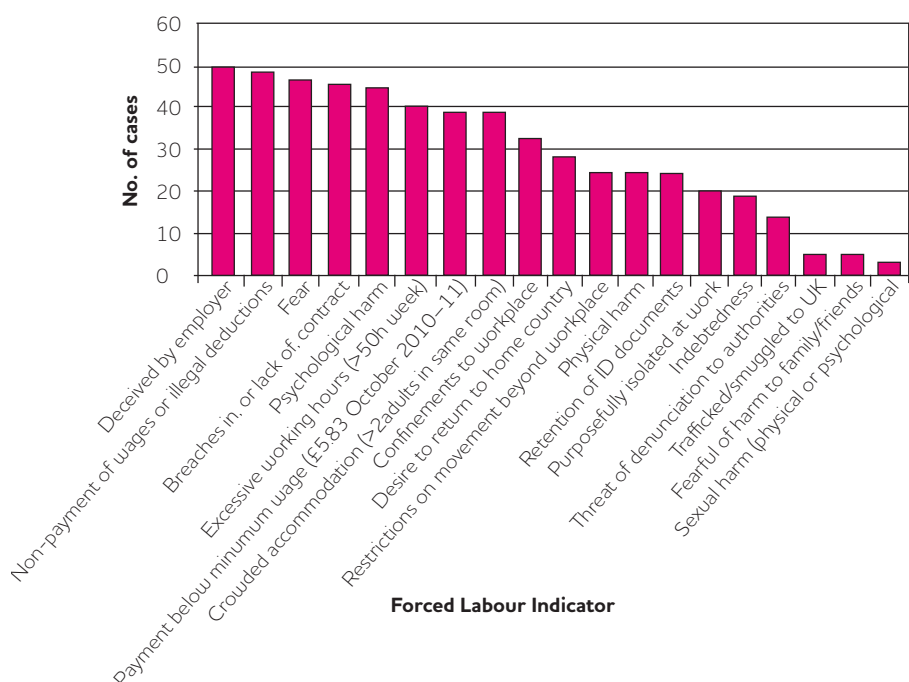
(continued overleaf)

Table 5 continued

Interview	Severity of forced labour			
	Strong	Medium	Weak	Not an issue
47	4	2	6	7
49	7	0	8	4
50	8	1	2	8
51	8	2	3	6
52	9	5	2	3
53	N/A	N/A	N/A	N/A
54	8	2	3	6
55	9	5	0	5
56	12	2	2	3
57	10	3	2	4
58 ²¹	10	5	1	1
59	9	4	3	1
61	4	5	5	3
62	9	2	4	2
Average	6	3	3	7

Related to both of these, it is clear from the above that our sampling did have important limits. We did not, for instance, uncover any significant evidence of sexual harm or trafficking because the study was structured in such a way to avoid these issues (and even if we had have looked for them, disclosure would have been a problem). Similarly, the threat of denunciation, debt bondage, retention of ID documents, physical harm, and restrictions on movement are all key ILO forced labour indicators but they did not feature prominently in our sample. Had we interviewed more undocumented migrant workers and/or

Figure 2 – Interview cases where forced labour indicator is classed as ‘strong’ or ‘medium’



focused on other sectors (such as care and au pair work), then some of these indicators may have been more prominent. In addition, certain indicators did feature prominently within subsets of our sample but not necessarily overall. The threat of denunciation to the authorities, for example, was a major issue for those we managed to interview who were working in the UK illegally,²⁴ yet overall it appears to be a relatively insignificant indicator. There is a danger, then, of underplaying the importance of some forced labour indicators when they are prevalent among subsets of the sample or among populations we were unable to access or did not target.

Limitations of an indicators approach

The 19 indicators listed above should be seen as the first empirical step within this report to understanding forced labour. Moreover, they have a number of important limitations:

- Firstly, the selection of the 19 indicators was made by the research team albeit informed by the extant literature and if this research were to be repeated it is likely that this list of indicators would evolve.
- Secondly, it was left to individual community interviewers to assess which indicators interviewees had experienced and the severity of these experiences. In other words, a further drawback of the indicator approach is that it relies on the subjective interpretations of peer researchers, however well trained. A modification for the future might be to ask interviewees themselves to rate the significance of the 19 indicators, though the issue of subjectivity and interpretation (in both senses) would remain.
- Thirdly, not all aspects of forced labour can be distilled into identifiable indicators. Most obvious here is the distinction between voluntary versus involuntary labour. It is easy to identify coercion, for instance, but workers may be compelled to accept certain conditions, and have their personal sovereignty compromised, through more sophisticated, subtle and non-coercive means. Examples in this respect would be the use of psychological controls and economic precarity by an employer to impinge upon and erode an individual's free will and subject them to exploitative practices (that a worker might apparently willingly accept). Related to this, clever employers may exploit a worker but avoid the most obvious forced labour indicators, leaving little evidence for victims and prosecutors to seek justice. Put another way, there are hidden dimensions to forced labour that are only beginning to be appreciated and that may not be picked up by forced labour indicators.
- Fourthly, it is often difficult to know in advance of interviewing a person about the nature and severity of the forced labour they have experienced. In other words, there may be no evidence of any of the forced labour indicators, but this does not mean that a person has not experienced exploitation and forced labour.
- Fifth, and finally, the ILO has recently published guidelines to measure forced labour through statistical surveys. These came out too late for our own research but should be considered by anyone contemplating taking the 19 indicators forward.²⁵

Summary

This chapter has provided an overview of the interview sample (N=62) and has taken the first empirical step towards identifying forced labour. It has done this through the use of 19 forced labour indicators. These acted as both a tool to recruit interviewees, and provided aggregate, though subjective, data on the nature and extent of forced labour across the interview sample. Limitations of the forced labour indicator approach have also been noted.

3 FORCED LABOUR CONTEXTS

This chapter outlines the working contexts, or risk factors, that underpin the forced labour practices discussed in the chapter that follows.

Four factors are identified:

- the link between immigration and forced labour;
- the link between low-wage work and forced labour;
- the link between flexibility and forced labour; and
- the link between professional insecurity and forced labour.

Immigration and forced labour

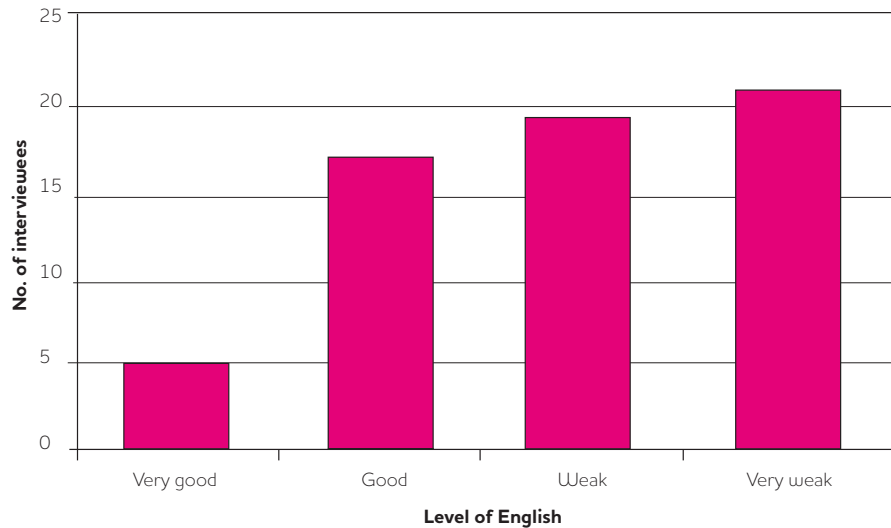
It has already been demonstrated that forced labour is particularly linked to low-wage labour migration (TUC, 2005) but it is important to stress that forced labour in the UK involves both foreign and domestic workers (Topping, 2011a, 2011b). As Table 2 shows, all of our 62 interviewees are migrant workers – they were born abroad and came to the UK to work – with most coming from Poland (23), China (12), Latvia (8) or Lithuania (6). While our interviewees were generally well educated (see Figure 1), most also had limited English language ability (see Figure 3), and interviewees with poor English often felt trapped in exploitative employment:

If I had known English, I would have gone to find a new job, I would have looked for anything, but it was the beginning here and I really did not have any other options.

If I had known English, I would have gone to find a new job, I would have looked for anything, but it was the beginning here and I really did not have any other options.
(5)²⁶

Because I did not know the language, it was very difficult. I did not know the language, so I could not go anywhere and ask for help or find another job. I felt that I had to stay there and they are the only people who could help us.
(41)

Figure 3 – English language ability of interviewees²⁷



Alongside language, there was also a sense that migrants would accept more intense working conditions than domestic workers out of economic necessity and that this made them attractive to employers:

I saw in the factory that local people were working alongside us and their pace of work and efficiency ... are all different from us. They worked as if they enjoyed it ... They worked and played at the same time ... We were not like that at all. We never had a minute of rest. We were rushing all the time. If we imitate the English workers and had a cup of tea during work, we'd get told off ... The English workers made 100 (items) per hour. I made 500 within the same time!
(9)

I can see inequalities related to the management of workforce. I am treated differently as a foreigner in comparison to a native citizen when it comes to allocating work ... To be treated equally with a native citizen I have to do more, unfortunately.
(40)

Migrants may accept this inequity as a price worth paying for wages that are superior to those on offer back home. They may also have been conditioned by more intensive employment cultures in the home country, or simply not know where to turn to prevent such discriminatory treatment.

A further link between immigration and forced labour related to the fact that many in our sample felt that gangmasters and employers who shared the same ethnicity/nationality as them were particularly exploitative. Problems were also especially evident in minority ethnic catering and among migrant gangmasters. In terms of the former, a Chinese worker told us that: 'In general, migrant workers working in any small-scale takeaway or restaurant cannot avoid being exploited' (18) (see also Kagan, et al., 2011). In terms of the latter, there were numerous reports of illegal practices among migrant (often informal) gangmasters:

I have not seen that many bad people in my life and I have met them in England ... So many are 'our' people [people from the Baltic countries and

Poland]. You are working in a different environment, so you do not see it as much. I can see what people are really like.
(46)

I was lucky to get to an English gangmaster. It is important to say where the employers are typical English the laws are respected, but when the agency is of mixed nationality, where there are Polish, Latvian, Lithuanian agents with English there are infringements ... but most Polish people who come to England and do not speak English are dependent on these agencies. The Polish agencies are on the border of the law: the Latvian and Lithuanian ones do not consider the law at all!
(59)

One particular issue was the phenomenon of informal (migrant) gangmasters acting as brokers (and translators) between migrants and formal employment agencies. One respondent told us of how she was even prevented from liaising directly with the employment agency:

We did not have an option. When we managed to get out from factory, we were happy to find anything at all. We chose to come, but we did not know that it will be like this ... In reality they brought us to a village, imprisoned us, filled in agency's paperwork and took it to the agency without us. X told us: 'Do not even attempt to go to the agency. Only I can go there.' Later on we managed to find this agency. We went to speak to the agency, but as we speak a very little English, we were unable to discuss anything. Later X verbally abused us because we went there without her permission. So it was: 'Do not go there again or you'll get dismissed from the agency!' X could dismiss us very easily. She could go to the agency and tell them lies, that person is leaving, so they no longer going to work for you. And that is it. Then she will say to that person, 'You are dismissed.' ... Dependent, it is not the right word to describe how we felt. We could not say a word ... It was really difficult times for us. During seven months we did not have any contact with the agency.
(45)

Another told of how informal agencies recruited clients at a local jobs noticeboard:

Eventually I managed to find this noticeboard. I was looking at that board when someone asked me, 'Are you looking for a job?' I said, 'Yes, I am looking for work.' I told them my story that no one met me in the airport. They told me that they have a job on the farm, which is not here, but in Lincolnshire and they can take me there, if I pay them £200. I said that I only had £80 left. I had no choice and they also agreed.
(57)

It is impossible to say how many of these informal migrant brokers exist and many are based outside the UK, some often operating very informally, for example, through notices posted in shop windows in towns and cities throughout eastern European countries. However, we learnt that vulnerable migrants often depend upon their services and may either get into debt and/or find themselves channelled into exploitative employment and housing contexts as a result of using them.

Hard work, low pay and forced labour

Forced labour is also linked to undesirable forms of employment that is low-wage, demanding, repetitive and usually insecure. In other words – and this links to points made in Chapter 1 about the structural drivers behind forced labour – there is an economic basis to exploitation (Lerche, 2007).

Many interviewees would simply rather not have been doing the work they were doing:

Oh my dear ... this work ... phhhuuy ... I do this work not because I like it, believe me, I swear... no ... I do this because ... I don't have another option. I have no other option. It is not good either. It is a stress, you understand.
(3)

I work ten hours daily and the pay is low. Working in a Chinese restaurant is tough. Literally, you need to do everything. Sometimes there are not enough workers in the restaurant. It is hectic and harsh.
(19)

Picking berries from the early morning until late evening ... bending down on the fields for many hours is a very hard work. By lunchtime we were worn out: legs, arms and back were hurting a lot. My age added to it as well. I did not think it will be such a hard work and in the end get little money for it.
(56)

It is important to stress that forced labour does not inevitably result from devalued work, but it is more likely to be concentrated where such work is present.

Flexibility and forced labour

The demand for ultra-flexible labour is a key driver behind forced labour (TUC, 2005, p. 4) and the food industry is notorious for its long hours (especially in minority ethnic catering) and its variable hours (especially farming and food packing/processing) with little job security (see Chapter 1).

This is especially the case for agency workers. A Bulgarian farm worker recalled, for instance, how:

The hours depended on how much work there was. In the beginning, we worked very little, the hours were not enough. When the season was in peak we started to work seven days a week without rest. For a whole month we didn't had a rest and we worked for 12 hours and even 15 hours well into the evenings. We had very little rests.
(31)

Agencies in particular need workers who can respond to daily fluctuations in demand. It was common, because of this, to put workers 'on call', so that they were waiting for work but not being paid:

Agency put together the shift list every night. We are finding out if we are working or not, only a night before. Sometimes if opposite your name written 'Stand by', you know that you have to be ready to go to work from 7am until 11am, and you are not allowed to leave your room, just in case they call you for work.
(47)

And you cannot organise your private life because every day you have to be ready to work and you never know if you are going to work, this is the best, this is how those agencies are run.
(59)

Everyone is so dependent on the agency. Workers every evening are waiting for a phone call or a message from the agency. They are dependent on the phone call ... like a prostitute ... Like a prostitute – I call it that way.
(52)

In the extreme, there were a few cases of workers actually turning up for work only to be told they were surplus to requirements:

There were times when we were taken to X. We sat in the canteen for three hours and waited for orders to come in. We waited from 10.30am to 12.30 to 1pm just to find out are we needed or not. No one was paying us for this. Sometimes they say, 'Sorry we don't need you.' But we paid transport, to go and sit in the canteen. Next day they, after four hours' waiting, they gave us a little bit of work.
(47)

It was awful. We sat in the canteen a supervisor or line leader would come and point out at people as if 'I like you, you and you'. They were choosing young, attractive and energetic people. Many times I was rejected – I would come in the morning and they would not choose me for work ... the factory every day was selecting which workers to take and many times they did not choose me.
(51)

As Standing (2011, p. 34) observes: 'A life in temping is a curtailment of control over time, as the temp must be on call; the time someone must put aside for labour exceeds the time in it.'

Flexibility not only related to variable hours, it also related to variable pay. To many readers it might seem surprising that pay can differ from day to day for the same work:

I was not paid for an hour. I was paid for the service. Yes, according to what the boss thought was appropriate for a particular day. When it was busy, so let's say I got £30 for a Saturday. But, for example, when he decided that a day was not very hard, I got £20, and for a normal working day, when I did less hours, I got £15, sometimes £20, depending on the boss' preferences. I never had a stable wage!
(5)

In other instances, pay related to the variable price being paid to the labour user for the food product being supplied:

We are paid for a punnet of fruit. Every day depending, the punnet is different price. The factors for the price are many, so no one knows how is the price determined exactly per punnet. If, for example, there is more fruit, the price of the punnet is lower. If there is less fruit is higher. It also depend on the weight of the punnet. But in general is difficult and I don't know how exactly the price is determined.
(27)

The result of the above labour market 'flexibility' is that some of the poorest sections of society, who are living from pay cheque to pay cheque with no savings or welfare safety-net²⁸, face daily and weekly variations in their already low income and, as the photograph and Figure 4 demonstrate, these variations can be considerable.

Task	Rate	Qty	Total
Bottom 10x225G Rasps	£2.70	15.00	£40.50
Middle 10x225G Rasps	£2.50	10.00	£25.00
Top 10x225G Rasps	£2.40	15.00	£36.00
Bottom 10x225G Rasps	£2.60	5.00	£13.00
10x225G Rasps	£2.80	12.00	£33.60
Middle 10x225G Rasps	£2.40	6.00	£14.40
Top 10x225G Rasps	£2.20	13.00	£28.60
Spraying	£2.90	6.00	£17.40
Bottom 10x225G Rasps	£2.85	6.00	£17.10
Middle 10x225G Rasps	£2.50	8.00	£20.00
10x225G Rasps	£2.40	11.00	£26.40
Top 10x225G Rasps	£2.75	9.00	£24.75

Payslip showing variation in daily income for a migrant farm worker²⁹

Figure 4 – Payslips showing variation in weekly income (£151 versus £67) for a migrant farm worker

1.00	158.2700	158.27	PAYE Tax	0.00
			National Insurance	6.76
			Pension	0.00
			Student Loan	0.00
			Admin Fee	0.00
	Total Gross Pay	158.27	Total Gross Pay TD	1891.55
	Gross for Tax	158.27	Gross for Tax TD	1891.55
	Earnings for NI	158.00	Tax paid TD	0.00
	Rounding B/F	0.00	Earnings for NI TD	1818.00
	Rounding C/F	0.00	National Insurance TD	83.16
			Pension TD	0.00
				151.51
1.00	67.6500	67.65	PAYE Tax	0.00
			National Insurance	0.00
			Pension	0.00
			Student Loan	0.00
			Admin Fee	0.00
	Total Gross Pay	67.65	Total Gross Pay TD	67.65
	Gross for Tax	67.65	Gross for Tax TD	67.65
	Earnings for NI	0.00	Tax paid TD	0.00
	Rounding B/F	0.00	Earnings for NI TD	0.00
	Rounding C/F	0.00	National Insurance TD	0.00
			Pension TD	0.00
				67.65

Insecurity and forced labour

It would appear that employers actively make their low-wage workers aware of their precarity in order to ensure a compliant workforce. Very simply, they make it clear to migrants that, firstly, they can leave if they do not like it; and, secondly, there are many more willing workers waiting in line should they leave. The following quotations were representative of the culture of expendability and insecurity that employers sought to cultivate:

They were saying, 'If you don't like it go away outside the gate, there is 20 or more people waiting to go on your place.' And it was like ... a person subconsciously ... were telling himself that he has to do it because he is afraid to lose his job.
(15)

When we arrived we were told, 'There are a lot of workers and we will keep only the good workers, those that are slower, or not good enough for picking will be sent back.' So no one didn't dare to complain.
(31)

He warned us that if we will be working unsatisfactory, we will lose a job immediately, because there are a lot of unemployed people who can work for him ... We got the message ... We have to be silent, keep quiet (even if we will be unsatisfied with the job).
(44)

He warned us that if we will be working unsatisfactory, we will lose a job immediately, because there are a lot of unemployed people who can work for him ... We got the message ... We have to be silent, keep quiet (even if we will be unsatisfied with the job).

The migrants we consulted were made to feel grateful for working in low-wage and insecure jobs and, related to this, were acutely aware of their own expendability (especially irregular migrants). This is not forced labour but it is a form of manipulation that contributes to it; it is a vital contextual factor in understanding why workers may accept pay and conditions that others would deem unacceptable and may often be a precursor to a worker falling into forced labour.

Summary

Forced labour is associated with particular forms of employment and types of employees. This chapter has identified what we mean by this. Specifically, it linked forced labour to: immigration; low-wage and demanding work; flexible labour markets; and insecure employment cultures. Understanding these contextual factors is a vital first step towards understanding forced labour (though their presence does not inexorably lead to forced labour). The next task is to identify and discuss the 14 forced labour practices experienced by our interview sample.

4 FORCED LABOUR IN PRACTICE

This chapter identifies the forced labour practices experienced by interviewees mostly when they were working within the UK food industry.

Fourteen practices are identified in total and, although dealt with individually, it is important to note that each rarely exists in isolation. It is also important to note that the presence of forced labour practices may or may not indicate the presence of forced labour as defined in law.

Forced labour practices

This is the main substantive chapter of the report. It identifies the most significant forced labour practices uncovered during our migrant worker interviews. Fourteen practices are identified:

- 1** upfront fees and debt bondage;
- 2** threats and bullying;
- 3** disciplining through dismissal;
- 4** productivity targets and workplace surveillance;
- 5** overwork;
- 6** no breaks;
- 7** non- and underpayment of wages;
- 8** underwork and indebtedness;
- 9** deductions and charges;
- 10** documentation abuses
- 11** threat of denunciation;
- 12** tie-ins: work permits;
- 13** tie-ins: accommodation;
- 14** tie-ins: money.

On their own, such practices may be deemed exploitation. On their own, however, they are rarely sufficient to establish instances of forced labour. This said, for those we interviewed – and this is a point also made in our discussion of forced labour indicators – the reality was that the forced labour practices

were rarely experienced in isolation. The question (and this is not something we could answer) is what combination of the forced labour practices identified above is needed, and what degree of severity is necessary, for forced labour to exist?³⁰

Upfront fees and debt bondage

A significant proportion of interviewees paid fees to intermediaries (often co-ethnics – see Chapter 2) to plan their journey and find them work and accommodation in the UK (though as we saw in Chapter 3 few respondents were actually trafficked). Whether legitimate or not, such intermediaries can play a key role in rendering workers vulnerable to exploitation. They do this in two main ways. Firstly, they can put migrants in considerable debt and thus make them susceptible to debt bondage (a key ILO forced labour indicator). Secondly, they can channel migrants into exploitative work and housing contexts.

Payments were especially high for Chinese migrants because of the difficulty of accessing the UK from outside the EU and the generally accepted role played by a 'snakehead' in facilitating international migration (Kagan, et al., 2011). An unemployed Chinese respondent told us how he had paid a considerable upfront fee to get to the UK:

At the time, the minimum cost was 200,000 yuan; 200,000 yuan, [£20,000] to the UK ... The route ... mostly from Russia ... taking a train to Moscow ... and then the snakehead arranged for us to go in a car the next day, heading west ... We had no idea which countries we went through ... just knowing that we were heading in the direction of England. Sometimes we went in a small car, a horse cart, and we sometimes stopped for five to six days, and then moved on again ... We often moved on at night, so to avoid the border officers ... It took me two months.

(10)

The contradiction of someone paying to work in an exploitative workplace is that the act of payment may be taken to mean a situation is not forced labour because it demonstrates a clear willingness on behalf of the worker to engage in the employment offered. This upfront payment, however, can put workers in positions of debt bondage and therefore force them to accept substandard employment practices for considerable periods of time. This is especially likely when the migrant is irregular or 'semi-compliant' (Ruhs and Anderson, 2009) and restricted to working in the informal economy (as was the case with many in our Chinese worker sample). As one respondent put it: 'I work 60–70 hours every week. But I have no choice. I was deceived into thinking I should come here and spent 180,000 Renminbi (RMB) [£18,000](23).³¹

Payments were not just restricted to Chinese migrants, however, and even those moving to the UK from within the EU paid money to intermediaries to assist them in travel and in finding work and accommodation. A Bulgarian farm worker, for instance, told us how he had: 'paid €250 for travelling and around €400 to simply sign a contract to be able to work' (31). Similarly, a Lithuanian food-processing worker: 'paid £500: £100 for a bus ticket, £200 for accommodation and £200 for finding work' (41).

Moreover, promises were often made to migrants to persuade them to part with their money, which were then not honoured. In particular, migrants were led to believe that regular work was available when in fact the work on offer was highly irregular, if it materialised at all:

I had to pay around £180 to £250 for this service. I do not remember the exact amount, as they kept asking for more; they bought us a ticket for airplane, but the rest we paid ourselves. They gave us a piece of paper with travelling instructions and some directions, what to ask for ... When we got there, nobody was waiting for us. We called our agent in Riga, he then contacted those who had to meet us. We were asked to take a taxi and gave us an address ... When we arrived they looked at us with an appraising glance. He looked at me with a facial expression which was saying, 'What are you doing here old lady?' He told us straight away, 'We do not have any work for you.'
(54)

I was out of job for 3 to 4 months. I did not have any money. Then I saw an advertisement in the newspaper that there is a need for workers in the UK. So I decided to go. I have called that agency. They confirmed that there are work opportunities. I came to the agency, they told me how good it is in the UK ... sweet life. Wages are very high. I had to pay £350 or £400. They suggested to take with me £100 or £200 until I receive my first wage. I paid this money. I had to borrow £400. I have borrowed it from all of my relatives [laughs] and friends. I got into such a debt, that I had to repay it for a very long time. I came to England. They told me that someone will meet me in the airport. Someone will have a card with my name written on it. When I arrived in the airport no one was waiting for me. I called the agency and told them that there was no one waiting for me. They asked me to wait and promised to get in touch with the guy. They said not to worry, that everything will be fine. I waited ... then I understood that they have fooled me.
(57)

It is worth noting that agencies charging for finding work was made an offence under the Employment Agencies Act of 1973 and responsibility for enforcing the law lies with EASI and the GLA (where charges are outlawed as part of licensing conditions).³² In reality, however, charges continue with little regulatory oversight outside the GLA-governed sectors (TUC, 2005).

Issues

- payment of upfront agency fees in home country for travel, work and accommodation;
- use of fees to create indebtedness and dependence.

Threats and bullying

There were some quite shocking examples proffered of managers and owners of businesses abusing workers (see also TUC, 2005, p. 36). The sectors we looked at are highly pressured and some kind of verbal outbursts are inevitable at times. Nevertheless, many workers felt that, rather than the occasional outburst during periods of intense pressure, there was a more pervasive and underlying dehumanising element to their workplace. People talked of feeling like prisoners and being treated like objects or animals rather than human beings. A Latvian woman working in a food-processing factory painted an all-too-common picture:

Supervisors were treating us very badly. They shouted at us, sworn at us. They did not call us by our names, we were called by numbers. They treated us like slaves, like slaves. It was very difficult to get used to this, we were treated like livestock. But we did not have a choice as we did not have our

passport, no language knowledge and no money, but debts with commission on top of it. I did not know what to do ...
(56)

Similarly, a Polish man told of how basic respect was lacking in his workplace:

I mean working there for so many years I lost where there is good or bad, I got used to that somebody is shouting, calling names, using bad words ... those English who are supervisors are treating us like animals, callings names, rushing us up like in a concentration camp ... What they have in the end of their tongue, they don't have any barriers, a person is treated like ... dung, they don't use those magic words, 'please', 'thank you', 'I'm sorry' ... There is a total cesspit, humiliation, there is only work, work, doing the most you can so there will be as much profit from it all.
(15)

In some cases, this treatment descended into sexual harassment or racial abuse:

Q: *In those two jobs, were there any cases when anyone called you names?*
A: *No, there were not ... Just standard Scottish 'F****g Polish', that was it.*
(29)

She fed us all with a huge container. She put all the food in one container, for us to eat ... A man asked the boss, 'Why are you feeding workers with this container?' And the boss said to him, 'They [the workers] come from mainland China: they're like pigs.'
(9)

*Polish and Russian employees were treated the worst. There was a girl who was called names by the boss: 'You are useless, you should go and stand under a street lamp, you should go and stand under a street lamp and you would earn more there, and you are wearing the appropriate clothes and you have make-up.' Every time she wore make-up she was called a b***h. She was told to go to stand under a street lamp. She really suffered.*
(5)

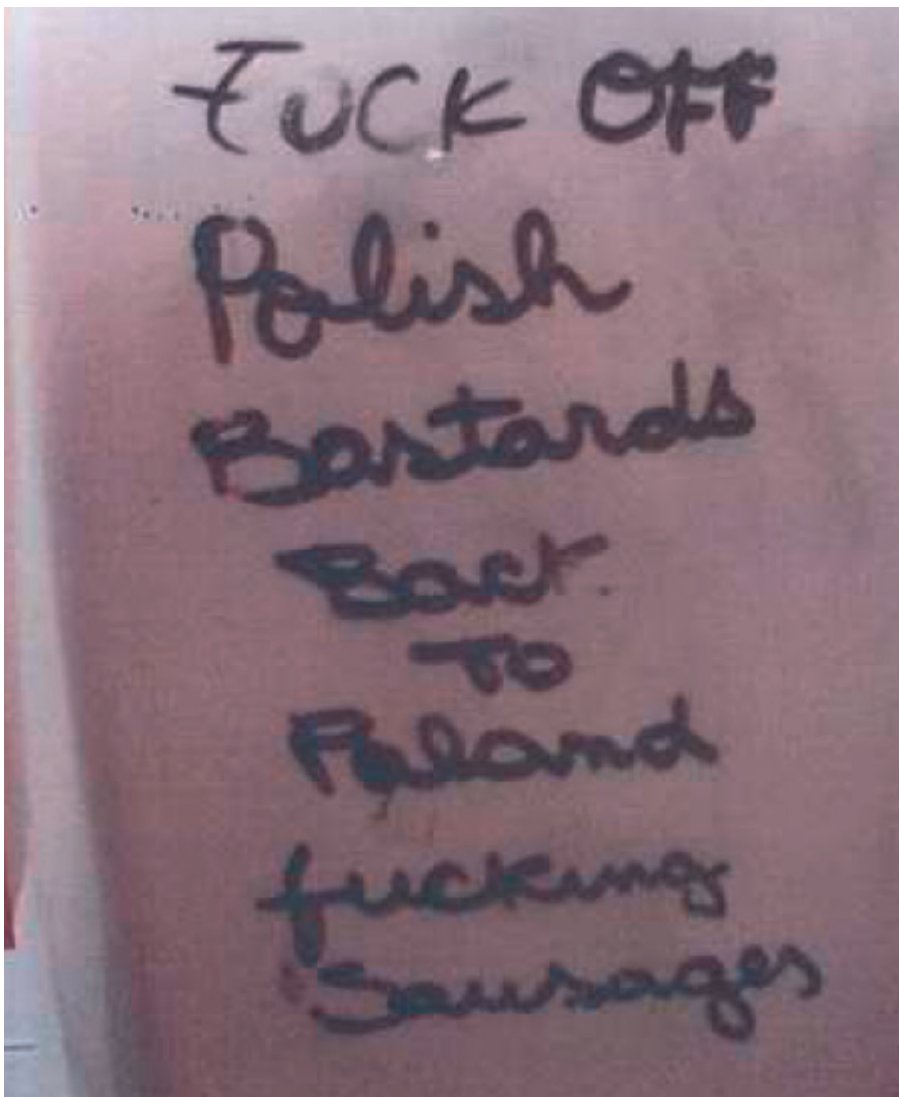
The abuse was not always from bosses and line managers. In some workplaces, there were tensions between different nationalities of workers. The photographs on page 43, for instance, highlights anti-Polish sentiment in a food-processing factory, where there were significant tensions, often spilling into racism, between the British and foreign workforce.

Issues

- dehumanising workplace cultures;
- verbal abuse;
- racism;
- sexism.



Racist graffiti in a food-processing factory



Disciplining through dismissal

The prospect of dismissal, and a subsequent lack of references, is a particular kind of threat that can be used against workers. Most interviewees were very conscious of the ease with which they could be dismissed and how precarious their employment and income was (see Chapter 2). Reasons for unfair dismissal appeared to fall into three main categories.

Firstly, there were cases of workers being dismissed to avoid paying them. The following scenarios from a Congolese woman and Polish man are illustrative:

My manager one day called me and said that he was dismissing me. At that point the money had not been paid to my bank!
(2)

They paid until they sacked me. They sacked me over the phone. Straight away, from now, from this moment! And the 'best' is that, because of all that, they 'forget' to pay me.
(35)

Secondly, people were dismissed who would not comply with the flexible working conditions. Most commonly, there was the expectation that migrants should be available at all times for overtime:

If you don't do overtime, you should go home. 'Go home' was what they said ... These were the only two words I learnt ... 'Go home' means getting sacked. If you don't work overtime, you will be told to 'go home' [to leave].
(12)

And they threatened us, saying if we hadn't liked working overtime ... And they said that if we had not liked it, they would have employed others who wanted to work for them ... They were threatening saying, 'If you do not stay today, do not come back tomorrow, there are others who would work here.'
(29)

Thirdly, there were cases of workers being dismissed for being a burden either because they were pregnant or ill:

I wasn't well, I was in pain because of my kidney, I was told that I couldn't go home even though I wasn't well. And a Pole from the office came and he told me if I went home he would fire me! And at the end I was so unwell that I said to him, 'Fire me because I'm going home.'
(39)

I found I was pregnant and went to the agency and asked to speak to X, who is an agency manager. I spoke to him and he promised me that he will look for easy work for me. He gave me my last salary and another envelope. But they did not tell me that they are dismissing me. I asked them directly, 'What shall I do now? Have you dismissed me? Do I need to look for another job?' To which he replied, 'No, no. Everything is fine. I am looking for another job for you.' They just could not tell me that they are dismissing me. When I got home, I opened the envelope I was given and saw a P45 in it. Oh wow, surprise!! Afterwards I spoken to a Lithuanian line leader and she told me, 'Do you know why you did not work?' I said, 'Why?' She said, 'I asked the agency

not to send you here, because this factory does not need people who are not well or pregnant.' She told me that in my face.
(48)

The threat of losing a job is very real for many migrants at the bottom of the UK labour market. Dismissal itself can be used by employers and employment agents to avoid paying workers. It can also be used to highlight 'unacceptable' forms of employee behaviour; with workers being disciplined for not being available for overtime and for falling ill or becoming pregnant.

Fear of dismissal at one level has nothing to do with forced labour: if you were forced to work against your will, you surely would not fear dismissal? At another level, however, it is a sign of the power imbalance between employer and employee and this imbalance lies at the heart of all forms of labour exploitation. Moreover, protections against both dismissal and the use of the threat of dismissal to discipline workers are a key part of international human rights legislation (ICOJ, 2011, pp. 242–5).

Issues

- use of dismissal to avoid paying workers;
- use of dismissal to discipline workers and regulate unwanted behaviour.

Productivity targets and workplace surveillance

Not only were migrants subject to poor pay and hard and insecure work, but most were also controlled by the targets set for them and management's monitoring of, and disciplining to meet, these targets. While the targets ensured productivity was maintained, they gave workers little opportunity to behave as social beings. The scenarios below from food-processing plants are illustrative of this culture of control:

It was completely crazy, rushing, shouting constantly, yes they can shout, they can stand behind your back with a stopwatch and see how many chickens you are packing per minute ... Here you are a robot, a machine.
(6)

They said I was slow, that I should have been working faster. They watched me with a stopwatch. That I should have tied up three chickens per minute, not one as I was doing.
(28)

The supervisor is all the time behind your back, and if somebody is working slowly or want to ask something, there isn't any talking at all, we are not allowed to talk. It's his breath behind my back, it is very stressful, a person stiffens hands straight away, all the time a person feels under a threat, there is no comfortable working.
(15)

They were only saying 'faster, faster, faster'. And they said if someone was not fast enough they would have a lot of other people they could employ instead ... They just hurried us all the time. We were telling them that it was not possible to work faster.
(29)

It was completely crazy, rushing, shouting constantly, yes they can shout, they can stand behind your back with a stopwatch and see how many chickens you are packing per minute ... Here you are a robot, a machine.

Box 4 – Piece-work and the National Minimum Wage

Arguably, the way to exert most control over a worker's productivity is to pay them piece-rate. This is most common on farms, where many of the migrants we spoke to were paid according to the volume and quality of the produce they harvested. (There was less need to pay piece-rate in food-processing factories because the speed of work could be controlled by the speed of the production line and we found no evidence of piece-rate in minority ethnic catering.) In theory, if workers do not meet the piece-rate targets set, they should still receive the NMW at the very least. However, this was not always the case:

They paid per box later. We were paid per box ... don't remember now, two pounds or something like that. So if we didn't pick enough boxes then we didn't earn ... So I couldn't pick enough boxes and then I earned only £10. After all day at work only £10 ... it was a swindle because they claimed that it was going to be work paid per hour. On the farm, they told us later that it was piece-work and that we were paid per box. If I knew that, I wouldn't have decided to go there.
(32)

The Polish guy was very aggressive and was making everyone to work faster. We felt like slaves. The work was very hard. I never did this work before. Piece-work was set to unrealistic standards. Out of 120 pickers only very few – up to 10 pickers – could make £2 or £3 per hour! I am aware of the minimum wage, but we did not receive it. We were given only one day to learn how to pick strawberries quickly, which is unrealistic. You cannot learn so quickly.
(52)

We worked on piece-work. We were picking strawberries and raspberries. I was working as fast as I could, but I still was not able to earn even minimum wage. Sometimes we did not have many strawberries, but we still had to pick what was there and earned very little.
(56)

Piece-rate targets, then, can be used by employers to justify paying workers below the NMW while giving them the theoretical opportunity to earn well above it (tips perform the same function in some restaurants). Employers can mask any underpayment by under-recording the hours worked: so if, for example, a piece-rate means a worker gets £3 per hour for twelve hours' work, changing the hours worked to, say, six hours will ensure compliance with NMW. Some employers also use piece-rate to 'weed out' the slowest workers. They will give staff a trial and if, during this trial, they do not pick, pack or process enough produce to earn the NMW or above they will be 'let go'. This enables employers to avoid having to 'top up' the piece-rate to fall in line with the NMW.

The supervisors were like prison guards. Amongst ourselves we called them Gestapo ... Often they shouted at us ... I would say that they did not treat us like humans.
(56)

The speed of work was very quick. In the management there were a few people which were putting a lot of pressure on the speed, so this factory was not nice at all. One manager we called Hitler because he was standing and

hurrying up employees all the time, the people were treated as things, simply statistics, and you could not say anything, if you do not like something: 'Bye bye, there will be next person on your place.'
(61)

These quotes are powerful and indicative of intensified labour regimes in the UK food industry (Rogaly, 2008a). They are also indicative of the increasing pace of work, and greater monitoring of this pace, across the low-wage economy more generally. Newsome (2010, p.201), for example, found targets so demanding that 70 per cent of the workforce were on warnings for missing them.

Once again, the theme of dehumanising work stands out: with workers treated more as machines or commodities than as human beings. Clearly, supervisors are responding to pressures placed upon them by managers and owners, who in turn are responding to the extremely tough competitive climate of the UK food industry. In essence, then, pressure is being transferred on to those who are most vulnerable, with apparently legitimate workplace targets and surveillance part of this pressure transfer process.

Issues

- dehumanising and oppressive work;
- unrealistic productivity targets;
- excessive surveillance and control.

Overwork

The Working Time Directive (WTD) limits the working week to 48 hours unless a worker signs an individual opt-out (which may or may not be a voluntary act). It also states that there must be 11 hours between finishing work one day and starting again the next, and there must be at least one 24-hour break per week. This means that any working week of more than 78 hours must automatically be unlawful in some respect, as must a week without a day off. The Working Time Regulations also include the right to paid holidays (four weeks plus eight days). More generally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) international human rights treaty establishes the right to 'rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays' under Article 7(d) (ICOJ, 2011, p. 234). Various ILO conventions also set indicative international benchmarks, arguing workers should have the right to: a period of rest comprising at least 24 consecutive hours every seven days; their work time not exceeding 8 hours per day and 48 hours per week; and paid holidays (*ibid.*, p. 242).

Nevertheless, and this was particularly the case in the Chinese restaurant sector (all year) and horticulture (during high season), there was ample evidence of workers doing well over 48 hours and/or not taking rest days or holiday. Such long hours, often six or seven days a week, mean that workers have little time to do anything other than work, taking us back to Dickensian workplace practices with no regard to the right to have a family and social life.

The following quotations taken from our Chinese worker sample are illustrative of the long-hours culture in many UK Chinatowns and Chinese restaurants:

I worked 10.5 hours a day from Monday to Saturday. On Sunday, as the restaurant would open for lunch, I needed to start working at 11am till 7pm

and then take 4 hours' rest. I then started to work again at 11pm until 3am. I must have worked nearly 11 hours a day on average.
(24)

Usually 60 hours or over. The regulations say 48-hour maximum working hours. I do not think this applies to any Chinese restaurant in the UK. As far as I know, all takeaways/restaurants require over 60 working hours per week.
(18)

The main issue for me is the long working hours ... Although most employers paid me what they agreed, they made me work too long hours ... This is how they exploit me.
(10)

How would I be able to go out for entertainment? I work six days a week and I need to sleep and rest on my day off. When I need to work, I need to get up at 10am. When I have my day off, I would prefer to sleep till around 2 to 3pm. After I get up, we need to do a bit of shopping as that is our only day off. After shopping, the sky starts to get darker already, then I would prefer to go to bed earlier. How would I have time for entertainment? I do not have time to communicate with my children. They are asleep when we are home from work and when we get up in the morning, they have gone to school already. I do not have any private time. I used to have some entertainment during weekends when I was in China. But now since we work in a restaurant, we do not have time.
(19)

Some A8 and A2 migrants³³ worked similarly long hours, but only during the peak growing season:

The working hours ... during the season are usually from 6.15am until 10.11pm. This is constantly during the season. From Monday until Sunday, those are the hours I am working constantly. And also I cannot take a day off at all during the season. This is minimum of two and a half months during the season. Yes, two and half months without day off. Yes ..., I feel very stressed. I see so many punnets with strawberries through the day, my eyes start to roll towards the end. I don't see very well, I just see the strawberries and raspberries in the end. I just feel very tired and almost falling asleep staring at the fruit.
(37)

We are working around 60 hours weekly, sometimes 80 hours ... There isn't time to do anything. You come home, get shower and go to sleep. In the morning you get up at 6 again and go to work. That's it!
(4)

In the case of both the minority ethnic catering sector and A2 and A8 farm workers, it is debatable as to whether these long hours are entirely voluntary. On the one hand, many migrants want to come to the UK, work as hard as possible, send money back home and/or move up the socio-economic hierarchy. On the other hand, low wages and insecure incomes make employees accept the long hours they are allocated; not to mention the fact that declining overtime is sometimes punished by dismissal (see above); and the pressing need to repay debts to agents and/or snakeheads.

Issues

- illegally long hours;
- no work–life balance.

No breaks

The denial of daily breaks can seem minor, but forcing people to work without opportunity for a sufficient pause can be an affront to human dignity. The following quotation is illustrative of this issue, which was particularly common on the food production line where work is extremely intense and closely scrutinised:

Let's start, for example, from the physiological needs to use toilet. We could only go twice or once for five minutes in eight hours. Not everybody does it in five minutes some needs more time for this. There are things that take longer. Five minutes was for coming out, washing hands, going to the toilet, washing again and coming back. It is too short time for doing it this way. There were people like women who ... it is a delicate subject for them, you know, to tell a man what for are you going to the toilet. For example, when woman had a period, it is for a woman shy subject explaining yourself to the young man, and those supervisors were laughing at this. These are people with higher positions.
(15)

Company every day is demanding more and more. Now every time we go to the toilet we have to sign a paper, at the end of the week they will deduct this time from our wages. They do not pay for our break times and time we spend in the toilet.
(51)

As well as daily breaks, there is the issue of holiday. The denial of holiday pay and time off have been highlighted as particular issues by the CAB (2011). Chinese workers in particular appeared reluctant or unable to take extended holidays:

Now I work in a restaurant as a temporary worker. I get paid weekly. The boss has told me that I am not entitled to any annual leave. I only have one day off per week, that's it ... Going back to Hong Kong? I have worked in that restaurant for nearly seven years. I only went back to Hong Kong once. First of all, he would not let me to take holidays. He says, 'If you take a holiday, then who will do your work?'
(24)

It was easier to get time off from seasonal farm and food-processing work, where there was usually a slack period from November to March (but not for all food products), and where migrant workers were largely from A8/A2 countries and thus had regular status and were able to leave and enter the UK as they pleased.

Issues

- denial or limiting of daily breaks;
- lack of holiday entitlement.

Non- and underpayment of wages

Some interviewees told us that they had worked without receiving any pay, while many others had had issues with underpayment: principally, their record of hours worked differed to that of their bosses.

In terms of the former, we were told that employers used a 'probation period' where workers were taken on to see if they were suitable, but they were not paid. This issue of unpaid work experience is something that the Low Pay Commission is very concerned about (LPC, 2010, 2011). There was also the issue of labour providers and labour users employing workers but disappearing when it came to pay day:

They were offered job on the phone, women were given a mobile phone number ... Gang promised to pay next week, but later they simply switched off their mobile phone. That was it.

(44)

Underpayment was as common as non-payment among interviewees. In fact, these two practices were among the most significant of the forced labour indicators recorded (see Chapter 3). Underpayment was largely about the purposeful miscalculation of hours worked or undercounting of piece-work output (see also the section on Productivity targets and workplace surveillance, pages 45–6). The following quotations are illustrative:

No, no, they never paid me the full ... If I worked 40 hours, at the end of the month I did not get paid 40 hours ... I would see maybe 20 hours, half of the hours that I worked for!

(2)

The boss was very, very stingy. When I worked ten hours, he would note it down as six or seven hours. Always a few hours less ... They always paid less. Every week when the payday came, we had to argue with the boss. Arguing all the time.

(12)

You see, I keep record of all punnets. Let's say there have been 60 punnets recorded. But on the payslip is only 58 or 55, so where have those gone? I know that I have scanned them and recorded them, as I do every day, aah, I keep records of all this and number of people and punnets are recorded, so I calculate how many people how many punnets have picked. But, in fact, in the end, on the payslip, I don't see what I have recorded myself.

(37)

What is striking is that workers, quite regardless of other pressures, are having to work so hard to get the money owed to them. This creates uncertainty and insecurity and demonstrates employers' willingness to abuse the power imbalance between worker and employer. It also makes workers unduly nervous when receiving their weekly pay cheque:

I felt fear all the time. I know some people are happy when they receive their wages but for me it was the worst day. At the morning, when I was checking the account, I was so nervous thinking how much this time is missing. What this time is wrong with my pay. I knew for 100 per cent that something's going to be wrong.

(36).

It is important to note that problems of underpayment were most evident in food production, where pay often depended on the volume, speed and quality of produce picked.

Issues

- working without any pay;
- systematic underpayment;
- payment below the NMW.

Underwork and indebtedness

We found during our research that it can sometimes be in the interest of a gangmaster to recruit migrants even when work is not available or to recruit too many migrants for the work at hand. This is because the gangmaster may charge a fee for finding work and/or may charge the worker for transport, accommodation and other administration once in the UK (see Chapter 2 and the section on Upfront fees and debt bondage, pages 40–41).

Very crudely, the more migrants a gangmaster has, the more income can be generated through these charges. It may not, therefore, be in a gangmaster's interest to find full-time work for, say, 10 people, when the gangmaster can recruit 30 people and find them part-time work. In the latter scenario, the gangmaster will make money from 30 rather than 10 sets of charges.

The result of the above is that it can make business sense to find migrants just enough work to pay for the various charges being levied on them:

Many agencies for some reason are taking more and more new people and providing work for them. At the same time, those who are working for the agency for some time do not get any work. It is very strange. Agency give people a few days to work, enough to take money for accommodation, and then you will sit without money waiting for work that is not there.
(51)

Agency give people a few days to work, enough to take money for accommodation, and then you will sit without money waiting for work that is not there.

This allows gangmasters both to maximise the number of people on their books (and therefore the number of sets of charges) and also to keep migrants in a position of dependency with little or no extra income to escape their work and housing situation. The following scenario was common among A8 and A2 workers in food production:

I paid a lot of money to come to work. I wanted to work enough to be able to pay all my debts, have money to live and save some. But in the beginning, uerr, we worked four to five hours per day. We got up early, worked until lunchtime and then we rested. And there was a lot of us, maybe around 300 people. So if 150 of us were working, the rest 150 were not working. And we were simply receiving very little money per week's work. And a lot of us started to worry. I started to get anxious and was worried because my weekly wage was around £70–£80, maximum £100. These money were simply not enough and not even covering our expenses because we were paying for caravan around £35 per week.
(31)

Migrants, then, were not only working in tough, demanding and low-paid jobs, but they were also, sometimes intentionally, being given just enough hours to pay their rent, food and other charges. Three Latvian workers described how they survived on so little work:

We all have ended up in debt. I have arrived on 5 January, but my first salary I have received a few days before my name day on 25 March. All this time I have survived on £119. I have borrowed twice a little bit of money to top up my phone, so I could call home ... We have been buying in the shop the cheapest food ... just to survive ... We calculated that we were spending £2–£3 per week, this is how we lived. I was too ashamed to go back home. I could have ring my husband to ask him for money, but I did not want to. I was very ashamed ... If they would told me that there is work only for two weeks, I would not have come. They told that we will be earning a lot of money ... more than £200 after all taxes.
(42)

I did not have enough money to live on, not talking about that I needed to send money home to support my children. It happened so that even after working for a month I still owed money to my employer. It was such a hard work. We were without money ... They would give us money, but we had to return it with a percentage on top of it. I could not just leave the employer as I owed him money. I did not have a choice. I owed him money. I did not have my passport and without English language knowledge, where could I go to complain? ... We were paid in envelopes, we had a lot of deductions for the caravan, for transport, to pay our debt and percentage on top of it and some other unexplained deductions, so we had nearly nothing left. I was not able to save any money for a year ... We did not have regular work.
(56)

We paid £55 for accommodation. We did not have a separate room. In addition, we paid for gas. In a winter we sometimes worked only one day per week, so we could not pay rent. X recorded our debt and it was taken out from our future wages. So we had to plan very carefully, but some people lived in debt on a constant basis.
(43)

There is, then, a clear poverty trap for low-paid migrant workers with irregular shift patterns. Not only this, but some agents/agencies either knowingly limit the work available and/or recruit too many people for too few jobs. Such actions increase profits for labour and housing market intermediaries. We know, however, that the worker indebtedness that results is part of an exploitative employer–employee relationship that can make people vulnerable to other forced labour practices.

Issues

- promises of work do not materialise;
- migrants are given just enough work to be able to pay agency charges;
- migrants are kept in debt to render them dependent upon an agent.

Deductions and charges

Deductions and charges come in various guises and affect all kinds of interviewee; not just those who find themselves in debt through underwork (see the section on Underwork and indebtedness, pages 51–3). A special kind of charge occurs when a migrant pays an agent in their home country before migrating (see the section on Upfront fees and debt bondage,

pages 40–41). Once migrants are in the UK, employment agencies and those linked to employment agencies charge workers for the following services: getting work; travelling to and from work; accommodation; utility bills; and shopping.

Although illegal, a number of interviewees told of how they paid labour providers money to get work:

We paid X £250 each for providing work for us. It was not for accommodation. It was for the opportunity to work. If we did not pay, we would sit without work. She did not request money straight away. We started to work, earned some money and then she demanded £250 from each person. If you do not pay, you would sit without work.
(45)

We were working maximum of 25 hours per week, but more often we worked only for 10 to 12 hours per week. No work, no work, no work, no work. Later on he came to us and said, 'If you would like to work more, you will have to pay me again. If you refuse to pay me, you would not get any work.' We did not pay the owner of the agency but a Latvian woman who was the agency manager's wife. We were made aware if we pay them, we will have work in the future ... If you pay them, they have an expression: these are 'our people'. They will provide work in the first place to 'our people'. They provide work to those who paid them.
(54)

If you earn £120 per week, then they'll charge you £100 for the fee. So it's about a week's pay. That's the 'introduction fee'. Sometimes they took £200, sometimes £100, depending on your earnings. At that time, we were paid very little ... just over £100, as a kitchen porter ... £120 to £160.
(10)

The notion of paying an 'introduction fee' or paying to become one of 'our people' is a clear example of the exploitation of vulnerable workers. A £100–£250 fee, given the irregular hours and low pay of the workers concerned, can be enough to push migrants into further debt and dependence.

Alongside paying for work, the most common charges were for transport to/from work and accommodation. These charges, often for substandard and overcrowded transport and accommodation, were once again sometimes enough to take workers into debt and dependence:

They have been taking money for transport, £25 per person per week; even if we did not work they still deducted money from us. They told us £50 per week for accommodation and £25 for transport, so we were in minus all the time and going deeper in debt.
(41)

For all the work during busy time I have received about £119 only. Almost two weeks without a day off, 11.5 hours per day, after all deductions we received £119. Then when it was quieter I have not received anything. I only got a payslip with all the deductions. I was not even earning enough to pay for accommodation! I was in debt!
(42)

I did not work there for long. We travelled to work an hour and a half one way and for an hour and a half back. We were starting to work at 6am, so

we were getting up at 3am. We were earning around £2 per week! From our salary they deducted money for accommodation. After deductions we received £2 per week. Two of us were sharing a tiny room. We paid £65 per week each.

(45)

Thus you have an issue of 'zero-wages work' whereby people are working, but after deductions are being left with no disposable income.

A final type of deduction was for tax and National Insurance. While these deductions are a normal part of legal employment practice, a number of interviewees told of employers taking money for tax and NI but not in the event paying HMRC. In effect, workers were paying a tax to the employer rather than to HMRC and as a result were not building up their entitlements to welfare.

Issues

- migrants having to pay for work;
- excessive deductions for transport and accommodation that result in almost 'zero-wages' work;
- deductions paid to labour market intermediaries operating illegally.

Documentation abuses

There were numerous cases in the sample of employers taking hold of a worker's passport for 'safe keeping' or for 'administrative purposes' (purportedly but often not registering a worker under the Worker Registration Scheme (WRS) and then retaining the passport for a prolonged period of time. This was especially likely for workers who were in debt because of low pay, underwork, and/or deductions and charges. Crucially, the taking of personal documents for a prolonged period of time is one of the ILO's forced labour indicators. A Latvian man, in the UK entirely legally, told of how his passport was taken and how this tied him to the employer:

Oh, they took my passport and after three weeks they did not return my passport. I went to ask for it. They always were coming up with good excuses. At the beginning, they said that they were completing the paperwork, that they will send it next week. Then they told me that they sent my passport, but I have to wait for a long time to get it back. I was trying to get my passport back for a year, but they would not return it to me. It was until they found out that someone was coming to inspect the farm. That same evening they returned passports to all of us ... We had wanted to leave for some time, but we could not without our passports. We realised that it could not be like this, that we work hard and do not earn much. We could not go anywhere without our passports, but when they returned our passports three of us (me and two friends who I met on the farm) we run away from the farm. [laughs]. We owed farmer about £100 for the caravan and food. We did not want to work there, so we run away from the farm. [laughs]

(57)

The motive for retaining passports was summed up by a Chinese respondent: 'Many people had their IDs withheld when they first arrived at a job. They keep your IDs to keep you in the job' (11). This is why a host of international human rights treaties outlaw this practice (ICOJ, 2011, p. 235).

Aside from the taking of passports, there was another main issue we uncovered with respect to migrants' documentation. In short, there were a number of cases when a migrant worker's employment was largely informal, and we assume undeclared. Essentially, this involved working without a contract or payslips:

On the second farm they did not take any tax. I cannot even prove that I had been working there because I did not have any documents from that farm, nor any payslips.
(60)

I did not have any contract of work. Completely nothing. I was working there two years without a contract of employment.
(17)

It also involved declaring some but not all of the work undertaken:

He promised me a contract, because I wanted to apply for benefits and tax credits when we had very low earnings. So I asked the boss for a contract. I mean, the boss offered me 'a deal' saying he would give me a contract for 16 hours only, which would allow me to apply for tax credits while, in reality, I would work more.
(5)

Although he might give me £200 cash, my income should be declared much less than £200. Therefore, only several pounds' tax will be paid.
(19)

It is difficult to say from the interviews whether migrants consented either willingly or unwillingly to these informal work arrangements. We assume that, even though some may have, they would generally prefer to be working formally and be part of mainstream society, especially as this can affect entitlement to benefits.

Issues

- confiscation of passport as a means of keeping workers;
- insisting on migrants doing informal and undeclared work.

Threat of denunciation

The irregular migrants we interviewed generally came from outside the EU, mainly the People's Republic of China, though there were two respondents from A8 and A2 countries who had entered the UK to work prior to EU enlargement. What is clear, from an albeit limited sample of irregular migrants, is that immigration status does significantly impact upon pay and conditions and this effect appears to have become more pronounced as the UKBA has implemented its 'civil penalties' regime (MRN, 2008).

A Chinese catering worker on £3.50 per hour explained the impact of the UKBA crackdown:

In fact, this crackdown has become the employers' good weapon. When the crackdown intensifies, the employers would say, 'Look, we are employing you even at bad, dangerous times. So we can't pay you as much.' If they used to pay you £200, they would be paying you £150 now. They would say, 'I have

This crackdown has become the employers' good weapon. When the crackdown intensifies, the employers would say, 'Look, we are employing you even at bad, dangerous times. So we can't pay you as much.'

to take the risks for [employing] you.' They carry on exploiting, economically and mentally. They exploit you, at the same time putting on the attitude that they are your saviours! That is really infuriating.
(9)

Another Chinese worker simply told us that, 'Wages have become even lower for those without papers since the crackdown' (10). Thus, employers appear to be offsetting the increased risk of detection by paying lower wages to irregular migrants. In other words, stronger immigration controls may actually contribute towards increased forced labour practices by making already vulnerable workers more exploitable. Alongside this, there is also confusion with regard to whether it is possible for irregular workers to report abusive employers. Most irregular migrants were fearful of the UKBA and this usually meant they kept quiet: 'I didn't say a word because I knew I did not have status' (14).

Issues

- how to ensure employers do not use migrants' irregular status to exploit them;
- how to deal with the population of irregular migrant workers in the UK;
- a need to be clearer about whether an exploited irregular migrant worker will be treated as a victim or criminal by the UK state.

Tie-ins: work permits

There is a link between immigration status, worker vulnerability and forced labour (TUC, 2005, p. 47). A number of the Chinese interviewees, for example, were employed through the work-permit system and required an employer-sponsor. This meant that they were de facto tied to an employer and, should they wish to leave their sponsor, would need to find another. In other words, it seems that it is, in practice, very difficult for those on work permits to change jobs and that this tie-in is open to abuse.

For the Chinese workers we interviewed, the work-permit system was seen as a necessary step towards permanent residency and so, even if conditions were bad, they were generally accepted. The following quotations were illustrative of the way work permits can render migrants vulnerable to exploitation; at least, until they have worked long enough to be granted permanent residency:

On a work permit ... Sometimes [sigh] even if you have been bullied, you still need to tolerate until you got residency.
(19)

No one on a work permit wants to get into trouble for himself/herself. If I get status, I can find another job. They only exploit people who hold a work permit!
(23)

The same type of tie-in also affects migrants on the 'Seasonal Agricultural Workers Scheme' (SAWS). A Belarusian recalls his experience of being tied to a farm:

*The farmer was treating us terribly. He was swearing at us every five seconds even if it was not our fault, for no apparent reason. He was constantly shouting at us, 'You c**t, you total and utter s**t, go away from my farm*

and do not come back!' He was making decisions there and then, and he dismissed a lot of people just like that. He was constantly using phrases like 'you stupid, you idiot, get out of here, stupid Ukrainian' and so on ... He knew that we had a working visa and could work only on his farm. We could not work anywhere else, so we did not have a choice.

(52)

Given that there has been a tightening of Tier 2 of the points-based system, that Tier 3 is currently closed, and that SAWS is now restricted to A2 migrants, the issue of work permits is less relevant now than in the past.³⁴ Nevertheless, the policy issue of tying workers to a job-specific visa remains; especially when the work being carried out is in a sector like the food industry where pay and conditions are known to be poor.

Issues

- workers feel tied to an employer because of their visa status;
- employers abuse workers knowing that they are unlikely to leave their job because they desire residency.

Tie-ins: accommodation

It is common in the food industry for accommodation to be linked with employment. In some cases, this means that an employer provides housing directly. In other cases, housing is provided by an intermediary. The former is more common for farm work and the latter is more common for food processing. In terms of minority ethnic catering, there tends to be a mix of employer- and agent-based accommodation.³⁵

Notwithstanding the fact that in rural areas of the country, in particular, tied accommodation can be the only accommodation available, and that its provision can dramatically reduce commuting time for workers, there are clearly issues around both the quality of tied accommodation and the way that it can make it difficult for workers to escape exploitative employers. Indeed, the worst cases of abuse that we encountered involved situations where work and accommodation were both controlled by an employer, a gangmaster or a network of employers/gangmasters.

In terms of quality issues, there were large numbers of cases of substandard housing and it seems that instances of forced labour in the workplace often go hand-in-hand with exploitation through tied accommodation. The main issue was around overcrowding:

Can you imagine that my wife and I had to sleep in a single bed? Our two sons were in a bunk bed that both of them could sleep in. The whole family was in one room.

(18)

I was shocked [sighs]. Very small accommodation, we were five people. The caravan is for five people ... We have two rooms, a common, a living room and a kitchen ... One of the girls sleeps in the living room, two of us are living in one of the rooms and the two girls live in the other room.

(27)

All of us [eight people] with lots of baggage were placed in a tiny room [by the agency] ... One person slept on the bed, but the rest of us [seven] slept on mattresses on the floor.

(41)

There were 13 people in total in the house. Everyone paid £65 per week for accommodation ... On the whole, there were not less than 3 people per room ... she took not less than £65 per person per week. This was really just for a bed place ... Living conditions were awful.
(45)

It is important to stress how reliant new migrant arrivals can be on tied accommodation, particularly those moving to rural areas where the housing supply is already limited. Moreover, even for established migrants such accommodation can be all they are able to afford due to very low and highly variable incomes. In addition, once work and housing become intertwined, escaping exploitation can be extremely difficult; especially bearing in mind that many of the migrants we spoke to had no recourse to public funds, were in debt and may have needed a landlord or employer reference to secure independent rental accommodation.

One of the ways in which migrants were kept in substandard accommodation was by providing them with just enough work to get by (see the section Underwork and indebtedness, pages 51–3). The following quotations are illustrative:

Caravans were very crowded, a lot of people, ten people lived in each caravan ... three bedrooms and a sitting room. In the sitting room, one woman was sleeping on the floor, two of us on the bench, and fourth woman who did not have anywhere to sleep had to wait until everyone had something to eat and then she could move a kitchen table to make some sort of sleeping area in the kitchen ... It was beneficial for them to have as many people in the house as possible. The more people were living in the house, the more people were paying for accommodation. Workwise they would give you a little bit of work, so they could get money off us for accommodation. The rest was not important to them. Some people were going into fields to steal potatoes and cabbages because they did not have money to buy food. They did not care about that. The most important for them was to get as many people as possible.
(42)

I worked for a bit. Then I was not working for two months. Later we worked, but agency requested all the money for accommodation. So we were sitting without any money at all. It was like that ... When we get our salary, we had to pay for accommodation. They purposely gave us enough work to pay for accommodation and that was it.
(46)

Alongside this dependence, some workers also believed that tied accommodation was necessary in order to get work:

We were told that people who live in their accommodation will be given work first. Those who do not live in their accommodation would not receive as much work.
(43)

If I move out I might not get the work and the agency won't care about my ability to pay the rent and to buy food. If I'm staying in this accommodation, the agency will give me enough work to pay rent and some living expenses like food.
(47)

Not only, then, was tied accommodation almost invariably overcrowded, it also acted as a means to extract the money migrants earned back from them; and, in many cases, this led to migrants being trapped in the substandard accommodation they were trying to escape. Finally, there was a gender dimension to all this; for many of the women there was a real safety issue with having to share housing, rooms and even beds, with complete strangers.

Issues

- migrants are housed in overcrowded accommodation;
- many are trapped in this accommodation because of the high proportion of their wages that is used to pay for it;
- NMW accommodation offset regulations and HMO regulations do not appear to be making much headway in improving the housing outcomes of the migrants we spoke to.

Tie-ins: money

Dependency on an employer or gangmaster was not only created through tied accommodation. In some cases, employers and gangmasters also held on to migrants' pay 'for safe keeping':

We don't have bank accounts. They keep the money and there are days in the week when you can get money. For example, Tuesday and Thursday, the buses for shopping are running then, you can ask for money and you are given money then. If you want more than £60, you have to call in advance. In the end of the year, when you are leaving, then you are given all the money that you have worked for.

(4)

After all deductions, we received £30 per week. Some people were earning nothing at all. They even were getting in debt. Farmer was keeping all the money on his personal bank account. I was very worried about that fact. Yes, we received an envelope with a payslip, which stated weekly earnings, but farmer held all the money. If we needed cash, we had to ask farmer. He recorded it and took it off our next wage.

(52)

By acting as 'bank manager' the employer may feel they are helping migrants who might otherwise struggle to open a bank account. However, and not to mention the interest accrued from holding your employees' wages, this act surely reproduces a very uneven power dynamic between worker and employer and emphasises workers' dependency. (It is worth noting that this practice was relatively rare, only evident among farmers, and could be related to how distant some rural workplaces are from the nearest bank.)

Issue

- holding on to workers' wages reproduces a sense of dependency and can be used to tie workers to a particular employer or gangmaster.

Summary

Indicators may help us to identify forced labour in a broad, aggregate and abstract sense, but investigating the real-world treatment of a worker that

could constitute forced labour requires one to look at more detailed 'practices'. From 62 in-depth interviews, we uncovered 14 such practices, and this chapter has given insight into these. The testimony evidence presented above forms the empirical backbone to the report. It is interesting in its own right, and also in terms of questions over what does and does not constitute forced labour. In terms of the latter, on their own, the practices we identified are rarely sufficient to constitute forced labour. However, the workers we spoke to rarely experienced any of the 14 practices in isolation. More often, they were victims of a combination of practices. It is up to future case law to determine the exact combinations, and severity, of practices needed for a situation to be defined as forced labour.

5 THE WIDER IMPACTS OF FORCED LABOUR

This chapter aims to improve our understanding of the negative outcomes that result from the forced labour indicators and practices identified in previous chapters.

Outcomes beyond forced labour

In this final empirical chapter we discuss five major outcomes that appear to go hand-in-hand with the forced labour indicators, contexts and practices already identified. Firstly, almost all interviewees were living in poverty and their ability to escape abuse and exploitation was severely constrained by this.³⁶ Secondly, migrants had experienced extreme disappointment since arriving in the UK and had seen their dream of migrating to a better life turn sour. Thirdly, the precarity of those we spoke to made them fearful of reporting exploitation and abuse and there was a pervasive sense of powerlessness among interviewees. Fourthly, experiencing forced labour indicators and practices had caused some workers psychological harm. Finally, for a few workers their forced labour experiences had led them to suffer physical harm.

We will now discuss these five outcomes in turn. What we do not do, however, is imply any specific causality. Essentially, we see outcomes as resulting from workers experiencing an unspecified combination of forced labour indicators, contexts and practices, but we make no judgement of whether or how these indicators, contexts and practices lead to specific forced labour outcomes.

Poverty

The previous chapter demonstrates that those experiencing forced labour practices tend to be poor: living on insecure and subsistence incomes and often in substandard accommodation. Moreover, many are trapped in poverty through a combination of debts, deductions, their flexible employment, in some cases irregular immigration status and constrained opportunities through limited English.

There were particularly shocking accounts of workers being unable to pay for food or accommodation because of their poverty-level wages:

The sales were very bad, therefore my commission was very small, I could not even afford to pay my rent with it ... Until I found a source of legitimate income, I had to work in construction, black labour so that I have enough money for food. I had enough money for an airplane ticket in case of emergency. The person that I was renting from at that time accepted to have me without paying a rent for the first three months. He understood my situation and I wasn't paying rent. He said, 'I will charge you rent after you find a job.'

(7)

To survive, we were stealing food from shops when we were really hungry. Later, I was doing occasional work in a region where rich Jews lived. I had a piece of paper with me that explained that I was looking for work and that I would be prepared to work in exchange for food and a few pounds. In the early spring I was clearing up leaves, cleaning downpipes and drainage/ sewerage. I was walking around with this piece of paper and showing it to people on the street. Some people gave me work. I am very grateful to them.

(43)

My husband was off work for three weeks. Our rent is £65 a week, after all deductions we received £1.66 a week (for those three weeks).

(49)

I was working but ending up without any money at all. Because by the time I've paid my petrol, by the time I've paid my bills, by the time I've paid my food, all the money was gone!

(8)

In addition, migrants were forced to share rooms with strangers in houses and caravans that were at best overcrowded; and often the work they were given was just sufficient to cover rent and other charges. Essentially, those we interviewed have migrated but found themselves in positions of both relative and absolute poverty.

Outcome

- victims of forced labour often live in poverty and this makes it difficult to escape exploitative employers (and also difficult to move on from substandard accommodation).

A dream turned sour

Given the practices identified in Chapter 4, it is hardly surprising that a second outcome of forced labour is that migrants' dreams both of being able to earn a decent wage and of the UK itself have turned sour.

The victims we interviewed harboured a particular set of images, expectations and ambitions prior to migration that have not been realised and, as a consequence, they have been left feeling somewhat cheated.³⁷

Interviewees talked freely of the positive perceptions of the UK in their home country that helped to persuade them to migrate:

Back home, when you hear about the UK, you think of a heaven-like place. Like heaven. You know this is how people back home will take it. Before I came here, I felt things would be cool and nice, the money would be there. That's how it was. My friends who have been here, when you are speaking to them on the phone they give you those kinds of impression. Maybe they come here and they send you pictures, nice pictures, they stand behind a

nice car, a nice house. I think that's good! When we are in Africa, it's an exaggeration of how UK is. That is what makes people want to come to the UK. People say when you go there, you find a car, you find a television set just abandoned on the street. People will then say they think it looks nice. I have never seen such a thing. It is hard here. You have to work for it. It was not the way I was expecting it!
(2)

Every student is dreaming about this opportunity, because other students at the university telling tales about life abroad. They saying that it is great over there: money are falling from the sky, beautiful country, good relations, beautiful people, everything is sweet and beautiful like in a fairy tale [laughs] ... Everyone thinks that streets in England made from gold. But in reality it is not. The British people see the opportunity to earn money on foreign labour. We are just labour for them. We are slaves.
(52)

They were also very frank about how the dreams they had invested in migration, as a result of these preconceived ideas, had turned sour:

My dreams did not come true. I was imagining it differently. I thought that I will earn a lot of money, but I did not.
(56)

The fairy tale I heard in Latvia that how easy we can earn a lot of money abroad, was not true. On the farm they used us. They deducted loads from our wages, so we could not save any money and were even in debt. I was hoping I would earn a lot of money, but I did not think that I will get in debt!
(57)

Indeed, for many, working conditions were actually worse in the UK than in their home country:

Q: Where do you think work is better?
A: In Poland.
Q: In Poland? When it comes to working conditions?
A: Oh yes!
(29)

Q: In comparison with China, do you feel that work is worse here in the UK?
A: The conditions are certainly worse than in China. The only advantage is that the pay is higher here. In China, you won't find such harsh conditions ... It is like hell here!
(13)

Although common, these types of response were not accompanied by any great desire among migrants to return home. Indeed, across our sample of 62 workers, the average length of stay in the UK was just over five years (see Chapter 2).

Outcomes

- victims of forced labour have seen their dream of a better life in the UK turn sour;
- many feel that working conditions in the UK are worse than in their home country. Few, however, expressed any desire to return home.

Everyone thinks that streets in England made from gold. But in reality it is not. The British people see the opportunity to earn money on foreign labour. We are just labour for them. We are slaves

Fear and powerlessness

Working at the bottom of the UK labour market, living in some of the most marginal private-rented or tied accommodation, and experiencing one or more of the forced labour practices identified in the previous chapter, took its toll on many of the migrants we spoke to. There was a pervasive sense of fear with respect to talking about abusive employers and gangmasters. There was an enduring sense of powerlessness with regard to workers being able to act alone, or collectively, to improve their situation. Moreover, in some cases this fear and powerlessness seemed to have a corrosive effect on the spirit of migrants.

A Chinese worker – and this was a view shared by many – conveyed a sense of complete powerlessness in the UK labour market:

We come here to work, to make a living. It's about survival. Sometimes I come across difficulties and feel bullied and suppressed, but I put up with it, and it will pass. Feeling bullied or suppressed is normal and unavoidable ... You have to put up with it. There are no alternatives.

(10)

The general consensus was, however reluctantly and fearfully, to accept the work on offer and not to complain:

I was happy that I had a job and wages at the end of the week and I didn't argue. That's it. And if you go and talk with people, they never say anything against their employer.

(38)

This fear and powerlessness were often related to examples of other workers raising their head above the parapet and then being 'dealt with' by employers and gangmasters. In other words, migrants quickly learnt that it was not in their long-term interest to complain:

Some rebelled, but they were quickly got rid of. There were situations like that on the first farm, people rebelled ... the piece-rate was too low and some of them did not want to go to work, the whole team rebelled. They were then dismissed and drove away from the farm.

(59)

They treated us like dogs ... I was dismissed because I did not like that treatment. I was standing up for my rights. I was brave to say what I was thinking, so in the end they get rid of me. By doing so, they set an example to other pickers, what will happen if you complain.

(52)

There was a woman that tried to argue with them, but with no luck, and afterwards she did not get work for two or three weeks. Everyone else worked, except her. She argued, so she did not get work. That is why we did not want to argue with them. This is how it was ... We could not complain, otherwise we would be sitting without work for weeks on end. We did not earn much, but not working at all, would put us further in debts.

(57)

There is also the issue of status in the sense that the few undocumented migrants we interviewed felt that they had no right under UK law to complain

because of their immigration offence, however inadvertently committed, trumped the offences of their abusive employer.

Finally, against this backdrop of individual fear and powerlessness, it is important to consider the potential for collective action and union organisation in order to empower workers. However, no one we spoke to entertained the prospect of collective action or union association. These are basic workplace rights (ICOJ, 2011, p. 245) that in the UK food industry are unused by migrants, not out of lack of need but often out of fear of the repercussions. Unions, for their part, because of hostility from employers and pressures on their own resources, as well as the scattered nature of the food industry as a whole, have found it almost impossible to penetrate the UK food industry (despite the fact that their origins actually lie within English agriculture).³⁸

Outcomes

- workers are fearful of raising employment issues;
- they generally feel powerless to improve their situation;
- many have been disciplined vicariously by the action of employers on those who have complained;
- there is also no real evidence of any move towards collective action, and irregular migrants are particularly fearful and powerless.

Psychological harm

For a significant minority of interviewees, their experience of forced labour indicators and practices had led them to suffer psychologically. The following quotations are illustrative:

I had enough, I could not take it any longer. I felt depressed, apathetic, I had problems with concentration, I stopped believing in myself, in what I was good at for 30 years. I was afraid even to come to work. I believe this all has happened because of my employer, because I didn't want to work for free, I didn't want to be his slave any more and work so many hours overtime. So I found myself like I said before. I went to see my GP who advised me to change my work and he sent me for a sick note for a month. My employer absolutely laughed at this and ignored this completely ... When I came back to work again I had to go back to my GP because I didn't feel any better; my depression actually got worse. I was afraid to go back to work after how I was treated by that employer. I was feeling that I won't cope. This employer actually destroyed my 30 years of experience, my professionalism.
(25)

I was hating the alarm clock. When it was ringing in the morning and I knew I had to go back there, I felt like the sky was falling on me, but I had to go as I had no other choice. I needed money I needed work ... I didn't care any more. I was at the point when you'd rather kill me than go back there ... I lost weight, I was a poor being, my shoulders fallen, sad all the time, tense and day-by-day you are being treated like the least nothing on earth.
(26)

At the time, I felt so miserable. I thought that I was the most unfortunate person. The situation seemed to me to be so hopeless. I thought that I got into hell and sold my soul and arms to dishonest people. I felt like a slave or cattle. It is hard to describe how I felt. You have to experience it in order to understand how people might feel in these circumstances.
(56)

It is important not to understate these psychological impacts. Forced labour practices can cause real harm to workers and their families; harm that can take years to dissipate; and can actually cost the economy more money in the long term (through sick days, medical costs, care costs, etc).³⁹

Outcome

- for a significant minority of interviewees, forced labour practices led directly to poor mental health.

Physical harm

The intensity of work is legendary across the food industry (Kagan, *et al.*, 2011; Rogaly, 2008a): from working on vegetable-picking rigs in the fields, to the conveyor belts in the factory, through to cooking and waiting-on in restaurants. Moreover, targets set for workers, as we saw in the previous chapter, can often be completely unrealistic and can lead to considerable stress. In most cases, this translates to psychological harm, though in some cases work also had a direct bearing on physical health.

A Polish migrant working in a food-processing factory told us that:

Everyone has got back pains. And you have to stand for eight hours next to a container with cold meat, so you can imagine how cold you are! Painkillers all the time because you would not be able to work and magnesium, you have to take them because cold takes a lot out of your body.

(6)

Similarly, a Chinese kitchen assistant likened going to work with going into battle:

The work has been over my limit. I've had a lot of health problems since coming to work here. I have problem with my joints here, my back ... it's painful ... working in the kitchen is like on a battle!

(11)

The intensity of work in the food industry, and the degree to which this intensity is monitored through workplace surveillance, can directly impact upon workers' long-term physical health. In some cases, improvements are being made: for example, the use of table-top plants among tomato growers to stop the need for bending and thus reduce back problems. In other cases, employers are showing little sympathy: for example, in denying workers breaks and in pressuring migrants to work excessive hours.

As a final point, it is important to recognise that this intensity is something that has always been present in the food industry but that work has *intensified* over recent decades. This is linked to particular causes, mainly relating to the economic structures governing food supply chains and the pressures from consumers and large suppliers and retailers for cheap and high-quality food (see Chapter 1).

Outcome

- for a small number of interviewees, forced labour practices led directly to poor physical health.⁴⁰

Summary

This report has been about forced labour in the UK food industry, though with the cases of only 20 victims of forced labour across the entire UK economy annually predicted to come before the courts, it is important to think of forced labour outcomes in a broad sense and not to ring-fence discussion only to forced labour cases as defined in UK or international law. This is why in Chapter 2 we identified forced labour indicators and in Chapters 3 and 4 identified forced labour contexts and practices respectively. Such an approach enabled us to examine workplace abuse and exploitation along the continuum between decent work and slavery and servitude without needing to state unequivocally whether or not those migrants we have interviewed are technically victims of forced labour. It also allowed us in the current chapter to consider outcomes beyond forced labour. We identified five in total.

Firstly, many interviewees were living in poverty: on insecure and subsistence-level wages and often in substandard accommodation. Secondly, the dreams that respondents had harboured of a better life in the UK had not been realised and in many cases working conditions (but not pay) were seen as being worse in the UK than back home. Pay may have been better in strict numerical terms but the increased cost of living eroded that advantage also. Thirdly, it was obvious that the forced labour victims we spoke to were fearful of complaining, and more generally, they felt devoid of any power to effect positive change within the workplace. There was, in short, a resignation to the way things were and the way things would always be. Fourthly, a significant minority of interviewees had experienced stress, depression or anxiety as a result of the forced labour indicators and practices they had experienced. This is significant in that it indicates that there may be hidden costs associated with forced labour: to the health service; as out-of-work benefit payments; and in terms of the impact exploitation has on one's family and private life. Fifthly, a small number of workers reported poor physical health due to the indicators, contexts and practices they had experienced.

6 CONCLUSIONS AND RECOMMENDATIONS

This chapter draws together the report's main findings. In addition, it makes a number of policy recommendations that are tailored to different stakeholder audiences.

Headline findings

The central message is that low-wage migrant workers in the UK continue to experience exploitation; that this exploitation occurs both within the workplace and through the provision of substandard accommodation; that employers and employment agencies are culpable; and that competitive pressures may drive some of the exploitation observed. Our overall knowledge is limited, however, by exploited workers' reticence to take grievances forward and the fact that, even when workplaces are inspected, worker testimonies are often stage-managed.

For many workers there is an acute sense of powerlessness, despair and, in some cases, fear of their employer. This acts to regulate behaviour and to create deferential workers.

Workers continue to experience a lack of basic rights and, even where they are empowered by law, there are barriers to them enforcing these rights.

The most notable, novel and unexpected forced labour practice we found was the 'underwork scam': too many workers being recruited and then being given just enough employment to meet their financial obligations to the gangmaster.

Informal employment and housing brokers (gangmasters) continue to exploit workers (migrants in particular).

Albeit from a sample study, the UK food industry is a sector where exploitation remains significant. The intensity of work in the food industry, driven by economic pressures throughout the supply chain, undoubtedly contributes to the exploitation observed. We cannot say at present whether or not this exploitation is severe enough to constitute forced labour. This depends upon future case law under existing UK criminal law.

Low-wage migrant workers appear especially vulnerable to forced labour and it is not just irregular migrants or those with limited status who are exploited.

Conclusions

The report has used in-depth testimony evidence from 62 migrant workers to show that exploitation and abuse persists in the UK food industry and specifically within the agriculture, food processing/packing and minority ethnic catering sub-sectors. Whether or not this can be termed 'forced labour' depends upon where one draws the line between exploitation and forced labour; and throughout the report we have talked of 'indicators', 'contexts', 'practices' and 'outcomes' to show how difficult it is to determine whether a forced labour case is or is not present. Indeed, some would argue that it is impossible to make such a distinction (Skrivánková, 2010).

The stories we have uncovered are nuanced and multifaceted, making it difficult to generalise across the food industry as a whole. What we can say without any hesitation, though, is that the bottom of the UK labour market, despite the various protective measures, checks and balances in place, is a deeply unattractive and all-too-often exploitative place to be. Work is tough, low paid and insecure, and many of those we interviewed barely earned enough to survive. The following quotation captures the sentiments of many: 'The British people see the opportunity to earn money on foreign labour. We are just labour for them. We are slaves' (52). On top of this, migrants often find themselves not only exploited at work but also trapped in the most marginal forms of housing.

Migrants appear to be at particular risk of exploitation: because of their economic circumstances; their limited language ability; their widespread use of tied housing; and their reliance on gangmasters (often informal and from within their own community). As one interviewee noted: 'If I had known English, I would have gone to find a new job, I would have looked for anything, but it was the beginning here and I really did not have any other options' (5).

For the low-wage, but often quite skilled, migrant workers we spoke to, life was often profoundly miserable and oppressive. There were five particular outcomes associated with forced labour that are noteworthy. Firstly, almost all interviewees were living in poverty and their ability to escape abuse and exploitation was severely constrained by this. Secondly, migrants had experienced extreme disappointment since arriving in the UK and had seen their dream of migrating to a better life turn sour. Thirdly, the precarity of those we spoke to made them fearful of reporting exploitation and abuse and there was a pervasive sense of powerlessness among interviewees. Fourthly, experiencing forced labour indicators and practices had caused some workers psychological harm. Finally, for a few workers, their forced labour experiences had led them to suffer physical harm.

The main forced labour indicators experienced by our interviewees were:

- deceived by employer (ranked as of 'strong' or 'medium' significance for 50 interviewees);
- non-payment of wages or illegal deductions (49);
- fear (47);
- breaches in, or lack of, contract (46);
- psychological harm (45);
- excessive working hours (>50h week) (40);

- payment below the National Minimum Wage (£5.80 at the time the indicators were devised/£5.83 by the time they were deployed) (38);
- crowded accommodation (>2 adults per room) (38);
- confinement to the workplace (32).

At the other end of the spectrum, the following indicators were ranked as of 'strong' or 'medium' significance for fewer than half of the interviewees:

- sexual harm (3);
- fearful of harm to family and friends (5);
- trafficked/smuggled to the UK (5);
- threat of denunciation to the authorities (13);
- indebtedness (19);
- purposefully isolated at work (20);
- retention of ID documents (24);
- physical harm (24);
- restrictions on movement beyond workplace (24);
- desire to return to home country (28).

The above underlines the importance of dealing with forced labour on an indicator-by-indicator basis. It is also important to look at these forced labour indicators in-depth and in their real-world contexts. We did this by identifying 14 what we termed forced labour 'practices'. These practices can be divided into three types of issue (see Table 6). These three issues, we argue, represent the three 'domains' of forced labour (some practices cover more than one domain). They deal with employers' and employment agents' actions that make workers time poor; money poor; and feeling controlled, insecure and oppressed.

Having described forced labour, it is important not to lose sight of its underlying causes. This is a more political and politicised endeavour and is often something avoided in policy reports where, according to some experts, 'little is done to link forced labour with present-day capitalist development' (Lerche, 2007, p. 430).

In the food industry, a comprehensive analysis has to start from the competitive structures of the food supply chain. Put simply, the pressures placed on businesses at the producer-end of the food supply chain by large transnational food retailers and suppliers have been identified as a major factor in forcing employers to cut labour costs. In some cases this cost-cutting

Table 6 – The three domains of forced labour

Time poor	Money poor
<ul style="list-style-type: none"> • Extreme productivity targets and excessive workplace surveillance <ul style="list-style-type: none"> • Overwork • No paid breaks or paid holidays 	<ul style="list-style-type: none"> • Upfront fees and debt bondage • Non- and underpayment of wages • Underwork and indebtedness <ul style="list-style-type: none"> • Deductions and charges <ul style="list-style-type: none"> • Tie-ins: money • Tie-ins: accommodation
Controlled	
<ul style="list-style-type: none"> • Threats and bullying • Disciplining through dismissal • Productivity targets and workplace surveillance <ul style="list-style-type: none"> • Documentation abuses • Threat of denunciation • Tie-ins: work permits • Tie-ins: money 	

leads to the illegal working practices identified above. Such pressures from transnational food retailers and suppliers are not in place in the minority ethnic catering sector. Instead, pressure comes directly from the consumer for good-value, affordable catering. There are also factors other than price driving exploitation. Most obviously, there were often cultural expectations of long hours, limited breaks and of payments to find work that were prevalent in the minority ethnic catering sector. Alongside economic and cultural drivers, it is also true that forced labour may result from the isolated criminal actions of employers and employment agents.

To minimise the impact of these economic, cultural and criminal drivers there must be a combination of state and non-state action. In terms of the former, the UK already has a well-developed policy infrastructure:

- Her Majesty's Revenue and Customs (HMRC) enforces the National Minimum Wage (if the worker has irregular status, the HMRC inspectors will decline to enforce the NMW).
- The Health and Safety Executive (HSE) enforces the Working Time (48-hour week) Directive (or at least is the main WTD body among a number of organisations).⁴¹
- Breaks are enforced through Employment Tribunals claims.
- The Gangmasters Licensing Authority (GLA), Employment Agencies Standards Inspectorate (EASI) and HMRC regulate employment agencies.
- The HSE polices hazardous work environments.
- Local authorities police low-risk work environments.
- Any employment issue can be reported to Department for Business, Innovation and Skills (BIS's) 'Pay and Work Rights' helpline.
- Local Authorities license and regulate Houses of Multiple Occupancy (HMOs).
- Trafficking offences are overseen by the UK Human Trafficking Centre (UKHTC, now part of SOCA, the Serious Organised Crime Agency) and the UK Border Agency (UKBA).
- Exploitation when it is a criminal offence – as forced labour is – becomes a police matter.
- Finally, the UKBA deals with immigration offences, especially irregular migrant working (but addresses the illegality of the worker rather than the illegality of the working practice).

One issue that immediately stands out from this long list, however, is the extent to which there may be scope for the development of a more all-encompassing and holistic inspectorate to address forced labour. Another issue that stands out is the sector nuances in regulation. The GLA, for example, is a very proactive regulator but only governs labour supply and use in agriculture, food processing and shellfish gathering (though many have called for its remit to be extended). Minority ethnic catering, on the other hand, has been subject to an increasingly intense UKBA civil penalties regime. Thus, the forced labour practices in our field-to-fork case study have had different state solutions directed towards them.

Beyond the state, the ability of the Voluntary and Community Organisations (VCOs), especially unions, to protect workers is patchy at the bottom of the labour market. Very simply, there are major formal and informal barriers to worker collectivism in the UK and especially in workplaces and sectors associated with forced labour (see, for example, Taylor, 2010).

One of the major issues for government and VCOs is getting credible worker testimonies and ensuring that these testimonies stand up against those of the abusive employer or gangmaster. Fear was prevalent throughout

our research and it was clear that most workers saw little value in raising a complaint. On top of this, they were acutely aware of how employers often stage-managed inspections:

I don't know what regulations there are, but when we are having inspections on the farm, like ethical or whatever they are called, they remove all Bulgarian and Romanian workers and only Lithuanian and Polish workers are left ... They go to the caravans, and when inspection is finished they go back to work.

(4)

We do have sometimes like inspections. At that point the manager is ringing me and telling me to prepare some people, he tells me to prepare some people that he likes. So there is a selection of five to six people ... So the employer chooses people from my team who earn a lot of money and will say, 'Yes, everything is fantastic and great. We are paid really good and we really like it here!' And there is a lot of lying involved at this point. For example, they chose people who are related to the manager, like his sister, for example. She is also put down as a picker but she organises the payments. But when there are inspections, she is recorded as a picker and she goes and tells a lot of lies really. She speaks English so it's all good for the inspectors.

(37)

Inspectors arrived, had a look around the farm. Farmer chosen four people with whom inspectors could talk to. Inspectors were not going to talk to all of the students, so the farmer chosen those who speak English. I wanted to talk to inspectors, but I was rudely told that I could not because I did not speak English very well.

(52)

Alongside this problem of credible evidence, there are also serious questions as to whether the regulatory framework in the UK is resourced and organised effectively, particularly since the recent economic cuts (Wilkinson, *et al.*, 2009).

Overall, then, and in light of the evidence presented above, the question is whether the UK government is meeting its international obligations. The European Court of Human Rights has emphasised that: 'States have obligations not only to refrain from, but also to criminalise forced and compulsory labour practices and to effectively investigate, prosecute and sanction those who carry out such practices.' (ICOJ, 2011, p. 228). However, at present, 'the offence of exacting forced labour, even when recognised under national law, is very rarely punished' (ILO, 2009b, p. iii) and many feel that UK employers are 'almost immune from prosecution' (TUC, 2005, p. 4). Our evidence strongly supports these perspectives.

Policy implications and recommendations

The final section of the report makes a number of practical policy recommendations as well as containing more general implications for labour market and migration policy. These recommendations have been written with different audiences in mind.

All parties

- Understand that forced labour exists along an **exploitation continuum** (Skrivánková, 2010) and that a person may experience forced labour

indicators, contexts, practices and outcomes without necessarily being classed as a forced labour victim within a court of law.

- Devise strategies to address the **justice gap** that prevents exploited workers, migrants in particular, from raising a grievance and enforcing basic workplace rights. Undoubtedly, the most important steps in addressing the gap are **collective**: to firstly create easily accessible justice mechanisms and then to empower unions and VCOs to guide vulnerable workers to and through these. At present, emphasis is on the individualisation of workers' rights.
- Recognise that forced labour has **a range of causes** and cannot always be explained away as a criminal act carried out by an isolated perpetrator.

Government

- The UK government has been **reviewing workplace regulation**. Any government changes to workplace regulation – including its resourcing – should be made with the welfare of workers as well as interests of business in mind. This study will hopefully inform those carrying out and designing regulation.
- The government needs to ensure that there is continuing support for the **Gangmaster's Licensing Authority**. Given its vital role in addressing worker exploitation, the GLA needs to be able to continue with at least the same powers, if not a greater role in tackling workplace abuse.
- The government needs to explore whether the victims of forced labour could pursue grievances without having to go through Employment Tribunals and/or criminal courts. In other words, is there scope for a **less formal and more accessible tier of justice**? ACAS is one such option that already exists, but the degree to which exploitative employers would be willing participants is questionable.
- The impact on labour rights of cuts in **legal aid** also needs to be monitored.
- The courts must be encouraged, in various ways, to take **a wider view** of what constitutes forced labour under existing legislation. Case law is needed to:
 - 1 establish the boundaries between exploitation and forced labour; and
 - 2 determine whether workers employed 'illegally' (irregular migrants, cash-in-hand work) have an enforceable employment contract to pursue their rights.
- When abuse has occurred, there needs to be **greater restitution** to ensure that the financial drivers underpinning exploitation are reduced. If employers know that they are going to be pursued for unpaid wages and compensation, then the kind of exploitation we have evidenced in this report will become more risky.
- There is a relationship between **language ability** and vulnerability. Learning English can be the main way in which people avoid becoming forced labour victims. The government should recognise this as a key argument to support the funding of free ESOL provision (which has been severely cut over recent years).
- Guidance on the Seasonal Agricultural Workers Scheme (SAWS), and other visa-based workers, being able to **change employer** should be clearer for the workers as some migrants certainly felt tied to their employer despite experiencing abuse.
- The date for **A2 workers to have parity** with other workers from the EU should be brought forward.
- A comprehensive **review of the experiences of A8 and A2 workers** would help to inform future migration and accession policy.

Large food retailers and suppliers

- Pressures placed on employers and gangmasters by the large retailers and suppliers that dominate food supply can sometimes lead to exploitation. Larger businesses must recognise, particularly in light of the Groceries Code and the potential Groceries Adjudicator, that there are **structural economic causes** behind forced labour and that it is not always simply the result of isolated criminal businesses (Brass, 2004; Lerche, 2007; TUC, 2005).
- A number of actions would help reduce forced labour and exploitation happening in supply chains:
 - 1 Food retailers and auditors should take more steps to address the problem of **staged interviews** with employees during auditors' visits to subcontractors. Better methods of collecting confidential evidence from employees are required.
 - 2 One of the major problems we encountered was the propensity of **'flexible employment' to eat away at a worker's private life**. People were kept 'on call' or even did not know whether they would work or not until turning up at the workplace. To combat this, the major food businesses could insist on a minimum notice period and shift length for workers in the contracts with their suppliers.
 - 3 **Piece-rates** can sometimes be used to pay workers below the National Minimum Wage. A solution to this would be to pay workers an hourly rate but with productivity bonuses. In other words, we saw no reason for the piece-rate system other than to maximise the opportunity for profits for the employer and reduce the ability of employees to question these practices.
 - 4 **Guidance** could be produced on the maximum proportion of a worker's income that should be subject to **deductions** for transport, accommodation and other services (along the same lines as the accommodation offset). This could also be included in the contracts along a subcontracting chain.
 - 5 More needs to be done so that food retailers can identify forced labour practices in their supply chains. A set of **indicators** could be developed using the findings in this report. The Supplier Ethical Data Exchange (SEDEX) should produce/publicise an **aggregate report on supply chain auditing data** for the UK.

Inspectorates

- Recognise the problem of accessing candid **worker testimonies** through workplace visits. Related to this, recognise the reluctance of people to come forward and report abusive employers even to independent agents outside of government.
- Be attentive to the fact that some forced labour **victims may not identify themselves as victims** and may have knowingly entered an abusive employment situation for want of any better alternatives.
- Publish clear guidance on workers being able to **take paid breaks, paid toilet breaks and paid holiday** (see also CAB, 2011). Make sure that workers are able to access this information and that these regulations are enforced.
- Continue to develop multi-agency working, for example, the proposed **'Groceries Adjudicator' and the Gangmasters Licensing Authority** should work together to address exploitation in the UK food industry.
- Address the **underwork scam**. Specifically, tackle the problem of agencies taking on too many migrant workers in order to extort more money

through fees and charges. While in one sense a lack of work, *ipso facto*, cannot be described as forced labour, it creates conditions of dependency and involves deception and material deprivation that, in another sense, can be described as forced labour.

- Develop capacity within the **police to tackle forced labour**, and be clearer about the police's role and remit in investigating forced labour.

HMRC

- Develop a clearer link between the **National Minimum Wage and forced labour** agendas as those experiencing forced labour are highly likely to be receiving payment below the NMW.
- More work needs to be done to identify and prosecute those **not paying over PAYE and NI** deducted from workers' wages.

Restaurant businesses

- There is a perception that certain parts of the **minority ethnic catering sector** are particularly exploitative, with the issues of excessive working hours, low pay and the employment of irregular migrants most frequently cited. Our research lends some credence to this and it is important that the industry addresses the forced labour practices identified. Kagan, *et al.*, (2011) explore this issue in much more detail and have devised a more specific set of recommendations for the Chinese business sector.

Trades unions

- Unions could **build on good practice** with regard to organising temporary and/or migrant labour. Examples include the GMB migrant worker branch (Southampton) and Unison's campaigning for care workers and cleaners.
- Unions should continue to play a vital role in identifying sectors and workplaces where the **pace of work** is excessive.
- Unions should take the work of the Commission on Vulnerable Employment (COVE) (TUC, 2008) further and develop (or at least engage with) a vulnerable employment/forced labour **policy network**.
- Unions should continue to **support grass-roots activity**. Examples of successful campaigns include: the Latin American Workers Association and Justice for Domestic Workers (funded by Unite) and the Overseas Nurses Network (funded by Unison).

Local authorities

- **Exploitation through accommodation** is all too often a counterpart to, and indeed component of, forced labour. Local authorities could do more to disrupt the activities of those known to be either providing workers with substandard accommodation or using accommodation charges to keep workers in debt bondage. Evidence shows that many such houses are public health dangers, and local authorities have the power to regulate them (Wilkinson, *et al.*, 2009).
- Given that exploitation through work and accommodation tend to go hand-in-hand, there may be a role for the **unions and labour inspectorates to work alongside Local Authority Houses of Multiple Occupancy (HMO) teams** and to share information.
- **Better support** should be put in place for workers who may lose their home and job as a result of HMO and other related enforcement action.

Voluntary and Community Organisations (VCOs)

- Given the reticence of victims of forced labour to report abuse, and their limited union involvement, **grass-roots migrant-orientated community**

groups have an important role to play in supporting migrant workers with work-related problems. This route may, in fact, be the only way through which forced labour indicators, contexts, practices and outcomes can be brought to light.

NOTES

Introduction

- 1 The Acts refer to the 1998 UK Human Rights Act. This is based on the 1950 European Convention on Human Rights. Article 4.2 of this Convention states that: 'No one shall be required to perform forced or compulsory labour'. The Convention is a ratification, by the Council of Europe, of the 1948 UN Universal Declaration of Human Rights.
- 2 The research that does exist on forced labour has largely been carried out via a human trafficking agenda and 'other forms of forced labour continue to receive relatively little attention' (ILO, 2009c: 78).
- 3 Alongside Article 29, other important ILO forced labour legislation includes Article 105 (1957) and the ILO Declaration on Fundamental Principles and Rights at Work (1998). In addition, the ILO also has a range of international codes designed to protect migrant and agency workers: ILO Article 81 Labour Inspection Convention (1947); ILO Article 97 Migration for Employment Convention (1949); ILO Article 143 Migrant Workers (Supplementary Provisions) Convention (1975); ILO Article 181 Private Employment Agencies Convention (1997).
- 4 Most of our interviewees who had been exploited while working in the catering sector had been employed in Chinese businesses: hence our use of minority ethnic catering. A few interviewees, however, had been working in the general catering sector.
- 5 As well as 13 migrant community interviewees, the three authors were also available to interview in English should the need arise. However, despite the recent focus on forced labour among indigenous workers (Topping, 2011a, 2011b), we were unable to find any British people to interview. Channels we used to try to access exploited workers included unions, CABs and legal advice centres.
- 6 This type of participatory approach has become increasingly common in migrant research (Anderson, *et al.*, 2006; EHRC, 2010a; ESRO, 2007; PHF, 2009; Temple and Moran, 2006).
- 7 This report does not contain a methodology chapter though we have produced a separate accompanying methodological annex (Scott, *et al.*, 2012b).
- 8 There were 62 interviewees, one of whom did not give employment details.
- 9 For example, according to some, forced labour may arise 'when a worker has voluntarily agreed to perform work, but under economic constraint' (ICOJ, 2011, p. 227) yet according to others: 'Forced labour ... does (not) cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives' (Home Office/ILO).

Chapter 1

- 10 It is important to note that 'union-busting' has been observed in the UK food industry (see, for example, Taylor, 2010).
- 11 This was established by, and is part of, the Groceries (Supply Chain Practices) Market Investigation Order 2009 (called the 'Groceries Supply Order').

- 12 The OFT (2006, p. 12) states that 'the national market share of the largest supermarkets (five supermarkets in 2002 and four in 2005 following the acquisition of Safeway by Morrisons) has stayed roughly constant at around 75 per cent by value of the grocery market'.
- 13 Forced labour was a key element of the Temporary Labour Working Group and Gangmasters Licensing Authority that followed.
- 14 Following the adoption in June 1998 of the ILO Declaration on Fundamental Principles and Rights at Work.
- 15 It should be noted that the DTI was opposed to licensing, arguing that licensing schemes: '... are burdensome for business and public authorities alike and the burden falls especially heavily on small enterprises' (House of Commons, 2002–3, para. 54). The DTI also stated unequivocally that it had: 'no plans to re-introduce licensing or bring in a form of registration as it is considered that neither would result in an effective regime' (House of Commons, 2002–3, para. 57).

Chapter 2

- 16 It has been estimated that 30,000 women are forced out of work each year due to pregnancy; retail and hospitality are the industries with highest likelihood of being dismissed (EOC, 2005).
- 17 A8 refers to migrants from the continental European countries that joined the EU on May 1st 2004, namely: Poland, Latvia, Lithuania, Estonia, Hungary, Czech Republic, Slovakia and Slovenia.
- 18 Problems with our NMW data include: wage data not being given by many of the interviewees; there being no way of knowing if this wage given was before or after deductions; there being no way of knowing if this was the eventual wage received by the interviewee or the one promised.
- 19 'Supernatural retaliation' involves the manipulation of one's religious and spiritual beliefs such that they can feel threatened from non-human sources (ILO, 2005). This is a well-recognised phenomenon among some African migrant communities where witchcraft or juju powers are invoked to control those who have been trafficked or smuggled into the UK.
- 20 'Delphi methodology' has involved the use of expert stakeholders to identify where consensus exists over the indicators that should be used to identify forced labour.
- 21 Interviewees 58 and 62 only marked 17 of the 19 forced labour indicators, leaving 'Sexual harm (physical or psychological)' and 'Fearful of harm to family/friends' blank. These totals add up to 17 rather than 19.
- 22 Trafficking involves a person being moved against their will and coercion is involved. Smuggling involves consent on the part of the migrant. A migrant can be smuggled and then become trafficked if they subsequently find that deception has been involved and that the home, work and/or social environment is not as promised by the smuggler (who is then reclassified as a trafficker). In noting those who were trafficked to the UK, we are not commenting on those who may have been trafficked within the UK.
- 23 There is some overlap between this indicator and the 'confinement to the workplace' indicator. There is, however, a subtle difference. Many workers felt 'confined to the workplace' through a combination of long hours, living on site, their workplace being isolated, and them being dependent upon others (often the employer) to travel beyond the workplace. 'Restriction on movement beyond the workplace', however, was more about employers insisting on workers taking particular housing options, driving them to particular outlets to do their shopping, or insisting that they remained home and on unpaid call in case work materialised.
- 24 Some 'illegal' workers were those who had arrived in the UK, had worked here legally but, often through employer manipulation (such as removal of documentation), had ended up working illegally.
- 25 See: http://www.ilo.org/sapfl/News/WCMS_170280/lang--en/index.htm

Chapter 3

- 26 All quotations in this report have a number in parenthesis at the end. This number refers to the interviewee. Details of each of the 62 interviewees are contained in the Appendix.
- 27 English ability was defined by the community interviewers and so inevitably there is an element of subjectivity to this assessment.
- 28 From May 2004 until May 2011, A8 workers were not entitled to access welfare benefits unless they had been working in the UK for a continuous twelve-month period. The same transitional restrictions currently apply to A2 workers. Irregular migrants are, of course, not entitled to any welfare benefits while asylum seekers are entitled to subsistence-only benefits.
- 29 Variation links to variable hours, variable piece-rate, and variable productivity linked to the quality of the crop.

Chapter 4

- 30 The forced labour practices discussed in this chapter can be linked to the indicators reviewed in Chapter 2. The difference between indicators and practices is outlined in Box 1.
- 31 Renminbi is the official currency of the People's Republic of China and yuan is the primary unit. The use of the term 'renminbi' here is equivalent to using the word 'yuan'. Ten yuan is roughly equivalent to one pound sterling.
- 32 This is consistent with ILO Article 181 (1997) Private Employment Agencies Convention, which established the principle that employment agencies shall not charge, directly or indirectly, in whole or in part, any fees or costs to workers.
- 33 A2 refers to migrants from countries that joined the EU on January 1st 2007, namely: Romania and Bulgaria.
- 34 The UK immigration system for migrants from outside the EU is divided into five 'tiers'. Tier 1 relates to skilled professional migrants. Tier 2 relates to skilled workers with an offer of employment. Tier 3 relates to temporary and low-skilled workers. Tier 4 relates to students. Tier 5 relates to youth mobility schemes and temporary workers.
- 35 When accommodation is provided by the employer, they can deduct a maximum amount from workers on the National Minimum Wage. This is known as the 'accommodation offset'. As of October 2011, this equates to £4.73 per day or £33.11 per week. The amount charged is not designed to reflect the true cost of providing accommodation.

Chapter 5

- 36 Many were well educated (see Figure 1), suggesting that in their home country they may have been higher up the socio-economic spectrum.
- 37 A Romanian barrister, for instance, told us she had seen pictures of women leaning against fast cars in front of a sun-drenched background as advertisements to attract women to come to the UK.
- 38 Though we note that the level of union activity varies depending upon where in the food industry you look. Most notably, unions have had some success organising in the major food-processing factories. Union penetration in both catering and seasonal farm work remains, however, extremely low. As a result, unions have sought to exert influence in other ways (see TUC, 2008).
- 39 According to the HSE, and using data from the 2010/11 Labour Force Survey, 10.8 million days are lost per year due to stress, depression or anxiety (<http://www.hse.gov.uk/statistics/dayslost.htm>).
- 40 Though the HSE notes that threats to physical health in the food industry are significant: 'With high numbers and rates of fatal injury to workers, agriculture, forestry and fishing is the riskiest industry sector' (<http://www.hse.gov.uk/statistics/industry/agriculture/index.htm>).

Chapter 6

41 Though we note the very limited level of enforcement (see Scott, *et al.*, 2012a).

Appendix

42 We borrow the term 'semi-compliant' from Ruhs and Anderson (2009).

43 All but 9 of the 62 interviewees had worked in the food industry since arriving in the UK, with 38 of the 62 interviewees still working in the food industry at the time of interview.

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APPENDIX

Summary statistics for 62 interviewees

No.	Age	Gender	Nationality	Education	English ability	Migration	Dependents	Years in UK	Legal status ⁴²	No. jobs	Current job ⁴³	Pay	Tied accom.
1	41	M	Ghanaian	Degree	Good	Family	2	6	Dependent	2	Transport		N
2	36	F	Congolese	A Level	Good	Economic	4	16	n/a	4	Hospitality		N
3	29	M	Romanian	Primary	V. weak	Family & economic	10	3	A2	3	Cleaning		N
4	24	F	Bulgarian	A Level	Weak	Economic	0	6	A2	2	Agriculture	Piece-rate	N
5	32	F	Polish	Degree	Weak	Family	1	2	A8	2	Cleaner	£5.93	N
6	44	F	Polish	Degree	Good	Economic	2	2	A8	2	Food processing	£5.98	N
7	25	M	Romanian	A Level	V. good	Economic	0	2	A2	4	Care	£5.93	N
8	31	F	Polish	Degree	V. good	Economic	1	8	A8	3	Housewife		Y
9	34	F	Chinese	Masters	Good	Cultural	0	10	Semi-compliant	6	Catering	£3.50	Y
10	50	M	Chinese	A Level	V. weak	Economic	2	8	Irregular	9	Construction		Y
11	46	M	Chinese	A Level	V. weak	Economic	1	7	Semi-compliant	8	Catering		Y
12	42	M	Chinese	A Level	V. weak	Economic	0	10	Semi-compliant	7	Unemployed		Y
13	42	M	Chinese	A Level	V. weak	Economic	2	6	Semi-compliant	8	Unemployed		Y
14	61	M	Ghanaian	Primary	Good	Economic	2	20	Visa	3	Retired		N

Summary statistics continues

No.	Age	Gender	Nationality	Education	English ability	Migration	Dependents	Years in UK	Legal status ⁴²	No. jobs	Current job ⁴³	Pay	Tied accom.
15	57	M	Polish	A Level	V. weak	Economic	0	4	A8	2	Transport	£6.53	N
16	45	F	Polish	A Level	V. weak	Family	3	4	A8	3	Housewife		N
17	45	M	Polish	A Level	Good	Economic	3	5	A8	3	Catering		Y
18	43	M	Chinese	A Level	Weak	Economic & family	3	7	Work permit	4	Catering	£5.85	Y
19	43	F	Chinese	A Level	V. weak	Family	3	3	Work permit	1	Catering	£3.67	Y
20	40	F	Chinese	GCSE	V. weak	Family	3	3	Work permit	2	Catering	£3.33	Y
21	44	M	Chinese-British	GCSE	Weak	Economic	2	8	Work permit	6	Unemployed		Y
22	43	F	Chinese	A Level	Weak	Family	1	2	Work permit	1	Catering	£3.24	Y
23	30	M	Chinese	A Level	V. weak	Economic	0	2	Work permit	1	Catering	£3.33	Y
24	54	M	Chinese	A Level	Weak	Economic	2	7	Work permit	2	Catering	£5.40	Y
25	58	F	Polish	Degree	V. weak	Personal	1	5	A8	5	Unemployed		Y
26	30	F	Romanian	Degree	V. good	Economic	3	12	Irregular, then A2	8	Professional		N
27	21	F	Bulgarian	Degree	V. weak	Economic	0	3m	A2	1	Agriculture	Piece-rate	Y
28	27	F	Polish	A Level	Good	Economic	0	1	A8	1	Food processing	£6.00	N
29	30	M	Polish	A Level	Weak	Economic	2	4	A8	6	Construction	£7.00	Y
30	40	M	Nigerian	Masters	Good	Education	0	5	Student	1	Catering		N
31	25	M	Bulgarian	Degree	V. weak	Economic	0	1	A2	1	Agriculture	Piece-rate	Y
32	53	F	Polish	A Level	Good	Economic	2	1	A8	3	Food processing	£5.93	N
33	26	M	Polish	A Level	Good	Economic	1	3	A8	8	Unemployed		N
34	39	M	Polish	A Level	Good	Economic & cultural	0	5	A8	5	Food processing	£5.95	N

Summary statistics continues

No.	Age	Gender	Nationality	Education	English ability	Migration	Dependents	Years in UK	Legal status ⁴²	No. jobs	Current job ⁴³	Pay	Tied accom.
35	34	M	Polish	Degree	Good	Economic	1	6	A8	15	Unemployed		N
36	26	F	Polish	Degree	V. good	Family	0	1	A8	3	Hospitality	£5.95	N
37	27	M	Slovak	A Level	Good	Economic	0	7	A8	3	Agriculture	£7.00	Y
38	54	M	Polish	Masters	Weak	Economic	0	2	A8	4	Food processing	£5.93	N
39	45	F	Polish	Degree	Good	Economic	1	4	A8	5	Cleaner	£6.98	N
40	50	M	Polish	Degree	Good	Economic	1	5	A8	3	Catering	£7.00	Y
41	27	M	Lithuanian	A Level	Weak	Economic	0	6	A8	5	Food processing	£6.50	Y
42	56	F	Latvian	A Level	V. weak	Economic	0	7	A8	2	Food processing	£5.93	Y
43	38	M	Latvian	A Level	Good	Economic	1	5	A8	8	Food processing	£5.93	Y
44	41	M	Lithuanian	A Level	Weak	Economic	0	6	A8	2	Food processing	£6.50	Y
45	50	F	Lithuanian	A Level	V. weak	Economic	0	6	A8	3	Food processing	£5.93	Y
46	61	F	Estonian	A Level	V. weak	Economic	0	6	A8	3	Food processing	£5.93	Y
47	37	F	Lithuanian	Degree	Weak	Economic	1	4	A8	1	Food processing	£5.93	Y
48	24	F	Lithuanian	Degree	V. weak	Economic	1	2	A8	2	Housewife		N
49	38	F	Lithuanian	A Level	Weak	Economic	2	2	A8	2	Food processing	£5.93	Y
50	32	M	Polish	A Level	Weak	Economic	0	2	A8	3	Food processing	£5.93	Y
51	54	F	Latvian	Degree	V. weak	Economic	0	4	A8	4	Retail	£5.93	Y
52	31	M	Belarusian	Degree	Weak	Economic	0	6	Work permit, then irregular	3	Construction		Y
53	25	M	Latvian	A Level	Weak	Economic	0	4	A8	n/a	n/a		Y
54	60	F	Latvian	Degree	V. weak	Economic	0	5	A8	3	Food processing	£5.93	Y

Summary statistics continues

No.	Age	Gender	Nationality	Education	English ability	Migration	Dependents	Years in UK	Legal status ⁴²	No. jobs	Current job ⁴³	Pay	Tied accom.
55	59	F	Latvian	A Level	V. weak	Economic	0	6	A8	2	Food processing	£5.93	Y
56	42	F	Latvian	Masters	Weak	Economic	2	3	A8	2	Food processing	£5.93	Y
57	27	M	Latvian	A Level	Weak	Economic	0	6	A8	3	Food processing	£5.93	Y
58	44	M	Polish	A Level	Weak	Economic	0	9	Irregular, then A8	10	Food processing	£5.95	N
59	56	M	Polish	Degree	V. weak	Economic	3	3	A8	5	Food processing	£5.95	N
60	37	M	Polish	A Level	Weak	Economic & cultural	0	4	A8	9	Unemployed		N
61	34	M	Polish	A Level	Good	Economic & cultural	0	5	A8	7	Food processing	£10.00	N
62	33	M	Polish	A Level	V. Good	Economic	2	9	Irregular, then A8	4	Professional	£10.00	N

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