

Forced labour in Northern Ireland: exploiting vulnerability

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This report explores the extent of forced labour among new migrants to Northern Ireland and outlines a number of recommendations for tackling the problem.

In 2009 the British Government passed a law criminalising exploitation through forced labour, however this remains a poorly understood issue and has not been regarded as a significant problem in Northern Ireland. This report reviews migrants' experiences in a range of employment sectors, in which serious forms of exploitation, including indications of forced labour, have come to light. The report:

- identifies problems of forced labour among migrants working in the fishing, mushroom and catering industries and among Filipino and Romanian Roma migrants;
- highlights the links between vulnerability and a lack of English language skills, limited access to social networks and a lack of local knowledge;
- shows that people will put up with very poor working conditions and exploitation because the situation at home is worse;
- explains the importance of migrants' legal status;
- shows the importance of community-based support networks and access to advice and information for exploited migrants; and
- finds a need to raise awareness of the issues of forced labour among trade unions, employers' bodies and within key government departments.

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Executive summary

Forced labour has been described as a modern form of slavery, and yet there is limited public awareness of the subject compared with related issues such as human trafficking, people smuggling and exploitation in the sex industry. Forced labour may involve the trafficking or smuggling of migrants, it is certainly prevalent in the sex industry, but it is also a much more widespread problem that affects people from a variety of ethnic and national backgrounds who are working in the fishing industry, agriculture, domestic care, catering and a variety of forms of casual work.

The British Government has recognised that forced labour is a problem within the United Kingdom and under Section 71 of the Coroners and Justice Act 2009 'holding another person in slavery or servitude, or requiring another person to perform forced or compulsory labour' is a criminal offence. The Act came into force on 6 April 2010.

The research into forced labour in Northern Ireland focused on the experiences of a relatively small number of individuals, from a variety of different countries and ethnic backgrounds and who experienced various forms of abusive and exploitative behaviour by their employers while working in a number of different employment sectors.

The research identified a number of problems of forced labour in the mushroom farming, fishing and catering industries as well as more isolated problems in a variety of other casual work environments. The research found that individuals from a small number of national or ethnic backgrounds (Chinese, Filipino, Roma) appear to be particularly vulnerable to exploitation in Northern Ireland, although individuals of a wide range of nationalities have been and are being exploited. The research did not identify gender as a key factor that particularly increased the likelihood of being exploited through forced labour, although exploitation in some employment sectors was more likely to be gender specific than others.

In some cases people were exploited by employers from their own ethnic community, but most people who were being seriously exploited were employed by members of the indigenous Northern Irish population who were willing to abuse the vulnerability that some new migrants experience on arrival in a strange country.

The exploitation through forced labour that was encountered was not particularly associated with human trafficking. Rather people's vulnerability to exploitation through forced labour was more likely to be associated with factors such as an individual's legal status, their English language skills, a lack of access to advice and information, and an absence of appropriate community-based support networks. Furthermore, being subjected to forced labour conditions may further increase an individual's marginalisation and vulnerability.

Forms of exploitation

The International Labour Organization has identified six broad categories of experience that are considered as indicators of forced labour. Anti-Slavery International has argued that if two of these indicators are present then the case should unquestionably be recognised as involving forced labour and if one indicator is identified then the case should be investigated further. The research found evidence of each of the six forms of behaviour in Northern Ireland.

- 1 **Threats or actual physical harm to the worker.** There were a number of instances where workers had been subjected to acts or threats of violence.

2 **Restriction of movement and confinement, to the workplace or to a limited area.** A number of people were effectively subjected to restrictions on their movement including fishermen who were confined to their ship as their transit visas did not allow them to live on land, and others who were advised to stay indoors as the town they were living in was ‘dangerous’.

Many of the people who were working in the mushroom industry were living in rural areas and close to the farms on which they were working and were thus relatively isolated from the wider society and although they were not physically confined, their housing context and low wages did reinforce a sense of isolation.

3 **Debt bondage, where the worker works to pay off a debt or loan, and is not paid for his or her services.** It was not unusual for Filipino and Polish migrants to have to pay fees to agencies in their home country to secure jobs in Northern Ireland.

4 **Withholding of wages or excessive wage reductions that violate previously made agreements.** Many people found that the jobs they ended up working in did not meet the terms and conditions they had been expecting, including fishermen who had been shown pictures of a new ship with proper accommodation and who ended up living in a container. In other cases, workers’ earnings did not meet the levels promised, or they were generally paid below the minimum wage levels. Many people complained of being expected to work whenever required, with the threat of being sacked if they refused. Others noted that they did not receive a contract of employment or if they did they were required to sign something written in English which they did not understand.

5 **Retention of passports and identity documents so that the worker cannot leave or prove his/her identity and status.** Some people reported that their employer took and held onto their passport, often under the guise of securing or renewing their legal status. In some cases these were only returned after the police had been called. Some employers held passports in order to renew visas or other documents but then failed to do so, which meant that some workers were working illegally.

6 **Threat of denunciation to the authorities, where the worker is in an irregular immigration status.** It appears to be fairly commonplace for people to be sacked or abused if they challenge their employer about some aspect of the employment conditions, although in most cases they are simply told to ‘take it or leave it’.

Tolerating exploitation

The research suggests that there are a variety of ways in which employers may exploit their employees. In most of the cases the exploitation is based on the employees’ vulnerability. It affects people who arrive with few contacts except their employer, with limited English, little local support and limited understanding of the wider social and legal context. Such workers can be manipulated or coerced into accepting exploitation as the norm. For many vulnerable people the wages they are paid and the conditions they are made to endure are considered acceptable simply because they are better than the conditions they would have in their home country.

Coercion and exploitation increase vulnerability. Individuals subjected to forced labour remain relatively isolated from wider society; they are often paid below the minimum wage and therefore remain at a level of poverty that limits their options for change. To give up their work might also mean being forced to move home, while their legal status might mean that they would only be able to take other work in the black economy and thus be susceptible to abuse and exploitation by another employer.

Escaping the exploitation

If people do act to escape their situation they are often left with limited options. The system does not provide much in the way of support for people subjected to forced labour.

People of some nationalities are reluctant to report their exploitation to the police due to negative experiences of policing in their home country. Criminal investigations or formal complaints to the industrial tribunal system are slow and unpredictable in their outcomes, and the individual may receive little in the way of help or support while the process is under way.

Informal approaches through the trade unions have had some success, but too often the employer may ignore their approaches with an air of impunity. Otherwise migrants can choose to go home (although without the money they had left home to earn), or to work in an undocumented status and remain vulnerable to discovery, denunciation and deportation.

Supporting victims

The research found some evidence that, where present, community-based networks, which are able to provide support, advice and information to fellow nationals, were important resources for people who were being exploited. Such networks could be vital in providing information about ways for migrants to exit their situation, to challenge employers, to raise awareness of legal standards and to signpost opportunities for assistance.

However, beyond a small number of individuals who are professionally engaged with the victims of such forms of exploitation and coercion, there appears to be a limited understanding of the issue of forced labour and limited awareness of the nature of the problem in Northern Ireland.

Holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour has been a specific criminal offence since April 2010. It will obviously take time until cases are investigated and taken to court and the problem begins to be addressed through the criminal justice system. In the meantime emphasis should be placed on raising awareness of the issue, identifying further examples of coercive and exploitative employment practices and providing support, advice and assistance to people who have been, and continue to be, subjected to forms of forced labour.

Conclusion

Undertaking research into forced labour has proved challenging and it was difficult to gather a substantial body of evidence of the scale of the problem. Many people we spoke to were aware that there was an issue of severe exploitation of some migrants, but identifying people who were willing to talk about their experiences has been extremely difficult.

The research has been able to highlight a relatively small number of case studies, but we have also identified problems of forced labour and the exploitation of migrants in a number of employment sectors, in a variety of geographical locations and among a range of minority ethnic communities.

The report suggests a number of actions that could improve identification of cases of forced labour and responses to the problem. These include:

- Extending the remit of the Gangmasters Licensing Authority to include all forms of labour providers.
- Raising awareness of the issue in Northern Ireland through groups like the Race Equality Forum, the Department for Employment and Learning's working group on migrant workers, trade union networks and employers' bodies such as Business in the Community.

- Promoting a publicity campaign similar to the Unite Against Hate and the Blue Blindfold anti-trafficking campaign.
- Increasing capacity to regulate and inspect workplaces.
- Sustaining the work of organisations in the community, voluntary and trade union sectors to provide support and assistance to victims of forced labour.

The exploitation of migrant workers through forced labour may appear to be a relatively minor issue at present, but that makes it all the more important to address the issue with some urgency, rather than to wait until it becomes a more extensive and widespread problem.

1 Introduction

Over the past decade there has been a significant growth in the number of people migrating to Northern Ireland from many different parts of the world to seek work. From the outset there was an awareness that some of the new migrants were vulnerable to exploitation and that there were people willing to exploit that vulnerability. Early research on new migrants highlighted some of the problems they were experiencing in the workplace (Bell, *et al.*, 2004; McVeigh, 2006) and some attention was focused on developing positive responses to such issues. The development of networks among statutory agencies and community-based organisations, the growth of social and advocacy groups and networks among new migrant populations, growing awareness of the problem among trade unions and the creation in 2005 of the Gangmasters Licensing Authority were all positive responses to poor working practices and labour exploitation that had emerged in the previous years. However, more recently there has been recognition of continuing problems, notably with the practices employed by some recruitment agencies (Equality Commission for Northern Ireland, 2010) and also with human trafficking to Northern Ireland. Moreover there has also been a growing acknowledgement that there is a wider problem in the UK (and elsewhere) of more serious forms of exploitation, forced labour, debt bondage and other practices that might be categorised as ‘a modern form of slavery’ (Craig, *et al.*, 2007; International Labour Office, 2009).

On 5 February 2008 the issues were raised in a debate in the Northern Ireland Assembly, at the end of which the following motion was passed:

That this Assembly urges the Executive to take all necessary measures to address both the exploitation of migrant labour and human trafficking; and welcomes the commitment by the United Kingdom Government to ratify the 2005 Council of Europe Convention on Action against the Trafficking in Human Beings.

The research on which this report is based was commissioned as part of a UK-wide programme of research on forced labour supported by the Joseph Rowntree Foundation. The main aim of this specific project was to provide a detailed overview of forced labour exploitation throughout Northern Ireland by looking at:

- the experiences of individuals either currently in and/or previously subjected to forced labour conditions;
- the employment sectors and locations in which forced labour is being used;
- factors (such as nationality, religion, ethnicity, caste, etc.) that may contribute to making particular groups more susceptible to forced labour;
- the factors that encourage migrants to come to Northern Ireland;
- the extent to which immigration status impacts upon the vulnerability of migrant workers and increases the likelihood of their becoming victims of forced labour;
- the role of the Irish border in promoting/reducing the trafficking of individuals for forced labour;

- the impact of the economic climate on the conditions of individuals working in forced labour in Northern Ireland;
- the support available for those individuals who have been victims of forced labour; and
- recommendations that impact upon government/public authorities/police policies to assist in the reduction of forced labour and exploitative employment practices in Northern Ireland specifically and the rest of the UK more generally.

The research, which took place between October 2009 and December 2010, was carried out by the Institute for Conflict Research in partnership with the Law Centre for Northern Ireland, South Tyrone Empowerment Programme (STEP), GEMS NI¹ and An Munia Tober.²

Methodology

The first phase of the research involved scoping the main issues relating to forced labour in Northern Ireland, the industries and locations in which the practice takes place, and the nationalities that might be affected by it. The second phase of the research involved a more detailed study of selected employment sectors and communities where forced labour had been identified as a problem, through in-depth, semi-structured interviews with individuals who had experienced exploitative and forced labour practices in Northern Ireland. The interviews were conducted in the appropriate language using relevant partner organisations to provide translation and interpreting services when necessary. Interviews were recorded but where (and if) an individual was unwilling to allow the recording of an interview to take place then detailed notes were made for later thematic analysis. All participants were assured of confidentiality and anonymity.

The second kind of information was provided through case evidence. Examples were identified by professionals such as support workers, advisors or interpreters who had first-hand evidence of individual cases. These were generally supplied during or as a result of secondary source interviews through partner organisations. Finally, interviews were also conducted with a range of support organisations, community-based groups, trade unions and criminal justice organisations.

Identifying people who were willing to speak of their experiences proved difficult. People who were being exploited or subjected to forms of force or coercion were not highly visible or forthcoming due to the illegal nature of their exploitation. Many such people are reluctant to complain about their conditions and believe that, even though they may be victims of exploitation and be earning little money, they are still better off than they would be in their home country. People could therefore only be identified when they sought support or advice through various community networks.

We attempted to identify individuals through a variety of advice or support groups. However, when people actively sought such advice it was usually when they could no longer tolerate their situation. Moreover, having sought advice or legal support, they often left the country as soon as possible to pick up their lives back home. However, working with support and advice organisations did enable us to gather a variety of second-hand narratives of the experiences of exploited migrants and this helped to shed light on the wider context.

We approached a number of community-based groups working with different ethnic or national communities in order to identify people who might have been exploited. In some cases this proved invaluable and assistance was provided, but in other cases community representatives were reluctant to take part in the project, and one community-based organisation that had agreed to be a partner in the research withdrew its support a few months into the project.

Report structure

The next chapter of this report briefly reviews the wider context and understanding of forced labour, Chapter 3 provides a broad overview of the problem of forced labour in Northern Ireland. This is followed by a series of chapters which discuss specific contexts. Thus Chapter 4 discusses exploitation within the mushroom-picking industry, Chapter 5 discusses aspects within the fishing industry, Chapter 6 describes the experiences of a number of people working in the catering and restaurant industry and Chapter 7 explores the experiences of the Romanian Roma community in Belfast. The final chapter (Chapter 8) provides a summary of key issues and offers some recommendations for action to government, statutory agencies and other organisations.

2 Background and context

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Universal Declaration of Human Rights, Article 4, 1948

The International Labour Organization (ILO) estimates that there are at least 12.3 million people in some form of forced labour worldwide (Belser, 2005), although others contend that there could be as many as 27 million people currently enslaved globally (Bales, 2004). The definitional framework for trafficking and forced labour is provided by UN legal instruments and ILO Conventions No. 29 (on forced labour) and Number 105 (on the abolition of forced labour). Convention No. 29 (1930) states that forced or compulsory labour shall mean:

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

Article 2.1

Forced labour represents a restriction in human freedom, a violation of human rights and the exact opposite of 'decent work' or 'human development' as defined by the ILO and United Nations Development Programme respectively:

... forced labour occurs when people are being subjected to psychological and/or physical coercion (the menace of a penalty) in order to perform some work or service which they would otherwise not have accepted, or not have accepted at the prevailing conditions (the involuntariness)

Belser, 2005: p. 2

The ILO has identified six basic indicators of forced labour:

- 1 Threats or actual physical harm to the worker.
- 2 Restriction of movement and confinement, to the workplace or to a limited area.
- 3 Debt bondage, where the worker works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt.
- 4 Withholding of wages or excessive wage reductions that violate previously made agreements.
- 5 Retention of passports and identity documents so that the worker cannot leave or prove his/her identity and status.
- 6 Threat of denunciation to the authorities, where the worker is in an irregular immigration status.

Anti-Slavery International (ASI) argues that if one of these six factors is present in a labour relationship then the case should be investigated immediately, and if two or more of these indicators are present then the case should be unquestionably defined as being one of forced labour (ASI, 2006). Forced labour therefore is a process which leads from deception into more direct forms of coercion, and the use of coercion and deception are generally believed to be useful indicators of whether or not an exploitative labour practice can be deemed to be one of forced labour (Craig, *et al.*, 2007: p. 17; Skřivánková, 2006). Coercion is deemed to exist:

In any situation in which the person has no real and acceptable alternative but to submit to the abuse involved.

Weissbrodt and Anti-Slavery International, 2002

Coercion is often subtle and can involve manipulation, psychological pressure and threats (Skřivánková, 2006: p. 16). Skřivánková identified three main means of coercion as the retention or withholding of identification documents; debt bondage; and threats. The element of coercion may affect migrant workers in different ways and to varying degrees, but what is common to many cases is that the victims believed that they were not free to leave or change their present employment relationship and most of them had been *deceived* during the recruitment process (Anderson and Rogaly, 2005: p. 40). In an exploitative relationship involving one person controlling another in some form, the exploited individual may not necessarily perceive themselves to be a 'victim', but rather as someone who has no option but to do what is demanded of them (Craig, *et al.*, 2007: p. 17). In a study on Chinese migrants working under forced labour conditions in the UK, Yun contended that in some circumstances the migrants do not view themselves as victims and the poor working conditions are tolerated as they are considered to be temporary:

They are not conscious of their trafficking/forced labour victim status but just dream that once they have paid off their debts, they will become the owners of the businesses.

Yun, 2004: p. 8

Migrant workers are generally relatively isolated from the wider community, through lack of familiarity with language and social networks, which can place them in the very vulnerable position of being exploited in the labour market, while aspects of their working environment can further emphasise their isolation from wider society and in turn increase their dependency on their employers and the control exerted over them. Isolation can take many forms and may involve deliberate manipulation by an agency or employer to prevent communication with fellow workers or support workers, with employers at times attempting to keep migrant employees in ignorance of their immigration status and employment rights (Migrant Rights Centre Ireland (MRCI), 2007: p. 53). Anti-Slavery International found cases in which migrant workers who were legally resident were made to believe they were in fact 'illegal' to discourage them from leaving work, or reporting their employer to the authorities (ASI, 2006). This isolation can also be exacerbated by undocumented workers' fear of deportation by immigration authorities:

This fear factor was also a major consideration in influencing workers not to take any action against exploitative employers.

MRCI, 2007: p. 49

Employers may use accommodation as a method of tying an individual into exploitative employment conditions, with workers fearing that if they lose their job they will lose the roof over their heads. Anderson and Rogaly (2005) found a number of cases of over-charging for accommodation, although (as of 1 October 2004) workers on the minimum wage cannot be charged more than £26.25 per week for

accommodation. Fear of losing a job may be increased if the worker has a debt to repay and many migrants may be subjected to debt bondage through loans (with exorbitant interest rates) obtained to secure work and travel to Europe and which must be paid back after starting work (Anderson and Rogaly, 2005: p. 38). In some cases debts accrued by migrant workers can be considerable: Cattelain *et al.* (2002) highlighted that 52 per cent of respondents in their study owed between £8,800 and £12,000 and 36 per cent owed £2,600 to £4,200. Anderson and Rogaly identified four broad categories of deductions from wages: first, deductions to 'repay' migration, such as for travel, visa and documentation costs and interest accrued; second, deductions for the opportunity to work; third, deductions for accommodation; and fourth, deductions for work-related costs such as uniforms, transportation or safety gear (Anderson and Rogaly, 2005: p. 42). Each of these may serve to limit the capacity of individuals to break away from an employer or move to a less exploitative job. Collectively, these restrictions will have considerable impact upon migrant and forced workers.

Dowling *et al.* found that forced labour occurs in the UK in a broad range of sectors including agriculture, construction, cleaning, nursing and care work, domestic work, and hospitality, with females more likely to be found in cleaning and care work and males in the construction industry, 'all of which are industries which require large numbers of low-paid, flexible and seasonal workers' (Dowling, *et al.*, 2007: p. 7). Low-skilled migrants are usually employed in the three D jobs, 'Dangerous, Dirty and Difficult', which are characterised by low wages, long working hours and poor working conditions (Yun, 2004: p. 9; Skřivánková, 2006). Forced labour also tends to occur in sectors that use large sub-contracting chains, which are dominated by migrant workers and are difficult to monitor (Dowling, *et al.*, 2007: p. 7; Yun, 2004). The proliferation of sub-contracting creates a grey area, where the formal and informal economies and networks mesh and labour exploitation can emerge and prosper, and it also becomes less clear who the actual employer is and where responsibility lies for employment conditions and basic health and safety requirements (Anderson and Rogaly, 2005: p. 32). Sub-contracting in the food manufacturing sector has been found to be extensive and to include a range of degrees of abusive employment relations, including debt bondage, illegal deductions from pay and breaches of minimum wage laws (Ethical Trading Initiative, 2004: p. 21).

In the construction industry, the project-based nature of the work combined with informality results in non-payment of wages being endemic. Agents may claim that the client has not paid them, and that they cannot therefore pay the worker, or they may simply disappear.

The very nature of temporary work in construction and agriculture has an impact in that the workforce must be available when needed but will be laid off when no longer required. Construction workers in particular can be hired as though they are fully independent self-employed workers, which results in a loss of employment rights and social rights. Agricultural labour also relies heavily on casual and seasonal workers with workers required at very short notice, and such an arrangement is likely to be conducive to exploitation and possible forced labour practices (Anderson and Rogaly, 2005: p. 26).

UK policy

In 2002 the Labour Government set out its policy towards forced labour in the White Paper 'Secure Borders, Safe Haven', which presented government policy on migration and labour exploitation in the context of illegal migration and migration control. The paper announced new immigration and police enforcement measures and new laws on trafficking for labour exploitation, and placed immigration control at the centre of action against illegal and exploitative labour, rather than treating the issues as violations of human rights (Craig, *et al.*, 2007: p. 26; Skřivánková, 2006: p. 11).

The policy focus on forced labour changed in the aftermath of the Morecambe Bay tragedy in February 2004 when an estimated 23 Chinese cockle-pickers drowned while being exploited by gangmasters.³ There was an impetus to introduce legislation to ensure that such tragic events did not occur again and in the same year the British Government introduced two pieces of legislation that

focused on aspects of the employment of migrants. The Asylum and Immigration (Treatment of Claimants etc) Act 2004 amended existing law to make it a criminal offence for an employer to employ a person who is illegally in the UK, or whose immigration status does not allow him or her to work. The Act also created a new offence of trafficking people for exploitation, which carries a maximum sentence on conviction of 14 years in prison (Anderson and Rogaly, 2005). The Gangmasters (Licensing) Act 2004 provided for the creation of the Gangmasters Licensing Authority (GLA) with responsibility for licensing and registering labour providers in the agricultural, shellfish-gathering and associated packing and processing sectors. The GLA also has authority to revoke licences if it judges a company to be breaching industry standards.

More recently, in 2009, the government introduced the Coroners and Justice Act (Slavery, Servitude and Forced or Compulsory Labour), which created a new offence of holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour. Section 71 of the Act, which applies in England, Wales and Northern Ireland and came into force on 6 April 2010, states:

The section 71 offence consists of holding another person in slavery or servitude or requiring another person to perform forced or compulsory labour. The circumstances must be such that the defendant knows or ought to know that the person is being so held or required to perform such labour. The offence applies to legal person (e.g. companies) as it applies to natural person.

The Ministry of Justice Circular 2010/07 states that in establishing forced or compulsory labour an element of coercion or deception between the defendant and the victim must be established. In addition the defendant must also know that the arrangement was oppressive and not truly voluntary, or had been wilfully blind to the fact. Again, Section 71 highlights a number of factors which may indicate that an individual is being held in servitude or subjected to forced or compulsory labour. It is stressed that 'the essential elements are those of coercion or deception, which may be demonstrated in a number of ways' and such behaviour includes those activities identified by the ILO as indicators of forced labour (see above), as well as a number of other factors:

- The worker being given false information about the law and their employment rights.
- Excessive working hours being imposed by the employer.
- Hazardous working conditions being imposed by the employer.
- Not being provided with safety equipment and clothing, and/or being charged for the provision of such equipment that is essential to perform the work.
- Unwarranted and perhaps unexplained deductions from wages.
- The employer intentionally not paying the full tax or national insurance contributions for the worker.
- Poor accommodation provided by the employer (e.g. accommodation that is overcrowded, not licensed as a 'House of Multiple Occupation' by Local Authorities, or does not have any necessary gas and electricity safety certificates).
- Intentionally poor or misleading information having been given about the nature of the employment (e.g. about the location or nature of the work).
- The person being isolated from contact with others.

- Money having been exchanged with other employers/traffickers, etc. for the person's services in an arrangement which has not been agreed with the person concerned or which is not reflected in his remuneration.

The 2009 Coroners and Justice Act acknowledges that it is essential that the UK has effective legislation to deal with servitude and forced labour as it can 'cause serious harm to individuals and society' and recognises that the UK has a positive obligation under Article 4 of the European Convention on Human Rights to protect those within its jurisdiction from slavery, servitude and forced or compulsory labour. At the time of writing, it is too early to know how effective the Act will be or how widely it may be utilised in responding to forced labour. Furthermore, given the limited knowledge that currently exists about the extent and nature of forced labour and the fact that forced labour exists on a continuum with other forms of labour exploitation (Skřivánková, 2010), other legislation, related to such matters as health and safety, the minimum wage and fair employment, may be a more appropriate tool to respond to the problem.

The Northern Irish context

In addition to the GLA and the Coroners and Justice Act, Northern Ireland also has additional legislation aimed at tackling the exploitation of workers. The conduct of employment agencies and employment businesses is regulated by the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981, whose 'General Regulations' (paragraph 7.1) proscribes employment agencies or employment businesses from requesting or directly or indirectly receiving a fee for finding someone employment.

The 1981 Order was updated in 2005 (under the Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005) after anecdotal evidence highlighted the exploitation of migrant workers, particularly with regard to charges for services that they did not want or need, breaches of the National Minimum Wage and issues with loans provided by agencies abroad (Toucas and Martynowicz, 2008: p. 33).⁴ While the 1981 Order did not include powers of entry and inspection, the updated Order introduced powers of entry and inspection to ensure effective enforcement of the regulations and to act as a deterrent.⁵ In addition the Department for Employment and Learning is considering its response to a consultation on the implementation of the Agency Workers Directive, which is designed to provide temporary agency workers with equal treatment in basic working and employment conditions, and which will come into force by December 2011.

Patterns of migration to Northern Ireland have changed significantly since 2001 and have increased the diversity of Northern Irish society beyond the traditionally 'settled' minority ethnic communities already here. Trends in migration have included the arrival of Portuguese speakers, initially recruited to work in food processing factories, nursing staff from South Asia recruited to work in the public and private health sectors and more recently individuals from the A8 accession countries who moved to the UK following the enlargement of the European Union in 2004 (Jarman and Byrne, 2007). Northern Ireland Statistics and Research Agency (NISRA) estimates for Northern Ireland in 2009 put the total number of individuals from A8 countries alone at 39,000 (NISRA, 2010). Many migrants in Northern Ireland tend to work in employment sectors which have been found elsewhere to employ forced labour and exploitative working practices. Data provided by Belfast-based employment agencies in 2007 showed that the majority of the migrant workers that they assist in finding employment work in the healthcare system, construction industry, hospitality industry or as manual/casual labour (Jarman and Byrne, 2007: p. 30) in industries which have been shown elsewhere to utilise forced labour.

Although Dudley (2006) raised the issue of adults who had been smuggled into Northern Ireland and subjected to exploitative labour practices, there is little known on the extent of forced labour in Northern Ireland (Martynowicz, *et al.*, 2009: p. 34). The South Tyrone Empowerment Programme has recorded numerous cases of labour market exploitation involving migrant workers, particularly around the Irish border where some gangmasters have been known to abuse the legal differences between north

and south in terms of labour regulation. Research into the employment practices of recruitment agencies also raises concerns about the current employment conditions of a significant proportion of the migrant worker population in Northern Ireland. A report by the Northern Ireland Committee of the Irish Congress of Trade Unions (NIC-ICTU) (McVeigh, 2006) highlighted two key problems that migrant workers faced when dealing with employment agencies and businesses: first, the expectations of workers were not met, and promises made in their country of origin were not fulfilled on arrival to Northern Ireland; second, that employment agencies charged migrant workers inappropriately for services such as medical check-ups or administrative work and in these cases the fear of losing one's job prevented migrant workers from making a complaint.⁶ Jarman and Byrne (2007) noted that employment agencies based in Belfast confirmed that short-term contracts for employees constituted the majority of working arrangements and McVeigh (2006) argued that this placed agency workers in a more vulnerable position in terms of being exploited, while McKee (2006) also noted the increasing move among some Northern Ireland employers of sub-contracting labour.

More recently Toucas and Martynowicz (2008) stated that some employment agencies and businesses in Northern Ireland have reportedly retained their migrant worker employees' passports. In addition further research has found that deductions have been made from some migrant employees' wages for housing rent or other expenses, and migrant workers can often be housed by their employer in very poor conditions (Bell, *et al.*, 2004; Concordia Partnership for Progress, 2006). Some employers have also been accused of retaining a migrant worker's salary or paying below the minimum wage (McVeigh, 2006), or even imposing long working hours and poor working conditions with a lack of holiday entitlement (ANIMATE, 2005). Holder and Lanao (2005) also reported examples of migrant workers being sacked for arriving late for work while local workers were not laid off for the same offence.

Summary

The ILO has been highlighting the problem of forced labour and other modern forms of slavery for many years and until recently it has remained an under-documented issue that thrives in some of the darker areas of the economy, where it feeds on the vulnerability of migrant and marginalised workers. In recent years the work of trade unions and civil society organisations has led to a growing recognition that the problem of forced labour exists throughout various employment sectors within the UK, and the government has responded by introducing legislation to create a criminal offence of forcing or coercing someone to undertake work.

In Northern Ireland research into the experiences of new migrants over the past decade has highlighted a number of the problems faced by many newcomers and, although there has been some acknowledgement of problems of racism and workplace exploitation, there has been limited investigation of the working experiences of the most vulnerable and isolated of recent migrants.

3 Overview of forced labour in Northern Ireland

The practice of exploitation through forced labour and the experiences of people subjected to forms of extreme exploitation have not been widely documented in Northern Ireland. However, a variety of professionals who work with migrants or who work on issues associated with labour exploitation were aware of a number of problems associated with the exploitation of migrants in the workplace. This chapter provides a broad overview of a range of experiences of exploitation and forced labour among recent migrants to Northern Ireland and describes some of the recurrent contexts in which the vulnerability of new migrants may be exploited.

Vulnerability and exploitation

Many newly arrived migrants may be considered as being in a vulnerable situation and therefore susceptible to exploitation in various ways. Their vulnerability may be linked to a number of different factors: they may speak or understand little of the English language; they may have few social contacts with the wider community; or they may have little understanding of their rights. Some may have arrived with little money, or on an understanding that they would have a job that does not materialise, does not pay as well as promised or in which the conditions are worse than expected. Others may be required to work in a location that leaves them socially and/or physically isolated or required to work long or anti-social hours that limit their opportunities to make contact with members of the wider society. Some may be living in a legal grey area: they may not have a legal right to work; may be working without a work permit, or may have failed to ensure that they are legally registered. Some may have failed to leave the territory when a visa ran out, or when an asylum claim had been turned down, and chose to go underground rather than go home. Some may acknowledge that they are being exploited but regard this situation as a lesser evil than what they might experience in their home country.

Nonetheless, for there to be workplace exploitation there needs to be an employer who is willing to take advantage of another person's vulnerability, who is willing to make employees work long hours in poor conditions for poor rates of pay, and who may threaten violence, abuse or denunciation to the authorities if workers complain. The employer may be from one of the two majority communities or may be a member of the exploited individual's own ethnic community. In either case the employer will be aware that the vulnerable will prefer to earn some money rather than have nothing at all.

Such exploitation necessarily takes place discreetly or in a hidden or concealed manner, with the exploited warned that if they complain they may be subject to investigation by the police or by immigration officers. This very vulnerability makes the victims less visible and unwilling to draw attention to themselves. Many of the people we spoke to noted the problem of getting 'victims' to speak out and discuss their situation due to the fear that their own status would become the focal point of investigation. Consequently, many voluntary and community organisations that are approached for assistance feel helpless in bringing about change as they do not want to breach the confidence of their clients.

In trying to identify the boundaries of exploitation through forced labour one can explore the issue either from the perspective of the exploited: for example, are certain nationalities more likely to be subject to forced labour; or from the perspective of the employment sector: are certain types of work more likely to involve the exploitation of vulnerable migrants than others?

Vulnerability and nationality

Victims of forced labour in the UK are not restricted to any one nationality, although people from regions where language, historical or cultural ties with the UK are weaker (such as Eastern Europe and parts of Asia, Africa and South America) might be more vulnerable to exploitation (Dowling, *et al.*, 2007). Our research identified that people from a broad range of national backgrounds were being subjected to labour exploitation, however a small number of nationalities featured more prominently in the research. Chinese, Filipinos and Romanian Roma appeared to be particularly vulnerable to forms of exploitation, as did some other Eastern European nationals.

A number of people cited widespread problems of exploitation associated with illegal or undocumented entry into the UK among the Chinese community.⁷ We were told that diverse Chinese businesses, particularly restaurants and fast-food outlets, have relied on undocumented labour, and that people were willing to work in situations involving extreme exploitation and restrictions on mobility, because the relationship was knowingly entered into for a specific period of time as a means of paying off a debt for having had entry to the UK facilitated. After an agreed period of work (three years was mentioned by one informant), the worker would regain their 'freedom' and be helped to gain citizenship status. However, the established patterns of work appeared to be changing as a result of reforms to citizenship and immigration law. We were told by one member of the Chinese community that fewer food outlets were employing undocumented migrants and instead workers were being employed in illegal gambling venues or in cannabis houses.

Although a number of informed sources raised the issue of labour exploitation within the Chinese community, we struggled to get any engagement with groups or individuals who had first-hand experience of the problem. Nevertheless, one case study was obtained through a Chinese community organisation which highlights the experience of one individual and his family.

Lee⁸ came from China to London to work in a restaurant after responding to an advertisement offering opportunities abroad. Gangmasters or 'Snakeheads' (as they are referred to in China) arranged visas and made travel arrangements for £15,000. Lee borrowed money to pay this debt, which would have to be repaid in full. After a few months in London, Lee was offered work in Northern Ireland in the building trade, which he was told would earn him £1,000 per month. However, after just a few weeks this work dried up and Lee was offered a job 'looking after some plants' for which he would receive pay and accommodation. Unfortunately, these turned out to be cannabis plants and, when the house was raided by the police in June 2008, Lee was arrested and detained. In March 2009 his family in China received a message that Lee had subsequently taken his own life during his detention in a Northern Ireland prison.

Two members of Lee's family came to Northern Ireland to make arrangements for his funeral. One of his relatives remained, in part due to ill health and in part to seek closure to the case while an investigation took place.⁹ This man also incurred a debt by coming to Northern Ireland, which increased the burden on the family. Lee's wife and children remain liable for the money that was initially borrowed. It is hoped, but not guaranteed, that some form of compensation will be received which will enable them to pay off the debt.

This case study highlights a number of issues, including the involvement of gangmasters who make the arrangements for individuals to work in other countries. The payment for this usually involves borrowing money that must be paid back no matter what the outcome. In this particular case, the family received threats about repayment, which added to the pressure and strain on them. The family also incurred debts to pay for family members to organise the funeral and wait for the completion of the inquiry into Lee's death.

We also found that significant employment problems existed for members of the Filipino community in Northern Ireland, as attention was drawn to a number of individuals who had experienced serious exploitation and poor working conditions in a variety of working environments. Some of these issues are addressed below in more detail in the sections on the fishing industry (Chapter 5) and the

restaurant and catering trade (Chapter 6). In general the problems seem to relate in part to the role of recruitment agencies in the Philippines who charge money to place an individual in a job in the UK, with further costs being incurred in arranging travel. For some, the problems arise when the job does not match the terms or conditions that had been promised and people are unable to send money home or repay the money that they borrowed in order to travel to the UK. For other individuals, issues may relate to the renewal of visas. We were informed of one group of Filipinos who were employed through a Northern Ireland-based employment agency to work in a large engineering factory in Belfast. The agent held the workers' passports, ostensibly so that he could ensure the appropriate renewal of visas. However, when the workers were made redundant due to the recession, several of them found that their visas had not been renewed and they had been in the UK illegally, which affected their future ability to work in the country.

Over recent years many Filipino nurses have been recruited to work in the health sector in Northern Ireland. One Filipino nurse who has lived in Northern Ireland for a number of years recounted how changes to the law have made it harder for non-EU nationals to work in the UK; in response an agency in Manila has offered opportunities for registered nurses to come to the UK on a student visa to study on accredited university courses on the understanding that they will be found full-time work in the private sector. The arrangements were understood to cost the worker several thousand pounds and left the nurses vulnerable to being forced to work long and anti-social hours and to exclusion from the Philippines-based national insurance scheme for overseas workers.¹⁰

A senior member of the Roman Catholic Church recounted how he had helped a number of Filipino workers, who had been employed in a mushroom farm earning as little as £1 per hour and working in extremely poor conditions, to move away from the town where the employer was based and find work in a fast-food outlet some 20 miles away. He noted that after the Filipinos had employed a solicitor to try to secure unpaid wages the employer's son appeared one day in the fast-food outlet and threatened to denounce them to the authorities. Although this threat was not followed up directly and all eight of the Filipino workers eventually received compensation, they had by then left Northern Ireland.

From 2004 onwards the majority of migrants coming to Northern Ireland were from the new EU accession countries of Eastern Europe and a number of people asserted that many had been subjected to extremely poor working conditions when they first began arriving in Northern Ireland. However, as more people arrived, social networks and support groups became established, information was more readily available and the complaints of very poor conditions had reduced. Nevertheless, we came across a number of cases where people had been subjected to exploitation at work and which had ultimately contributed to them becoming homeless and seeking assistance from a charity providing support for rough sleepers in Belfast. The charity noted that they were being contacted by a growing number of Eastern European men. Two brief examples illustrate some of the experiences the charity had documented:

Andrius is a Lithuanian man who had been working in a recycling plant. He was expected to work long hours, without a break, and was not provided with any protective equipment. He often received his wages late. When he complained about the late payment of wages his manager accused him of making threats to kill him and reported him to the police.

Iveta, a Slovakian, had stacked shelves in a shop in Belfast for up to 16 hours a day, 5 days a week, for £380 per month. Her wages were paid into the foreman's wife's bank account and money was removed without her consent. Iveta had no bank account of her own and felt she had no choice but to accept this. One day she fell asleep at work and was dismissed. Initially, she lived with a friend but when the friend returned home she was left with no home and no money. Sitting in a park one day she was approached by a man who offered her somewhere to stay and in desperation she accepted. Shortly after, the man demanded sex as payment for rent and she left.

Although we were told that the situation had generally improved for Eastern Europeans, some people informed us that some bad working practices continued and cited a number of cases where

women were suddenly 'no longer needed' when they informed their employer that they were pregnant. Others noted that some employers now preferred to employ A2 nationals from Romania or Bulgaria who do not have the same rights or social networks that A8 nationals now have. We were also made aware of the poor working conditions that were experienced by members of the Romanian Roma community, whose experiences are addressed in more detail in Chapter 7 below.

Sectors exploiting vulnerable workers

Our research identified specific problems in the mushroom-farming sector, the fishing industry and the restaurant and catering sector, where we were able to gather some more detailed information, with more isolated examples and anecdotal information being gathered in other employment sectors. The case study below, of a Latvian farm worker who, although arriving here with the correct documentation, found himself exploited and eventually with undocumented status, highlights a problem in the wider agricultural sector.

Valdis, a Latvian farm worker, was employed in a chicken factory from May to December 2008 and was registered under the Workers Registration Scheme. In January 2009 he moved to a new job on a farm. He was aware that he had to re-register and he gave all his paperwork to a co-worker who spoke Russian and English and who assured him that his registration would be taken care of. He never received a contract or payslips but was paid £70 per week and told that the remaining salary was being put in a bank account for him. However, this did not happen. In October 2009 Valdis was in an accident involving chemicals. His employer dropped him off at the hospital and had no further contact with him. He lost his sight and had to remain in hospital for a lengthy period of time. It emerged that he had not been re-registered when he changed jobs and was therefore not entitled to any support. Social Services agreed to fund his hospital treatment and immediate aftercare, and as he has no family or friends in Northern Ireland they have also agreed to purchase a ticket to send him back to Latvia when he is well enough. He had no money, as his supposed bank account did not exist, and no source of income. Valdis did not want to return to Latvia but had no choice as he did not have the ability to search for jobs or find employment owing to his disability and lack of English. His employer has not offered any support or help and his remaining salary has not been accounted for.

The food processing industry was also noted as having been a problem area in the past, but it was felt that this was now less common since the Gangmasters Licensing Authority was set up. The GLA's authority over this sector was seen to be acting as a deterrent to those wishing to exploit workers. However, one interviewee highlighted that this meant that those involved in providing labour for this industry switched their employment sector literally 'overnight':

The GLA came in and the labour trafficker moved into the building industry, literally overnight.

NGO representative

Some people we spoke to felt that the ways of working within the construction industry left workers open to exploitation due to the nature of contracting, sub-contracting and self-employment. However, the Irish construction industry has suffered a serious decline in the past two years as a result of the recession and financial crises and we were given no hard evidence of forced labour in this sector.

A number of people also voiced suspicions about the potential for exploitation of workers within the private care sector, but we were unable to identify any specific cases. In contrast, there has been greater awareness of the exploitation of domestic workers in the UK in the recent past, in part through the work of organisations such as Kalayaan¹¹ and in part through a wider media interest in the issue. The cases are further complicated by the fact that the workers may well be brought into the UK with their employers and are therefore extremely isolated, physically, socially and linguistically.

Neeta came to Northern Ireland on a work permit as a domestic servant with an Indian family. However, she was effectively treated as a slave for over two years, during which time she received no payment, was not allowed to eat with the family and was verbally and physically abused. Neeta was from a low-ranked caste while the employer was from a high-ranked caste and perceived that she had a right to treat Neeta in this way. Neeta had little English and when she could tolerate the situation no more she managed to get help to escape.

On her 'release' she sought legal advice and her situation was initially investigated as an employment matter for unpaid wages and breach of contract. However, when it became apparent that issues of trafficking and forced labour were involved she was given discretionary leave to remain. Although this meant that she was able to work, her lack of English and limited skills prevented her from securing a job.

Neeta wanted the money owed to her to send to her family, but after court proceedings were threatened, the employer returned to India and then harassed the woman's family by spreading untrue stories of what had happened. Because of the caste differences, everyone in the village believed the employer, although attempts were made to ensure that the correct version of events was made known.

Exploiting the border

One of the distinctive features of Northern Ireland, in relation to the rest of the United Kingdom, is the international land border with the Republic of Ireland. This raised the possibility of the national boundary being used to exploit vulnerability since many migrants are apparently not aware that there are two distinct jurisdictions in Ireland, or that Northern Ireland is part of the United Kingdom. It was believed that the open nature of the Irish border might create a risk that some migrant workers could be exploited through movement between the jurisdictions and by so doing find themselves working illegally. We identified two cases where people had contacted support organisations in the Republic after having been subjected to exploitation and been moved across the international border:

Paola came to the Republic of Ireland from Brazil to work in a meat-packing company but was later moved to work across the border in Northern Ireland, although she did not realise she was in another country. Accommodation was provided by the employer, which Paola shared with 15 other people, and £50 was deducted from her salary for accommodation. After two months the employer provided separate accommodation for the men and for women and couples. Paola's employer attempted to control the movement and visibility of his employees: she was told that Newry was very dangerous and not to go out at night, and all workers were told that they could not be seen in groups leaving the house to walk to work, as this could be dangerous. Paola remained in the house a lot as she was fearful of going out. She remained in this employment for 15 months until she could no longer endure the level of control and low wages and left.

Lydia was recruited from Ukraine to work in a mushroom farm in the Republic, where conditions were poor. Then her employer sent her to work on another mushroom farm in Northern Ireland, but she had no knowledge that she was entering another jurisdiction. The conditions on this farm were better than on the previous farm. Lydia was paid around £160 per week; with £40 deducted for accommodation in a house shared with ten other people. Lydia's employer said he was applying for a work permit for her, and she signed the relevant documents and assumed they were submitted. She was later told that there was a backlog of cases and that they were waiting for an answer, and was subsequently informed that the application had been refused. At this stage Lydia realised that she was not going to get a work permit and contacted friends for assistance.

Although the border was not identified as a major factor in the exploitation of migrants, it clearly did provide an opportunity for some employers to exert enormous influence over foreign nationals through retaining control over their legal registration and also by creating a sense of fear about their safety in the local environment and thus reinforcing a sense of isolation and dependency on the employer.

Exerting control over labour

Many of the people who are being exploited are drawn to Northern Ireland by false promises and on arrival find their circumstances to be different to those that they expected. One trade union interviewee revealed how two chefs had come to Northern Ireland from the Philippines after being promised jobs at a high rate of pay. Within a few weeks their jobs were downgraded and they received only the minimum pay. The work permits for the two individuals were with the specific employer and they felt trapped in the situation as they could not legally find other employment.

An NGO representative recounted the plight of a Romanian woman who was encouraged to come to Northern Ireland by a fellow Romanian man with the promise of a fabulous job and money. On arrival the man forced her to sell magazines on the street and took all her documents and money. She eventually escaped after he started to physically abuse her but was left with nothing, either here or in Romania.

The research revealed that one common means of forcing people to work was by withholding their personal documents. In one case an individual, although getting paid, had her passport retained by her employer, meaning that she was unable to make trips back to her home country. In order to be able to make such trips she effectively worked without taking leave, yet when she asked for her passport to book holidays this was refused. Eventually, she sought advice from a trade union and they successfully got her passport returned. Incidents like this were reported by many interviewees and, perhaps due to lack of knowledge of their rights, many workers were further exploited.

Another common method to hold someone in their work was 'debt bondage', where an individual had paid a fee, often exorbitant, to come to Northern Ireland and then had to pay off the debt within a certain time frame. This meant that many would work long and excessive hours to do so and found that they had little or no money for themselves. One interviewee reported a case of a Latvian man who paid to come to Northern Ireland to work as a lorry driver after being promised a job. On arrival, however, he was given a 'test' and told that his driving was not good enough so they would not employ him. This meant he was left with a debt, with no means of paying it off, and had to work as a farm hand which gave him less money, thus making his debt even more difficult to clear.

Others indicated that many of the employers' deductions were excessive and that payslips were not issued, therefore employees were unaware of what they were actually paying back:

I met a guy not so long ago ... and when I added up what he had actually paid in terms of deductions, he'd paid £1,000 for his flight alone ... [I asked] "Do you not realise this?" and he said "No we never get a payslip".

NGO representative

Some workers also experienced poor living conditions with little or no heating being supplied. One trade union representative highlighted a case where heater switches within the caravan accommodation were taped to prevent usage. As work and accommodation are often linked, many cannot leave their job as this would also render them homeless, creating a vicious circle of working long hours and living in poor conditions but with no money to 'escape' the situation.

Threats might also be used towards an individual or their families, either here or in their home country. One interviewee from the NGO sector referred to a case of a man who, in order to come to Northern Ireland, had sold everything to those who had organised his travel and employment and who remained under constant fear of threat from them. The situation was compounded as his family were also under threat so he felt that he had to keep working for a very low wage for those who had brought him here to ensure both his own and his family's safety. This meant that his situation was worse than before he had come to Northern Ireland.

For some individuals the threats extended to abuse and mistreatment. One NGO representative highlighted the case of a Filipino man who was locked in a cupboard for failing to do his job properly and

threatening to report his employer. Other cases have included physical harm such as stabbing incidents, although on many occasions the exact reason for the injuries are not revealed by the victim due to fear of repercussions. In some cases it is suspected that victims are physically assaulted when they try to leave their jobs.

For some people the fear of their family being exploited in their home country meant that employers or gangmasters had even more control over their situation. This was felt to be one of the main factors that could hinder co-operation from people currently in forced labour conditions. It was also highlighted that loyalty to a person's own culture could create reluctance to speak out against those exploiting them. These issues will be further explored in the following sections of the report, in which we consider in more detail the experiences of people working in mushroom farming, the fishing industry and the catering industry – and more general experiences of people from the Romanian Roma community.

4 The mushroom industry

Research on the mushroom industry in the Republic of Ireland (Baltruka, *et al.*, 2009; MRCI, 2006, 2008a; Pillinger, 2007, 2008) and elsewhere (Rezaei and Goli, 2008: p. 21; García, 2007) has characterised the industry as relying on intensive use of migrant labour, with long working hours, poor housing, low wages, unsafe working conditions, abuse and isolation. The nature of the work – labour-intensive hand-picking by migrant workers in confined and often unhealthy environments in isolated areas – increases the vulnerability of individuals to circumstances of forced labour in the industry. Unfortunately, official interventions into employment in the mushroom industry have focused on the immigration status of workers, rather than employment conditions.

The Northern Ireland mushroom industry underwent a transformation in the 1960s, moving from three coastal counties, where access to markets and transport infrastructure was good, to two inland counties, which were closer to the source of compost, thus constituting in effect an increase in producers and a move to farm-based production (Cook, 1974). In recent years there has been a drastic shift back to larger-scale producers, from 289 in 1999 (Kearns, *et al.*, 2008: pp. 1–3), to 59 growers with 416 houses, employing 562 individuals in 2009.¹²

The Equality Commission for Northern Ireland (ECNI) carried out an investigation into agency work and uncovered a range of abuses, including, among workers in the mushroom industry, inferior terms and conditions of employment, payment problems and employment discrimination (ECNI, 2010). The research on forced labour provides detailed accounts of people's experiences based on semi-structured interviews with 17 individuals working in mushroom farms, plus information from a further eight case studies gathered from interviews with support workers, advisors and interpreters. The findings are presented to ensure the complete anonymity of participants, so names, farms and companies have not been identified. All interviews were carried out in the person's first language, almost all interviewees having basic or no English language comprehension, indicating another dimension of vulnerability.

Coming to Northern Ireland

Most interviewees came to Northern Ireland with qualifications, skills or experience which would have equipped them for employment that demanded greater knowledge and skills than those required for mushroom picking. However, the economic context of their home country has forced them to work in the industry as a way to earn more money than would be possible at home. Interviewees included a qualified builder, a horticulturalist, a chemical engineer, a welder, two accountants, and workers with skills and experience in the textile industry. Two interviewees came straight from school in their home country to Northern Ireland and one gave up a degree course to make the trip. The majority, therefore, due to economic necessity, were now working well below their skill levels:

I was a qualified accountant working in industry. I was a supervisor – a customer service shift manager. Now I'm picking mushrooms!

Female A8 national

All interviewees came to Northern Ireland in connection with work, mainly in the mushroom industry. While some travelled via other places (including Sweden, the Irish Republic and Britain) they came of their own free will. Some were recruited into the industry through personal contact with friends or relatives:

A brother and a friend were working for the mushroom farm in Northern Ireland and they said to come over.

Male A8 national

I followed my mother. I came as soon as I left high school.

Female A8 national

However, the majority were recruited in their home country by an employment agency offering opportunities in other countries. In each case the agency had a direct link with the mushroom industry in Northern Ireland. All of the agencies mentioned charged for this service and workers paid their own travel costs on top of this, but mostly they accepted this was necessary in order to gain employment:

We paid £300 each – not up front: it was deducted from our first wages. It was worth paying the money to guarantee the work.

Female A8 national

Payments made by interviewees varied according to home country and agency, ranging from £300 to £1,300 plus flight costs. The function of agencies was simply to link the worker with the employer, as in most cases there was little preparation or information involved, with some exceptions:

The agency told me I would be working in mushrooms and I was shown pictures of the beds, etc. I was told it was not great. It would be piece rate – £4.74 equivalent per hour.

Female A2 national

I was told the mushroom farm was 100m from the house. But it wasn't! I was told I would get £180–£220 per week and it was piece rate – you get paid for what you pick.

Female A8 national

I was told very little. I was told it was pay per hour, then I asked if it was piece work, and I was told it was just little baskets I had to fill [indicates a small basket hanging off her arm], but they were big baskets!

Female A2 national

Clearly, while there was some expectation of hard work and less than perfect conditions, the reality of work in the mushroom industry in Northern Ireland was generally harsher than expected or portrayed. In one casework example there was a more extreme illustration of agency exploitation: one person had paid an agency £5,275 to secure work, and had to work on a farm in her home country for 'training' and spend eight of her twelve months working in Northern Ireland paying off the original debt.

There was an expectation that the agency would do more than provide access to employment, for example ensure documentation was completed or at least give information about what documentation was necessary. While some agencies indicated what documentation was needed, stating the receiving employer would initiate the paperwork when they arrived, others gave no guidance at all:

We had to do everything ourselves – the agency said we had to manage things ourselves. We were here a year with no documents.

Female A2 national

Working in Northern Ireland

Interviewees were often confused about who they were working for, particularly if they had passed through intermediaries or other agencies, and they were often not told, even if they asked:

There are so many firms involved. I asked for information from [the manager] about who is who, like who is the employer, the agency, but it was never explained.

Female A2 national

The majority of workers appeared to be employed directly by the farm, but the detail of working conditions and circumstances revealed various dimensions of labour exploitation and the negation of employment rights.

Employment documentation

More than half of the interviewees were initially undocumented and around a third remained so at the time of interview for reasons beyond their control, either because they were not informed that they needed documentation or because they were promised documentation and this was not forthcoming or was delayed:

The agency did everything and I was told that my employer would give me the pink card.¹³ But this did not happen. I asked my manager ... about the pink card every day, but she did not know. I rang the manager of the agency. I rang [the head office]. It was a couple of months before the paperwork came through.

Female A2 national

I did not get a work permit, as I was not aware of this.

Female A2 national

When this issue was discussed as part of the research, the majority of interviewees did not realise the implications of being undocumented, such as their vulnerability and the lack of recourse to public funds should something go wrong. Contracts of employment were also a confusing issue. Some had no contract, some had signed a contract but they did not have a copy, some had signed a document that was not in a language they could understand and others had a contract from the agency in their home country, but were employed directly by the farm, which did not uphold the conditions stated therein:

I have not received a contract. No-one has a contract. No safety instructions, no induction, nothing.

Male A8 national

I signed it, but I don't have a copy. I don't know what was in it.

Female A8 national

Likewise, payslips varied widely in their content or reliability (or even existence). For example, two undocumented A8 nationals were paid by cheque and cash and received no payslips, having paid no tax or National Insurance contributions. Another casework example reported receiving forged payslips with other people's names and National Insurance numbers on them. Most interviewees had payslips of some sort, which indicated tax deductions, but one did not have a National Insurance number indicated. However, payslips varied in their usefulness:

Tax and National Insurance are shown as paid, but not the hours. If the pay goes over the set amount (in this case, £180), then it is topped up in cash.

Female A8 national

Payslips are from [the farm] with a cheque, but no hours are shown, just '1 unit' and the amount. We have National Insurance numbers and tax is deducted.

Female A8 national

Tax and National Insurance contributions are shown, but they are less than before. We used to have £40 deducted; now it's £12 for tax. It's suspicious.

Female A8 national

These overlapping documentation issues lead to insecurity and concern around the legality and openness of accounting procedures, but particularly concerning status, which remains a mystery for many who have just arrived in Northern Ireland, or even for those who have been in the country for some considerable time.

Accommodation

Securing appropriate accommodation is a key issue for many workers and their families. While the trend is for fewer workers to have accommodation provided by the employer, over a third of interviewees did so, and several of the others had initially been placed in accommodation provided by the employer, but subsequently rented privately. Clearly, such a situation creates greater reliance on the employer and hence more vulnerability to exploitation; as one caseworker indicates, a worker was dismissed by the employer after someone else in the household had a confrontation with the landlord. Living conditions and excessive rent have also been reported, such as a person being charged £25 per week to share a caravan. The main accommodation-related issue that arose with interviewees was of living conditions, such as a lack of facilities, poor repair provisions and a reluctance on the part of the landlord to carry out repairs. Examples are as follows:

I came with another girl and we shared a small, cold room with a leak in the ceiling. The room was very damp and wet.

Female A8 national

We lived in employer's accommodation for the first 18 months and it was okay in the beginning. But if things got broken – we were careful, but sometimes things didn't work – no one came to fix them. I did it myself. We had water coming through the ceiling and called the landlord, but he didn't respond. I sorted it out myself.

Male A8 national

When an employee/tenant is more secure in terms of status, their treatment by their employer/landlord improves, damning evidence that the employer/landlord is well aware they are vulnerable.

We had a problem with a window that didn't shut for a year – even through the winter – and two years to fix the shower, which would change from hot to cold all the time. The landlord – who is the employer – didn't bother. But now we have our blue cards he comes quickly.¹⁴

Female A2 national

Charges for accommodation varied, but £25–£32 per week was recorded for sharing in a house, with oil and electricity bills on top of this. Under normal circumstances, this would be average rent for the areas concerned, but the lack of furnishing or facilities, lack of repair and the use of houses as transit accommodation (one house had three women in rooms and two more sleeping on the sofa in the living room for a time) make this arrangement excessive and unreasonable.

Working hours, pay and time off

The mushroom industry is associated with long working hours and low pay. All of the interviewees reported being paid for piece work, with the average rate for mushrooms at around 10p per pound (20p per kg). But the rate of picking is affected by the size of the mushrooms, with larger mushrooms being easier to pick and therefore earning the picker more money. Picking smaller mushrooms is more labour intensive and regularly results in pay below the minimum wage once the rate per hour is worked out, with one casework example working for £2 per hour. Another issue is the extra work that pickers are asked to do that does not involve picking, such as moving crates, cleaning equipment or preparing the work area. This is effectively unpaid work, as there are no mushrooms contributing to the picker's quota:

Pay varies. I was not paid at all at first. Pay is for whatever is collected, which is made up to £5.80, but only for the first two weeks. There are no specific wages – it depends on how much you pick. You can get £7–£8 per hour for bigger mushrooms, but £3 per hour for smaller ones. Then you have to spend time cleaning, for which you don't get paid.

Female A2 national

I asked about the minimum wage and why we were only getting £4.74 and I was told we were 'in training', but we never got any certificates.

Female A2 national

The work itself often pays very little, but the payment methods, delays or inconsistencies can make the situation worse:

There was money missing – about £25 – it was never the full amount. I wasn't aware of the rate – I earned as much as I could.

Female A2 national

The ... supervisors cheat with the records. We asked to see the records, but they refused to show us.

Female A8 national

Excessive working hours, which could be as high as a 75-hour week, were reported by the majority of interviewees but interviewees also reported not being able to work enough hours to earn sufficient money. With piece work, there was a reluctance to take breaks and then only short ones, but breaks were not standardised or structured into the working day and shifts were not even scheduled across the week:

The first few months I worked ten hours per day, five to six days a week. Sometimes from 6am to midnight.

Female A2 national

Hours vary, but I was doing an average of 75 hours per week. I would start at 7am, then work at least until 6pm, sometimes 7pm, 8pm or 9pm. There are no set times for breaks – you would get lunch when you could, with someone covering until you got straight back to work.

Male A8 national

You get long shifts, sometimes three 12-hour shifts in a row. You never know when it finishes; you could come home and start making the dinner and be called in again to work. Like today, we all started at 7am, we left early for this interview, but two others are still there [statement made at 9pm].

Female A8 national

Time off can be a problem, as there may not be set days off, weekends and bank holidays are often worked at the same piece rate, or workers may only be paid for the work they do, with no holiday and sick pay. In other instances, a less standardised method of 'holiday pay' is used, for example adding a small amount extra to the weekly pay packet (such as £10), which the worker is told is holiday pay for future holidays:

The holiday pay is late. It doesn't come with the regular pay day. We get it four months or more later.

Female A8 national

Sometimes you have a day off and you are called in anyway, but don't get the time back.

Female A8 national

There's no overtime pay, holiday pay, sick pay, maternity pay or unsocial hours pay.

Female A2 national

Working conditions

None of the interviewees reported being subject to physical assault or threatened with violence. However, there is a casework example of a worker being physically assaulted by a supervisor when he challenged an incident of verbal abuse. He was dismissed by the owner when he reported it. Another casework example documents threats of violence to occupants of employer accommodation when there was a dispute with the landlord, including intimidation in the form of broken windows. Other forms of abuse reported by the interviewees ranged from pressure to work and superfluous tasks to ridicule and intimidation:

Achieving the picking rate depends on the mushrooms. Some get good mushrooms, but when picking the small mushrooms it can't be done. The manager is responsible for laying the compost and setting the temperature which affects the mushroom quality, but we are told it is only the pickers' fault.

Female A2 national

At the farm, the mushrooms got a disease, so we had to wash the trolleys with cold water, which is hard work. Everyone had to do that, if not, there was a disciplinary meeting and you would lose your job. Travel to the farm was by bus and it was stressful to finish the work and run for the bus – I was being shouted at to come to the bus and had to decide whether to do so and risk disciplinary action or to stay and wash the trolley properly.

Female A2 national

The competition for jobs and the way the work is structured means that the allocation of tasks and working hours has a significant impact on income. Significant inter-group rivalry was reported – a natural consequence of different nationalities competing for work, and a situation which is not addressed satisfactorily by employers happy to play groups off against each other. Specific circumstances appear to be where migrant worker supervisors show favouritism for their own nationality or discriminate against certain other nationalities, which is either ignored or encouraged by employers:

[They] get favours, but [we] are second-class citizens.

Female A8 national

[They] get the good, big mushrooms. The supervisors are [from their country] and decide who picks what mushrooms. But we work more to pick the bad mushrooms.

Female A8 national

The pressure to work, while sometimes intangible, is symptomatic of a context where people who are vulnerable work in an isolated location in a workplace where they are not treated equally:

There was pressure at work. The employer's mother-in-law was continually saying we were not allowed to work because we did not have a work permit. We were always rushing to get the work done.

Female A2 national

The supervisor isn't helpful with complaints, saying: "If you don't like it you can go".

Female A8 national

Communication problems also add to the sense of subservience and maltreatment, exacerbated by a language barrier in oral and written communication and a sense of being kept in the dark:

Documents translated into Russian tend to be given to [us], but [we] have limited understanding of Russian.

Female A2 national

The ... supervisors don't make communication with the boss easy. The boss only speaks English, so sends us back to the supervisor. The supervisor sends us back to the boss.

Female A8 national

Long working hours, poor working conditions, poor communication and informal working patterns have major implications for health and safety. Complaints reported by interviewees included the following:

I got back pain. Eleven to twelve women ... sit on trolleys picking mushrooms and you have to bend to pick them. There are two levels of shelves, but they are building two more. The lighting is okay, but it is not good for the older women. There are some chemicals – there is the smell of chemicals. There is no protective clothing, just an apron, which is not compulsory.

Female A8 national

Tiredness, headaches, skin complaints: skin peeling off because of the chemicals.

Female A8 national

I have become irritable and lost weight. It was the pressure and long hours. Three men had to load 30 tonnes of compost a day. Sometimes it was 60 tonnes. Sometimes 90 tonnes.

Male A8 national

When there are injuries or difficulties as a result of the work, the response from employers has not been positive:

A person hit his head and needed stitches. He wanted to go to the doctor, but the manager told him to go back to work.

Female A2 national

Indeed, health and safety arrangements were reported by interviewees to be minimal if not non-existent:

My partner asked for a mask and they said there were none on the farm.

Female A2 national

First aid? I'm not aware. We haven't been told. In the kitchen there is a number on the wall for the employer, the police and fire.

Female A8 national

There are first-aid boxes; I just don't know where they are. We carry our own.

Female A8 national

The work is therefore heavy going, with long hours, poor working conditions and insufficient health and safety provisions. Pressure to work, stress and being at the beck and call of employers to work shifts at short notice or work well over time are coupled with unchecked internal tensions between groups, favouritism and discriminatory practices.

Discipline, deception, dismissal and redress

The threat of dismissal is always present and interviewees frequently indicated that they would lose their jobs if they challenged their treatment. Certainly, there were reports of threats that if certain tasks were not performed, reasonable or otherwise, there would be summary dismissal; and disciplinary letters, usually in English, had been used for minor infringements which, given the lack of contracts with details of what constituted misconduct, were often arbitrary.

It is acknowledged that trade unions have been making efforts to organise in the mushroom industry, but the diversity of linguistic groups, small workforces and isolation make this very difficult. In addition there are suspicions of union approaches for a variety of reasons including closed workplaces where individuals or groups act as gatekeepers, reluctance to part with union subscriptions and negative views of unions in general from experience in home countries. However, the key issue appears to be fear of dismissal or bad treatment by employers. Interviewees expressed the following sentiments about the unions:

There was an approach by the union, but they said all eight pickers have to join to make something happen. So we didn't.

Female A8 national

We elected a union rep and we have a good relationship, but she has no power over the boss – he won't talk to her. She says she will bring him to account if he does anything wrong, but nothing happened. She has some English. You can book an interpreter on the phone, apparently, but we didn't know you could at first.

Female A8 national

The union rep wasn't working and was fearful of the manager, so never took any action. We are no longer in the union.

Female A2 national

There is also resistance to unionisation on the part of some employers:

The supervisor didn't want us to be in the union and said the boss would sack us, but we didn't leave and he didn't sack us.

Female A8 national

The Unite trade union organises in two key mushroom firms in Northern Ireland, but the workers on most farms remain unorganised. However, if workers are not in a position to organise themselves, whether due to isolation, linguistic divisions, lack of time, fear of dismissal or reprisal, or low capacity, they often feel unsupported or beyond the reach of external help. The exploitation therefore often continues without recourse to redress, without effective monitoring and with a constant threat of summary dismissal.

Future plans and visions for change

Some interviewees would leave the mushroom industry at the first chance, but the main barriers are a lack of alternative jobs and the prevalence of a significant language barrier:

I'm ready to leave immediately, but there is a language barrier.

Female A8 national

The only stress is being away from friends and family. I'd like to leave and get another job.

Female A8 national

There was frustration at the limited opportunities for earning money and the limited options for living their lives, given the lack of financial resources and the isolated settings in which they worked and were accommodated, added to the irregularity of shift patterns and unpredictability of working days and hours:

The problem is when there is no work. There is nowhere to go, nothing to do. It causes anxiety, there not being fixed hours. There is not much we can do with the money we earn. Just sit at home.

Female A2 national

However, many just wanted pay and conditions to improve so they could earn a decent wage for hard work:

Life is fine in general. We are not afraid to work. We just want steady work, not 16 hours one day and one hour another day. We want bank holidays paid like everyone else.

Female A2 national

We want to be paid more per hour and get holiday pay. We want the bank holiday off like everyone else.

Female A8 national

The interviews revealed ample evidence of exploitation in the mushroom industry, including working without a contract of employment; being paid below the minimum wage; working in excess of the 48-hour week; insufficient breaks; lack of or insufficient holiday pay, sick pay, overtime pay or maternity pay; failure to carry out a risk assessment for pregnant women; insufficient health and safety arrangements; intimidation at work; and lack of due process in labour relations. This exploitation, while varying in severity and pattern, was common across a number of employers and therefore can be assumed to be endemic in the industry. None of the interviewees suggested that better terms and conditions existed in other farms that they were aware of. This exploitation was exacerbated by the dispersal of the production elements of the industry on small farms in isolated areas, making it difficult to establish external connections to obtain help and support. Unionisation of the workforce appears to be patchy and there was little confidence that the unions might improve the situation.

5 The fishing industry

The Northern Ireland licensed sea-fishing industry is mainly concentrated in three fishing ports on the east coast of County Down: Ardglass, Kilkeel and Portavogie. In December 2006, there were 313 vessels registered in Northern Ireland (35 based at Ardglass, 112 at Kilkeel, 51 at Portavogie and 115 elsewhere). The fleet depends mainly on fishing opportunities in the Irish Sea and the North Channel and it is the main UK fishery interest in the Irish Sea. It was estimated that in 2008 the entire industry employed around 1,900 people (both full- and part-time), with some 700 employed in the processing sector, 613 in the catching sector and 258 within aquaculture. While by 2010 various sources indicated that there were around 1,200 employed in the fishing industry in County Down with 598 of these working as fishermen.¹⁵

In recent years the fishing industry has turned to other areas to recruit workers with fishermen being recruited from the Philippines since late 2006.¹⁶ The exact number of Filipinos employed within the fishing industry is uncertain but it has been estimated that up to 1,000 Filipinos work in Scotland, at least 200 in the Republic of Ireland and 160 in Northern Ireland (*The Observer*, 14 December 2009).

The abuse of migrant fishermen globally has been highlighted in reports by the International Transport Workers' Federation (2006) and the Environmental Justice Foundation (2010). Both organisations noted cases of physical and verbal abuse of fishermen, extremely poor working conditions with very poor or erratic payment and a lack of safety provision and care, as well as other forms of behaviour and activity that served as forms of constraint and coercion on the workers.

Recent research in Scotland has highlighted the increasingly important role in the fishing industry that is being played by a migrant workforce, not least because of the relative unattractiveness to locals of the low pay, poor working conditions and sometimes seasonal nature of the work (De Lima, *et al.*, 2005; De Lima, *et al.*, 2007). Similarly, the Economic and Social Research Council (ESRC) Seminar Series 'Mapping the Policy Landscape: Change and Continuity in Scotland's Fishing Communities' (2008) highlighted the unattractive working conditions as a factor in not recruiting and retaining local fishing crews, especially among young workers. It was stressed here that migrant labour was now an established part of the fishing workforce both ashore (e.g. processing) and at sea and, although the aim among the migrants was to accumulate money before returning to their home country, workers could expect contrasting experiences:

Stories of living aboard boats, overcrowding in onshore accommodation and low wage exploitation contrast strongly with reports of 'adoption' by skippers' families and equal pay and working conditions with fellow Scottish workers.

ESRC, 2008: p. 12

De Lima *et al.* (2007) also found little evidence of integration among migrants working in the fishing industry as they had few opportunities to engage with local communities, mainly because of lack of time, poor English, a lack of activities and the need to save as much money as possible. In practice most socialising took place with other migrant workers and the migrants remained relatively isolated and marginalised overall.

Migrant fishermen in Northern Ireland

The issue of the maltreatment of Filipino fishermen in Northern Ireland was first highlighted prominently in May 2008, when the *Newsletter* recounted how eleven Filipinos had returned to the Philippines after two

weeks in hiding following a violent incident involving the son of the skipper of their fishing boat (*Newsletter* 7 May 2008). The men had been living in caravans and on the fishing boat and were sent out cockle picking and mussel gathering as well as crewing the fishing boat. Following the assault the men approached a local priest who spoke their language, Tagalog, and they were eventually repatriated after an intervention by the Philippines Ambassador to the UK.¹⁷

Further details of the incident were highlighted in a report by the International Transport Workers' Federation (ITF) in November 2008, which also cited:

Long working hours for low pay, poor accommodation, no sanitary or social facilities, and fears and intimidation emanating from their respective employment agents in the Philippines and Northern Ireland should they complain about their employment situation.

ITF, 2008: p. 9

The report noted that the fishermen had been recruited in the Philippines through the 'Super Manning Agency' and they appear to have been charged a fee for the job placement, a practice that was against ILO rules. In an interview with a member of a local group in Killeel who had helped the Filipinos, the individual noted that the men had said that that agency in Manila had showed them a video of a large, new fishing boat with proper sleeping accommodation, which was nothing like the boat they ended up working on. According to this interviewee the fishermen also noted that when they arrived in Northern Ireland the skipper took their passports, and the police had to intervene to ensure that the fishermen got them back before they were able to leave.

The ITF report described the situation 'akin to forced or compulsory labour' and identified a range of problems affecting migrant fishermen in Ireland and Scotland:

Chief amongst these are refusals by the fishing boat owners to repatriate migrant fishermen and/or to abandon them in a foreign port; or to impose excessively onerous working hours on seafarers without any entitlement to overtime payment. Another practice that has been linked to forced or compulsory labour is the practice of withholding wages; in effect the seafarer is without means to return home, regardless of whether they are sick or injured or have family problems back home.

ITF, 2008: p. 2

Further problems in Killeel were identified in August 2008 when two more fishermen sought assistance from the local community after complaining about the ill-treatment towards them by the owner of the fishing vessel (ITF, 2008: p. 10). The BBC subsequently produced a special investigative report (9 December 2008) which referred to evidence of physical and racial abuse of Filipino nationals in the fishing industry, and spoke of 'horrendous working hours' with workers having to work seven days in a row and for up to 34 hours without sleep. The men also complained that they could be paid as little as £20 for five days' work. One boat owner noted that the Filipino fishermen did at least have a contract, which guaranteed them a monthly fee, whereas local fishermen only received a share of the catch. However, the BBC noted that the contract guaranteed them \$515 per month, which worked out at around £1.20 per hour. Similar problems were reported in 2009 at another port, Portavogie, where Filipino fishermen were also employed under poor conditions and with pay well below the statutory minimum wage.¹⁸ Despite the poor pay and conditions the report said that the fishermen were well treated and that they felt that the pay was 'better than nothing'. They also noted that they could not demand a minimum wage because they did not have valid work permits.

One factor that facilitated the exploitation of the fishermen was that they were present in Northern Ireland on a 'transit visa', which allowed them entry to the UK to join a specifically named vessel on the basis that they would then leave the UK and sail to a foreign port. However, the ITF investigation found that most of the migrant workers join vessels not listed on their transit visa and do not sail to a foreign

port. The use of transit visas limited the opportunities of the fishermen to seek alternative work if they were being exploited and left them in a vulnerable situation and liable to deportation by the immigration authorities. The ITF also made the point:

The Northern Ireland fishing industry has intimated that they would like to expand the employment of migrant labour through the use of 'transit visas with no apparent accountability or protection for human and trade union rights', which in the ITF view is unacceptable and can only mean under the current climate more misery for migrant workers and the further decline of the EEA nationals currently employed in the UK and Irish fishing industry.

ITF, 2008: p. 13

The research team followed up on these various reports and spoke to a number of individuals working within the fishing industry as well as clergy, trade unionists, lawyers and community workers, who had first-hand experience of the situation and of trying to assist the Filipino workers, and who were able to corroborate and elaborate on the media and other reports. However, it proved impossible to access any of the migrant fishermen either because they were inaccessible, or because if they chose to complain about their conditions it was in practice the first step to leaving Northern Ireland and returning home. Some Northern Irish people working in the fishing industry who were approached were reluctant to highlight the issues being raised, or to point the finger at particular individuals, and the unwillingness to discuss the issue extended to other sections of the local communities in fishing towns.

One individual said, though, that the ITF had created unnecessary tensions and portrayed an unfair picture of the fishing industry in Northern Ireland by writing a report 'consisting merely of allegations' of maltreatment of foreign fishermen. This informant felt that the ITF report, like so many other reports, had completely failed to understand how the fishing industry works and the nature of the employment, with its long hours and unconventional times. However, one press report quoted a Filipino worker in Portavogie as saying that the report of the poor working conditions for Filipino fishermen in Kilkeel had 'alerted other employers which led to improvement in their working and living conditions'.¹⁹

One interviewee stated that the identified skipper had looked after the fishermen by providing food and other items for them, while another acknowledged that 'on occasion' the skipper raised his voice and could be 'bad tempered', but he said that this was nothing along the lines referred to in various reports. In part this came down to the limited levels of English among the fishermen and that, in order for the skipper to get messages across, sometimes 'situations got heated'.

When we approached people about the possibility of interviewing crew members the research team was told by one informant that: 'It is not possible to interview the Filipino fishermen as they are afraid of being sent home and want to keep out of the public eye.' This may well have been the case, but it may well also reflect something of the level of control and intimidation that is being exerted over the fishermen.

Responding to criticism

The ITF report notes that in a meeting with the producer organisations in Northern Ireland the fishing boat representatives vehemently denied that there were any problems with migrant workers in Kilkeel or indeed anywhere else in Northern Ireland and they rejected the allegations being made against the boat owners. There was, however, an acknowledgement of the need for a more structured regime for the employment of migrant fishing workers in Northern Ireland. The ITF plus community and trade union representatives met officials from the Department of Agriculture and Rural Development in 2009 to highlight the issue and presented a number of 'affidavits of complaint' from Filipino seafarers about the human rights abuses.

In June 2009 the UK Border Agency announced what was described as ‘a tightening’ of the regulations regarding the employment of Filipino fishermen on fishing vessels using transit visa loopholes to gain entry into the UK. These changes meant among other things that each migrant would only be allowed on vessels outside the 12-mile limit, while no more transit visas would be issued for Filipino fishermen entering the UK (*The Irish Skipper*, June 2009). These changes were highlighted by the Philippines Overseas Employment Administration (20 August 2009) for a domestic audience (and perhaps recruitment agencies), which stressed that Filipino fishermen recruited to work in the UK fishing industry ‘should be in possession of valid work visas’.

Further changes introduced by the UK Border Agency in March 2010 meant that fishermen from outside the EEA would be able to apply to work on board fishing vessels operating within a 12-mile limit. Seafarers would have to receive the UK minimum wage and live onshore with accommodation monitored by the agency, while in the event of any abuses, harsh penalties could be imposed on the captain. The International Transport Workers’ Federation came out in support of the changes:

*The Border Agency should be congratulated for its efforts to recognise the complaints made on behalf of abused overseas fishers in Scotland and Northern Ireland. Moreover, in time, its actions will provide more local people with the opportunity to find work in this industry. The penalty for breaching regulations will be severe. Fishers will no longer have to sleep and live on vessels in port that are not fit for purpose.*²⁰

Although the government has responded to the problem of the abuse and exploitation of migrant fishermen and has attempted to close loopholes in the visa system, there are still indications that problems of the exploitation of fishermen in Northern Ireland remain. For example, some contacts suggested that there had been a diversification away from reliance on Filipino fishermen to the employment of North Africans, Russians and Turks in the fishing industry.

Furthermore, one individual, who had helped one group of Filipino fishermen return home, noted that there had been further problems in the summer of 2010 when two Nigerians made contact with a member of the local community in Kilkeel complaining about the poor working conditions, the absence of promised pay and the withholding of their passports by the skipper of the fishing boat on which they had been working. As a result of a few telephone calls the local police spoke to the skipper and informed him that while they were initially treating the complaint as a civil matter, should the two fishermen not receive their money or have their passports returned within 24 hours they would view the issue in a different light. The money was duly paid, apparently, the passports returned within the specified time, and the two men left Kilkeel.

Another interviewee, the director of a prominent Northern Ireland-wide NGO, reported that he had been contacted in November 2010 by a migrant working as a fisherman in Kilkeel and raising similar concerns to those already identified. The problem of the exploitation of migrant fishing workers on boats out of Kilkeel and other ports therefore appears to be persisting despite the reforms to the visa system.

Fish processing industry

While most of the attention has been focused on the experiences of migrants working on fishing boats, we were also made aware that migrants who were being employed in the fish processing section of the industry – gutting, cleaning and packing fish and shellfish once it had been landed – might also be subjected to poor working conditions. One woman who had previously worked in a fish packing factory in Kilkeel agreed to be interviewed as part of this research, while a further example was obtained when a person working in a processing factory made complaints against his employers.

Assia arrived in Northern Ireland in 2006 after being recruited in her home country of Bulgaria when the owner of the fish factory (referred to as ‘the boss’) travelled to Bulgaria to meet a number of

potential recruits. Assia signed a one-year contract, which was written entirely in English and at that time her knowledge of English was limited. She was aware that the job involved packing prawns and that pay would be based on the number of boxes packed, but she believed that the money would be better than in Bulgaria. She was also told that accommodation would be provided but was informed by a friend that the working conditions were cold and 'the boss' would shout at the staff.

On arrival in Belfast, Assia was picked up at the airport and taken to her accommodation, which involved sharing with six other employees. This was not considered 'problematic' as it meant she did not have to worry about finding accommodation while also beginning a new job. However, working hours in the factory were erratic and were phoned through to the house, and she realised if she moved elsewhere she might not get information about work and might lose her job.

Assia did not receive any proper training, nor was she told about any health and safety issues. She was required to buy boots and other garments for work, although an apron was provided. Assia soon realised that the job was tedious and quite intense and that she was not paid the amount referred to in the contract or in talks with 'the boss'. She also discovered that there were differences in the salaries paid to different staff: 'Me and another girl, we go to work, we do the same thing ... we work at the same table and we get different salary ... I don't know why.' Employees were forced to work whenever required and there was little sympathy for any sickness. 'You were not allowed to be sick ... no sick-pay ... I got asthma in factory and I needed to go to doctor but the boss said that if you are sick so long just get back home.' When she queried such issues with 'the boss' he simply replied that if the situation did not suit her then she should leave the country and go back where she came from: 'My problem was that I asked too much.'

All the foreign workers were required to give their passports to 'the boss' when they arrived. On one occasion, when a fellow worker requested his passport be returned, 'the boss' refused to hand it over. In response the worker contacted the police and, although 'the boss' denied any wrongdoing, when the police arrived 'he had no choice than to leave him his passport'.

Although intervention by the police meant her colleague got his passport back, Assia felt that there was 'no real help' to turn to about the working conditions. Eventually, she contacted her embassy in Dublin and was advised to go back to Bulgaria and to 'provide evidence' of wrongdoings at the factory. Instead she decided to leave the job, which also meant she was forced to find another place to live. When she left, 'the boss' banned her from returning to visit her friends and when he caught her in the house on one occasion she said she felt unsafe and scared. Assia referred to this period as 'not a good time' and noted: 'The village is a small place if you are in that situation.'

Assia had volunteered to work in Northern Ireland and had been generally made aware of the conditions in the fish factory, but nevertheless there were elements of control, constraint and dependency in her relationship with her employer. Her passport was retained, her working hours were erratic, her pay was lower than that of other workers, there was no training and no paid sick leave. Furthermore, when she complained she was simply told she could leave if she wanted to. Although working conditions were not as bad as those that the fishermen endured, they were bad enough to force her eventually to leave both her job and her home. Assia's legal status made finding another job difficult. However, eventually she did find a job and she moved to another town in Northern Ireland.

In another example Gediminas, a Lithuanian man, who had been working at a fish exports company in Dungannon for nine months, approached an NGO for assistance to try to resolve problems with his employer. Gediminas complained that he had no written terms and conditions, he received no payslips, got no annual leave and was not paid the minimum wage. He was expected to work long hours, the Working Time Directive was not adhered to, nor was the employee made aware of his right to opt out of additional hours. The employer repeatedly ignored requests to apply for a National Insurance number and to make the required contributions and income tax deductions. There were irregularities in how the wages were issued, with some cheques being made out directly to the employee while others were in the name of his partner, who was not employed by the company. The employer withheld £90 from his wages

for a 'work permit' which was not required. In addition Gediminas had concerns about the general health and safety of the establishment, with its lack of equipment and materials to undertake certain tasks. When he approached his employer about these issues, a visit was paid to his home where threats were made and the employer reported the employee to the police.

These two examples illustrate some of the problems encountered by people working in two different fish processing sites. In each case the worker was subjected to poor working conditions with problems over their pay and conditions and was expected to be available for work whenever required. In both cases further problems arose when the employees complained and they were subjected to various forms of threats.

Although the context is somewhat different to that of the men working on the fishing boats, there are similarities in relation to the poor conditions, the level of control exerted by employers and the difficulties that may be encountered when people try to challenge their situation.

6 Restaurants and the catering industry

The catering industry was cited as one area where people had been made aware of some bad working practices and of the exploitation of migrants. The issue of working conditions in the restaurant trade was raised by the Migrant Rights Centre Ireland in a report based on a survey of 115 migrants, 14 per cent of whom were undocumented, which highlighted problems of low rates of pay, long working hours, no overtime provision or rest breaks and threats of deportation or harm to their families if they complained (MRCI, 2008b: p. 5). There has been no wider study of workers in the food industry in Northern Ireland comparable to the research undertaken in Dublin, but the research team was able to identify a small number of migrant workers who had been employed within the restaurant and catering trade in Northern Ireland and who had experienced various forms of exploitation due to their legal status.

Three case studies

We were made aware of the example of one man who was employed in restaurants in Northern Ireland while in an undocumented status after his application for asylum had been turned down. Although the individual has since left the UK, his experiences were described to us by someone who had known him.

Bishnu arrived in Northern Ireland as an asylum seeker, his parents having sold their valuables to raise money to enable him to leave his home country, in which there was serious armed conflict. When his application for asylum was turned down, Bishnu decided to 'go underground' rather than be forced to return home. He had an existing relationship with a restaurateur (A) from the same region, who helped him secure a job with a business partner. Bishnu was housed in a working-class area of Belfast and taken each evening to work in a fast-food outlet serving the post-pub clientele in a rural town. He sometimes experienced racial abuse. Bishnu's health declined as a result of living in an unheated house during the winter months. He was then employed by A and sent to work in a restaurant in another town where he lived above the restaurant. He worked long hours, waiting tables and cleaning at lunchtime and, after a short break, waiting tables in the evening and cleaning when the restaurant had closed and the other waiters had gone home. Bishnu had a lively personality and secured many tips waiting tables but these were taken by the employer. He eventually moved from Northern Ireland to Great Britain.

This case highlights the vulnerability of people who are undocumented, but who wish to try to work while remaining in the UK. Their lack of immigration status leaves people susceptible to exploitation, which may put their physical (and possibly mental) health at risk, until such time as they feel unable to bear the situation any longer.

The other cases of exploitation of workers in the catering sector that were identified related to individuals who were working legally in Northern Ireland, were well qualified and spoke good English. The two cases below highlight the problems that they experienced.

Gregorio paid over £800 to an agency in Manila in 2006 to arrange a job as a manager in a restaurant in Belfast and to organise the relevant paperwork. He was charged a further £600 for a single airfare to Belfast. Gregorio borrowed money to pay the agency in Manila (which he soon paid back), while his employer in Belfast deducted £50 per week from his initial wages to cover the costs of the airfare. Gregorio was initially happy in his work. He was expected to work long hours and regarded this as his responsibility as manager, although he did not receive a higher hourly rate if he worked over the standard

40 hours. Accommodation was provided in a house owned by the employer and the rent appeared to be below average for the area. After a while his wife and young sons joined him in Belfast.

In 2008, Jose, one of Gregorio's Filipino co-workers in the restaurant, was diagnosed with cancer. Initially, the owner accommodated Jose's treatment and need for time off but after a while he refused to pay any more statutory sick pay, even though Jose had not used his full entitlement. Gregorio tried to persuade the employer to pay the sick pay but without success. The employer said that Jose was already ill when he came to Northern Ireland and was therefore in breach of his contract. Shortly after this Gregorio's employer said he was 'not focused' on his work and he was not needed any more. Gregorio had worked in the restaurant for two and half years at this stage. He was owed one or two weeks' pay in lieu, which he never received. He also felt the need to find new accommodation, although there was no explicit request to do so from the employer. Gregorio contacted a trade union representative who wrote to the employer but all letters were simply ignored. The trade union representative advised Gregorio of the option of taking the employer to an industrial tribunal, but because of the long time this process would take Gregorio decided to look for other work.

Gregorio initially found temporary casual work in a sandwich bar, and then later he found more formal work in a fast-food restaurant. However, when he realised that the owner of the fast-food restaurant was not prepared to regularise his employment through securing the necessary certificate of sponsorship nor to pay him at the appropriate rate for the job, Gregorio approached the owner of a coffee shop who agreed to help him secure formalised employment. However, the employer made it clear that Gregorio would have to pay for the costs of securing both the necessary sponsorship licence and the certificate of sponsorship, which Gregorio understood would cost upwards of £500. He realised that without such documentation he would be in a vulnerable situation; his family were now established in Belfast and his only option would be to return to the Philippines and begin the process over again.

In this case Gregorio's problems appear to have been related to the fact that he had taken his employer to task for the treatment of a fellow countryman working in the same restaurant, but it also highlights the problems of the vulnerability of people working on a work permit, which in this case led the employer to sack him without apparent reason, to withhold pay owed and then ignore any communication from the union. It also highlights the problems that materialise if a job is lost, including the difficulties and costs of securing a new position and moving home. In Gregorio's case he was able to secure some casual work while he tried to find an employer who was willing to sponsor him, but this was proving to be a long, slow process and in the meantime he was working illegally.

The third case study raises similar issues.

Omar is from the north-east of Africa. He came to Northern Ireland in 1999 having been living in England before that. He is a trained and qualified chef and has been working in hotels and restaurants in Belfast. In his last job he was required to work very long hours and in stressful conditions. When Omar complained about the working conditions he was transferred to another hotel owned by the same employers where conditions were even worse: there were insufficient staff and Omar was expected to cook, clean and serve at tables. When he arrived the kitchen was filthy and it took him two weeks to bring it up to standard. He worked long hours for more than two years, but problems increased after Omar had been required to work seven days a week and up to twelve hours a day for several months. Whenever he requested time off to visit his daughter in England he was told he would be sacked if he did not work the hours required of him. Omar believes that his employers were trying to make him leave because of the complaints he had made. During this time his health deteriorated and he became depressed at the thought of going to work. In May 2009 he went on sick leave because of stress.

Omar also contacted the Labour Relations Agency and a trade union and made a complaint through an industrial tribunal with support from a solicitor acting on a 'no win no fee' basis. His employers countered with complaints and a disciplinary process against Omar. Eventually, in August 2010, on the day the case was to be heard by the tribunal, the employers proposed an informal settlement which

included financial compensation, having the disciplinary action dropped and welcoming Omar back to his job. He agreed to settle.

Omar noted that many of the managers and supervisory staff had left or been moved from the hotel since he had been away from work, which suggested to him that the employers had recognised that the working environment was poor. However, despite the changes and the settlement Omar was nervous about returning to work and for the time being remains on sick leave.

As with Gregorio, Omar appears to have antagonised his employers by complaining about his working conditions and the working conditions of his colleagues. However, in this case the employers did not sack him but rather transferred him to another site, where he was forced to work on his own and in an equally poor environment, such that he eventually had to go on sick leave due to stress. In contrast to Gregorio's employer, Omar's employers did respond to his complaint and eventually settled the case, although not before bringing a counter-disciplinary complaint against him. Despite his legal victory Omar had not been able to return to his job.

These three case studies highlight different elements of vulnerability and exploitation that have been experienced by people working in the catering industry. Although their experiences may not fall fully within the category of forced labour, they each clearly experienced levels of exploitation that fall somewhere along the continuum between decent work and forced labour, and with elements that suggest that this exploitation was closer to the forced labour end than the decent work end. Each individual was vulnerable in some way because of their migrant status and relative marginalisation within Northern Irish society, and this vulnerability resulted in three different outcomes: Bishnu chose to leave and seek a better situation elsewhere; Gregorio is trying to regularise his status and continue supporting his family; Omar won his industrial tribunal case, but his health was damaged by his experiences in the workplace.

Exploitation in Chinese businesses

In addition to the individuals who were spoken to for the case studies, a number of people, including people from an ethnic Chinese background or who had worked with the Chinese community, mentioned problems within the Chinese food sector, in particular restaurants and take-away outlets but also food suppliers, as environments that were 'known' to employ undocumented migrants. One former worker with a Chinese community organisation commented that a certain wholesaler was referred to as the 'slave market' because of the number of undocumented workers who were employed there. We were informed that individuals were brought from mainland China to Northern Ireland and were required to work for a number of years in order to pay off the debt they incurred in travelling here. We were also informed that recent changes to the law and harsher penalties on people employing undocumented workers had reduced the number of workers in the food industry, and instead undocumented workers were now more likely to be found in unlicensed gambling houses and cannabis factories.

The issue of undocumented workers in Chinese restaurants was highlighted in two recent news reports. In November 2010 it was reported in the local press that a Malaysian Chinese man, in his early 20s, was found dead of carbon monoxide poisoning at a recently opened Chinese restaurant in Irvinestown, County Fermanagh, which had been using a generator to power the freezers. The lack of information available on the man led the press to speculate that 'he may have been in the country illegally' and that he might have been living on the premises where he died (*Belfast Telegraph*, 26 November 2010).²¹ In January 2011 the *Belfast Telegraph* reported that three 'foreign nationals', who were in Northern Ireland 'illegally with no right to work', had been arrested at a Chinese take-away in Belfast. While arrangements were being made to remove one man, the two women arrested had claimed asylum and had been released while their claims were investigated (*Belfast Telegraph*, 19 January 2011). These reports, which remain subject to police investigation, hint at the persistence of the employment of vulnerable migrant workers within the Chinese catering sector and highlight the need for further

investigation, both into exploitation through forced labour and in relation to possible human trafficking.

The data we were able to gather on exploitation or forced labour in the restaurant and catering trade was limited and largely focused on people working in ordinary establishments rather than in minority ethnic food outlets. However, anecdotal information and recent news items suggest that there may be a wider problem in some minority ethnic communities and which involves trafficking people to work in the catering sector while in an undocumented status. This issue clearly requires further investigation.

7 The Roma in Belfast

There are between 6.8 million and 8.7 million Roma in Europe, making the Roma one of the largest minority ethnic groups, if not *the* largest, within the European Union. Since the enlargement of the European Union in 2004 growing numbers of Roma have moved to the United Kingdom, mainly from the Czech Republic, Slovakia and subsequently Romania, although there are no clear estimates of the current Roma population (European Dialogue, 2009). Similarly, there are no official estimates of the Roma population in Northern Ireland, but unofficial estimates put the figure in the hundreds, with the overwhelming majority being Romanian nationals.

The long history of social prejudice and state discrimination towards Roma has led them to suffer acute social problems and they have been described as Europe's most vulnerable group in terms of poverty, due to lack of educational and employment opportunities (United Nations Development Programme (UNDP), 2006). The International Steering Committee²² of the pan-European initiative 'The Decade of Roma Inclusion' has identified four priority areas in relation to improving the current level of Roma social inclusion: education, employment, health and housing (United Nations (UN), 2007). Inadequate employment opportunities have been labelled a major factor in the poverty and exclusion of Roma (UNDP, 2006). They face significant barriers to accessing employment, including low skill and education levels, which means that they are often at a disadvantage in competitive labour markets (European Commission, 2004; UN, 2007). This is compounded by high levels of overt racial discrimination against Roma who may be rejected from employment solely because they are visibly identifiable as Roma (European Roma Rights Centre (ERRC) and European Network against Racism (ENAR), 2006; ERRC, 2007).

High levels of unemployment leave many Roma personally, socially and economically disadvantaged and heavily dependent on social welfare for survival (European Commission, 2004). High unemployment results in 'asymmetrical' participation in the social welfare system: few Roma participate in the formal economy and therefore do not pay the taxes needed to fund the benefits that many in the community receive. This can result in a high degree of social stigma, with the Roma being viewed as abusers of the state's social welfare system – an image that exacerbates intolerance along ethnic lines, deepens social exclusion and hinders social integration (ERRC and ENAR, 2006; UN, 2007). High unemployment has in turn made Roma minorities vulnerable to trafficking, with many Roma taking risks out of necessity that can lead to slavery, abuse and foregone benefits (Omelaniuk and the World Bank, 2006). The Bulgarian Network for Child and Youth Trafficking Prevention (BNCYTP) reported that the trafficking of Roma children and women was a serious problem in Bulgaria and in Bosnia-Herzegovina, with organised groups as well as the families of the victims also participating in the trade (BNCYTP, 2007; nd). Unaware of their rights or afraid to complain for fear of losing their jobs, the majority of Roma people simply endure gross labour exploitation in an attempt to improve their economic situation.

In the UK the Roma face many difficulties, including accessing employment and accommodation, poor health, low levels of school attendance, social exclusion and discrimination. The UK's Government Group on Gypsy, Roma and Traveller issues has outlined a number of objectives to promote equal opportunities for persons of such backgrounds, which include: narrowing educational gaps, reducing health inequalities, reducing unemployment, reducing hate crime and improving public confidence in the fairness and effectiveness of the criminal justice system.

Roma immigrants to Northern Ireland come mainly from Romania and as such have restricted social and labour rights. As accession state (A2) nationals, Roma may come to Northern Ireland to look

for work if they hold a valid passport or national identity card. Prospective employers are required to get a Letter of Approval from the UK Border Agency, while the individual must be approved for an Accession Worker Card, unless they are exempt. An employer can get a Letter of Approval if it is for a skilled job for which there is a shortage of workers for that role, or for low-skilled jobs in the food processing industry under the Sector Based Scheme. The need for an Accession Worker Card makes it difficult for an individual to change jobs as the card is specific to the job and a new card must be attained for a different job. The Accession Worker Card is valid as long as the person remains in the job. Once an individual has worked legally in the UK for twelve months, 'without interruption', they have full free movement rights and will no longer be required to be authorised to work. Freedom of movement also applies to individuals who are self-employed, students or the financially self-sufficient.

This section looks at the experiences of Roma working in Northern Ireland. Focus groups and individual interviews were held with members of both the Roma and Romanian communities. In total 13 people took part, six women and seven men, aged between 20 and 39 years. The findings are presented in such a way as to ensure the complete anonymity of participants, so names and employment sector have not been identified. Interviews were carried out in the language people felt comfortable with; in some cases this was English, but for the majority it was Romanian.

Coming to Northern Ireland

All of the interviewees were asked why they had left Romania and for all it was due to economic pressures and the inability to get employment. Typical responses were: 'It's a very tough situation back home, a lot of people protesting on the street ... it is really, really difficult'; or 'There was not much to do back in Romania ... no job and no hope ... no future really.'

One individual explained that in spite of being well qualified and having a degree her job was very badly paid:

I had a job in Romania and I was paid like very bad, very very bad. I was [occupation] I can't believe it and I was paid very bad. I couldn't afford to help my parents, my family, you know, even for me it's not enough, so I decided to come here.

Other participants identified with her situation and said that this was common in Romania. When others were asked their reason for leaving Romania responses included:

Money, you know money is very bad.

For money because there's not too many jobs in Romania.

Here I come to make money ... it was my decision to come.

One mother described the difficulties in raising a family in such terrible economic conditions:

Poverty – it was very difficult and we couldn't manage to survive ... we couldn't handle it with the money. We had to pay the electricity and there were expenses. We couldn't cope with it from month to month.

The situation for this individual became so bad that she and her husband brought their six children to live in Belfast. Many who offer support to the Roma community highlighted that no matter how bad their plight was here in Northern Ireland, for many it was less difficult than if they had remained in Romania. This became evident throughout the course of the interviews. For one family they had very little here in Northern Ireland but absolutely nothing back in Romania:

Our house he [brother] might demolish it ... we cannot make a future for our children there ... we have no place to go. We have struggled to come, we said at least to have one hope, so we can reach a certain level of survival.

All of those who were interviewed had family and/or friends already in Ireland, either north or south, before they arrived. This meant that they had a degree of support and contacts to help them become more established in the areas they decided to live in. For many this was the primary reason for choosing Northern Ireland over any other part of the United Kingdom. However, some who were interviewed had already travelled out of Romania and had resided or worked in other countries before moving to Northern Ireland: 'Myself, I worked in Germany before coming here ... my brother was here, he tell me to come to Northern Ireland as I have a job for you.' Few of the other participants had employment set up before they arrived. Two interviewees arrived via agencies which had set up jobs for them. Both paid travel expenses only but on arrival found the jobs were not as promised: 'They [the agency] seemed quite serious and professional ... well it looks like I was wrong – the salary was commission only and they took money for rent'.

Living and working in Northern Ireland

On arrival in Northern Ireland most interviewees initially lived with friends or family until they gained employment. Once they found work, accommodation was for many also secured. However, in some cases the accommodation was overcrowded:

We came here in Belfast. We lived for a bit more than a month in his sister's house ... we couldn't stay any longer. There were 15 people in the same house and we couldn't live like that; we had our problems and they had theirs.

Accommodation did not always appear to be linked to the job as many had changed jobs but were able to remain in the same accommodation. Some had experienced problems where they were living or working or other forms of discrimination. One family found that they were being harassed by local young people:

They pass by and hit the windows ... They are knocking continuously at the back of the house, they are shouting to get us out of the house and we don't know what to expect ... three to four times and there's nothing much we can do ... there's no other place for us to go.

Few commented on the incidents in June 2009, when over 100 Romanian Roma left Belfast after a series of attacks on their homes,²³ but it was felt that these incidents had contributed to negative and indeed racist attitudes that they were now experiencing. One man described how local youths attacked his place of work: 'I was attacked at work ... they were throwing stones ... we got everything in and closed the doors.'

Another individual highlighted her experience of seeking healthcare in Northern Ireland. Her lack of English and the health practitioner's lack of willingness to try and understand resulted in her being given a wrong diagnosis and subsequently the wrong medication which made her condition worse. The lack of support for this individual during this time was noted, yet she felt that she had no means to redress the situation due to her status in Northern Ireland: 'I couldn't understand ... and she [the health worker] started screaming but I wasn't feeling well.'

Another interviewee who was here with her family had no registration with a GP. She admitted that they did not know where to get medicines if any of her children took sick.

For many Roma in Northern Ireland there are a few sectors of employment that they will enter, and these are largely limited to car washing, catering, newspaper/magazine selling and flower selling. Within the various sectors similar issues and themes were evident. It was also a common concern among interviewees that participating in the research might have a negative impact on their workplace, as in spite of poor conditions they needed these jobs and being unemployed would find them in even worse conditions. Again this highlights how individuals were prepared to put up with these conditions, recognising that things could be worse and indeed were much better than what they had left in Romania: 'I was happy, I was working ... comparing to Romania, it was alright but when we heard how much our work was worth we realised it was not fair.'

Some of the interviewees came to Northern Ireland with qualifications including degrees. However, others, mainly within the Roma community, had no qualifications and some were even illiterate: 'If you have no education, no literacy (like me) it is difficult ... if you have no education, you have no job ... no choice only to be on the streets all day.'

One interviewee felt unable to divulge details of his employment and it was perceived that there was an element of 'fear' preventing him from doing so. He had been in a job and went back to Romania on holiday only to return to find that he no longer had a job and had to seek alternative employment.

One of the main issues raised was the low pay received for working long hours: 'You start eight till seven, always there, sometimes maybe seven days per week or maybe I was working one month with no time off.' Some working within the car-wash business received maybe only £20 for working an eleven-hour shift, and this could be less if it was a slack day with low turnover:

For the work that we did we didn't get enough money ... If it is sometimes very busy he pay good money, if he's not busy you work hard there for nothing then you go home and you get nothing.

Those selling newspapers/magazines also had to work long hours with little money guaranteed by the end of the day: 'We get about 80 pence per hour ... But we have to stay on the streets until 6 or 7 o'clock at night ... you can get £10 to £12. Today I only make £3.'

One individual commented that the money they made depended on luck as you didn't know how much you would get per sale or indeed how many you would sell per day.

The issue of the working conditions of Roma selling newspapers was raised on the *Stephen Nolan Show*, a phone-in programme on BBC Radio Ulster, on 26 November 2010. There was a discussion between Stephen Nolan and a member of the Romanian Roma community:

SN: And what type of hours did you actually do, how hard did you work?

NN: We do eight hours, eight hours a day. In the bad weather, in the bad conditions, if it's raining, if it's snowing, in really bad conditions, and we used to work, altogether, you know, all the guys they used to work hard, and pushing to sell the paper and they bring the best.

SN: Nikola, what type of money were you paid for doing this job?

NN: The boys used to get £20 a day, and they used to sell the papers eight hours in bad weather, they working hard.

SN: £20 for an eight-hour day?

NN: No, no £30.

SN: £30 for an eight-hour day?

NN: Yes.

SN: Did you get commission on top of that?

NN: No, just £30 a day.

SN: Well, that wouldn't be minimum wage?

NN: Yes, but, you know, we are happy, all the boys pay their rent [unclear], Romanians they're looking for work, they're not looking for [unclear].

The people selling magazines also had to pay for the magazines initially, as well as for a pass or badge to ensure that they could legally sell on the streets. Payment for this pass varied depending on the time of year but was anything from between £30 and £50, which had to be renewed monthly. This initial outlay meant that any profit received would be minimal. 'We get a badge ... we have to pay for it and it has to be renewed ... it was £30, then £35, then they raised it to £50 and so on per month.'

Poor conditions and exploitation

Many interviewees commented on how they had to put up with not only long hours but few breaks and limited holidays or days off. This was especially common for those washing cars: 'I am eating and my boss he say go outside, go outside because it is busy.' Some reported that their boss shouted and demanded that they work harder: 'He shouted fast come on, boys, fast cars. They shout and can be tough ... and if you don't work well they can find reasons...'.

One individual said it was not uncommon to receive a phone call on your day off demanding you come in: 'I would get a phone call and I would say I can't come because I am going somewhere. He tell me if you don't come in I sack you.'

In addition many commented on the lack of protective clothing available, especially in the winter when it was cold and wet. One individual said that one of her family had become ill while working at a car wash due to the long hours and lack of protection: 'He got cold and ended up with pneumonia.' However, some were provided with waterproof clothing but chose not to wear it, while others said that there was clothing provided but they didn't always have time to put it on, especially gloves, between washes.

One interviewee, who sold papers and magazines, referred to a dispute with his boss over pay: when he asked for more money he was told that if he didn't like it he could go. Some confusion also seemed to exist with the individual as to who dictated his amount of pay: his Romanian manager or the Irish boss of the company.

One woman who arrived here via an agency was not totally aware of the details of her job before arriving. It was unclear if this was because they had not been explained fully, not understood fully, or whether she had been intentionally deceived. However, she found out that she did not receive a salary but only commission: 'I was told that I would have a minimum salary even if I don't sell anything ... but I didn't.' She gave the job up after a few weeks as her lack of English proficiency hindered her ability to successfully sell products. So she was not making sufficient money and yet they were taking a set amount per week for her accommodation.

In contrast some individuals recounted how they had moved jobs since they first arrived and were now being treated much more fairly in their new employment, which made their experiences more positive.

Insecurity and discrimination

Many of those interviewed expressed a lack of security in their employment and felt that there was a certain level of 'threat' especially if they refused to work extra hours or shifts. This meant the employer had increasing power over their employees as they did not want or could not afford to lose their jobs: 'I was scared because maybe I don't find another job.' It was also revealed that some employers refused to believe that employees were sick. One interviewee referred to having kidney stones and finding it increasingly difficult to bend over but her employer refused to believe her: '[I needed] maybe one hour at home and he say no, no if you're going home I sack you.' This individual has now moved jobs and has found her new employer much more understanding.

Gabor described how he worked selling papers when he first arrived in Belfast in 2008 before leaving to work in a car wash for an Albanian 'patron'. At first this job seemed all right, but after a while

the working conditions deteriorated. The pay became erratic, they were not allowed to take food breaks and the 'patron' began to complain about the quality of the work and verbally humiliated some of the workers, calling them 'dirty gypsies'. When Gabor complained the 'patron' told him to take it or leave it, but eight of the workers left the car wash after this. Later that day the 'patron' arrived at Gabor's house, he grabbed him round the throat and told him that if he did not return to work he would kill him. Gabor pushed the 'patron' out of his house and called the police. The police eventually found the 'patron' and discovered a sword in his car. Gabor and his family were scared to remain in their home. His parents returned to Romania, while Gabor, his wife and children moved in with friends. He later heard that the 'patron' had been looking for him at his old address. Gabor has since found work at another car wash and is hoping to 'get status' that will enable him to remain in Belfast in the long term.

There were also issues around discrimination. Some of the women interviewees felt at times they were discriminated against by receiving lower wages than the men and being offered fewer opportunities of promotion. However, for those in the car-wash sector some women felt that the boss preferred 'good-looking' girls: 'Yeah, yeah, he likes good-looking girls.' One individual commented on how this was demeaning to her. However, a fellow male worker could not understand why she was so annoyed. There was also discrimination in terms of longevity in employment and the new recruits commented that they were made to work harder and faster yet might get paid less for their efforts: 'Yes, he's treating me differently because I'm at the beginning and I think he's testing me ... He's giving me the hardest jobs.'

Within the workplace some interviewees were also subject to racial discrimination. One interviewee who worked in a restaurant discussed her experiences: 'They never called me by my name, they just said "Romanian girl" and there was always issues about words.'

Documentation

Many Roma did not have the correct documentation from their employer, such as contracts for employment. Many were confused both as to what documentation they required and as to what their rights and entitlements were while living in Northern Ireland. This subsequently meant they were further open to exploitation. One interviewee stated:

All these restrictions applied to the Romanians and Bulgarians by the British Government ... when you're coming to this country, you don't know what to do ... what are you allowed to do or not you get really confused. The law is not clear.

Payslips were not usually provided to the Romanian employees:

We don't really understand. We get a paper, a piece of paper where it says they pay some taxes for us and all the hours and everything but we don't know exactly what that is for because as far as we know we are not registered.

Lack of understanding of rights and entitlements led to more confusion for this individual. However, none of the interviewees reported employers holding onto documentation, although some mentioned passports being taken but returned the next day, to help draw up contracts. One interviewee said in spite of this he was not sure if a contract had been drawn up, although he did sign some documentation:

Q: Did you sign anything?

A: Yes I did but I don't know exactly what it was. I was new here so I don't know what the contract meant.

One interviewee highlighted her desire to obtain all the necessary documentation so she would eventually have 'peace':

We hope in a better year, so we can find our peace, we get document so we don't fear any more ... we hope to have our own house and if we work or not at least to have benefits.

This individual was concerned not only about herself but about her children and what the future held for them. This concern was expressed by a number of interviewees, yet for many their experiences in Northern Ireland were still preferable to the options back in Romania. Ultimately, this affected interviewees' perceptions of their working life in Northern Ireland, and situations which would be considered as unacceptable exploitation to many were considered to be better than what they had left back home.

8 Conclusions and recommendations

The globalisation of the UK economy and the associated increase in mobility of labour has been recognised as one of the distinctive features of the late twentieth and early twenty-first centuries. While there are many positive changes that have been associated with such developments, there has also been a growing recognition of the dark side of globalisation and in particular the exploitation of vulnerable people. Problems of human trafficking and the internationalisation of the sex trade have received growing attention in recent years, but a wider recognition of the associated issue of forced labour has been slower to develop. A recent report by the International Labour Office noted that:

The ILO's definition of forced labour comprises two basic elements: the work or service is exacted under menace of a penalty and it is undertaken involuntarily ... The penalty does not need to be in the form of penal sanctions, but may also take the form of loss of rights and privileges. Moreover, the menace of a penalty can take many different forms. Arguably its most extreme form involves physical violence or restraint, or even death threats addressed to the victim or relatives. There can also be subtler forms of menace, sometimes of a psychological nature.

ILO, 2009: para 24

Although the concept of 'forced labour' may appear to be quite straightforward, in so far as it is based on involuntariness and the 'menace of a penalty', this text also notes that the nature of any penalty is quite broad, ranging from death threats to more subtle forms of psychological threat; while in the next paragraph the report begins to unpack the notion of 'involuntary' labour by noting that this may include situations that involve deception or fraud which serves to undermine any sense of freely given 'consent'. The boundaries of the concept of 'forced labour' are therefore not quite so clear-cut as it might at first appear, but rather require some degree of interpretation of the background and wider context of the relationship between employer and employee, as well as between the worker and the wider society in which they are living and working. This potential for blurring of the boundaries between forced labour and other lesser forms of exploitation is acknowledged in a later part of the report, which states:

The present Report ... accepts, as does much analysis on this subject, that there is a clear continuum including what can clearly be identified as forced labour and other forms of labour exploitation and abuse. It may be useful to consider a range of possible situations with, at one end, slavery and slavery like practices and, at the other end, situations of freely chosen employment. In between the two extremes, there are a variety of employment relationships in which the element of free choice by the worker begins at least to be mitigated or constrained and can eventually be cast into doubt.

ILO, 2009: para 43

These two forms of clarification are useful in so far as they highlight the fact that forced labour is not fundamentally distinct from other forms of more routinely encountered exploitation, but rather is a form of profit-making pushed to one extreme. It should also remind us that a variety of employment practices, which may be regarded as acceptable 'short cuts' or as a relatively minor 'avoidance' of legal requirements, may be but a short step from crossing the threshold into forced labour. The idea that there is a continuum between forced labour and 'decent work' rather than an absolute divide has been

highlighted in a recent paper commissioned by the Joseph Rowntree Foundation (Skřivánková, 2010) which underlines the need for a broadly based response to the problem, one that involves a discussion of the issues as well as a range of effective responses through both the criminal justice and the labour justice systems.

Forced labour in Northern Ireland

The research into forced labour in Northern Ireland has focused on the experiences of a relatively small number of individuals, from a variety of different countries and ethnic backgrounds and who experienced various forms of abusive and exploitative behaviour by their employers while working in a number of different employment sectors. Identifying people who were being subjected to forced labour proved difficult and the experiences that are recounted in this report are not representative of the vast majority of migrants in Northern Ireland. Nevertheless, some new migrants are being seriously exploited and subjected to working conditions which include elements of forced labour.

The research found that individuals from a small number of national or ethnic backgrounds (Chinese, Filipino, Roma) appear to be particularly vulnerable to exploitation in Northern Ireland, although individuals of a wide range of nationalities have been and are being exploited. The research did not identify gender as a key factor that particularly increased the likelihood of being exploited through forced labour, although exploitation in some employment sectors was more likely to be gender specific than others.

In some cases people were exploited by employers from their own ethnic community, but most people who were being seriously exploited were employed by members of the indigenous Northern Irish population who were willing to abuse the vulnerability that some new migrants experience on arrival in a strange country.

The exploitation through forced labour that we encountered was not particularly associated with human trafficking. Rather people's vulnerability to exploitation through forced labour was more likely to be associated with factors such as an individual's legal status, their English language skills, a lack of access to advice and information and an absence of appropriate community-based support networks. Furthermore, being subjected to forced labour conditions may further increase an individual's marginalisation and vulnerability.

Forms of exploitation

The International Labour Organization has identified six broad categories of experience that can be considered as indicators of people being subjected to forced labour. Anti-Slavery International has argued that if two of these indicators are present then the case should unquestionably be recognised as involving forced labour and if one indicator is identified then the case should be investigated further. The research found evidence of each of the six forms of behaviour in Northern Ireland and therefore may be classified as being at the very least on the boundary of serious exploitation and forced labour. Each of these examples of behaviour is described in more detail in the body of the report.

- 1 **Threats or actual physical harm to the worker.** We found a number of instances where workers had been subjected to acts or threats of violence: Neeta, the Indian domestic worker, was subjected to repeated physical abuse; some of the Filipino fishermen also reported physical and verbal abuse from their skipper; while Gabor, a Roma man, was threatened with death by his employer when he walked away from the job because of the persistent abuse and ill-treatment; and Andrius, a Lithuanian man, was also threatened when he complained about late payment of his wages.

- 2 **Restriction of movement and confinement, to the workplace or to a limited area.** A number of people were effectively subjected to restrictions on their movement: the Filipino fishermen in Kilkeel were confined to their ship as their transit visas did not allow them to live on land; Neeta, the Indian domestic worker, was confined to her employers' home; while Paola, a Brazilian woman, was advised to stay indoors and warned that the town she was living in was dangerous.

Many of the people who were working in the mushroom industry were living in rural areas and close to the farms on which they were working and were thus relatively isolated from the wider society and, although they were not physically confined, their housing context and low wages reinforced a sense of isolation.

- 3 **Debt bondage, where the worker works to pay off a debt or loan, and is not paid for his or her services.** It appears to be common practice for Filipino and some Polish migrants to have to pay fees to agencies in their home country to secure jobs in Northern Ireland²⁴ and then to have to pay the cost of airfares to their employers when they begin work in Northern Ireland. Lee, the Chinese man who died in prison, borrowed money to come to work in the UK and his family incurred further debts to come to Northern Ireland to deal with his death.

- 4 **Withholding of wages or excessive wage reductions that violate previously made agreements.** Many people found that the jobs they ended up working in did not meet the terms and conditions they had been expecting. This applied to the Filipino fishermen in Kilkeel who had been shown pictures of a new ship with proper accommodation and who ended up living in a container, and to Neeta, the domestic worker. It also applied to a number of workers whose earnings did not meet the levels promised, or whose salaries were not actually paid into their bank accounts, as in the case of Valdis, the Latvian farm worker; or who were generally paid below the minimum wage levels, as in the case of those employed in the mushroom industry or the Roma people selling newspapers across Belfast. Others were paid late or paid erratically or not given proper payslips – or were simply ripped off, as in the case of Iveta, the Slovakian woman whose wages were paid into her foreman's wife's bank account and then taken out without her consent.

Many people complained about having to work long hours, about not getting a higher hourly rate for overtime, about being on call all the time and about being expected to work whenever required, with the threat of being sacked if they refused. Others noted that they did not receive a contract of employment or if they did they were required to sign something written in English, which they did not understand.

A number of people noted poor conditions of employment, a lack of health and safety training and having to work with dangerous chemicals – Valdis, the Latvian farm worker, lost his sight in an accident involving chemicals; Omar, from north-east Africa, was forced to work in increasingly isolated and stressful conditions after he made a complaint to his employer. A number of people also noted that they did not receive holiday or sick pay, and it appears to be fairly common for young women who become pregnant to suddenly be told that they are no longer required by their employer.

- 5 **Retention of passports and identity documents so that the worker cannot leave or prove his/her identity and status.** Some people reported that their employer took and held onto their passport, often under the guise of securing or renewing their legal status. In the case of a number of the fishermen working in Kilkeel these were only returned after the police had been called. Similarly, Assia, the Bulgarian woman working in a fish processing factory, noted that the police had been called by one of her colleagues to secure the return of his passport.

It appeared to be more common for some employers to take a passport to renew visas or other documents but then fail to do so. This meant that some migrants were working illegally, as in the case of Paola and Lydia who had been moved across the border, while others found they had

outstayed their visas, as in the case of some Filipino workers in Belfast, or their WRS registration was not maintained, and therefore workers lost rights to social security benefits.

- 6 **Threat of denunciation to the authorities, where the worker is in an irregular immigration status.** A number of people reported that they suffered if they challenged their employer: Gregorio challenged his employer's treatment of a co-worker and was sacked, and this left him in a vulnerable legal status without a legal right to work but with a family to support. Omar was also subjected to abusive treatment by his employers when he complained about his working conditions. The Filipino mushroom workers who left their place of work and moved to another town were tracked down by their employer and threatened after they sought legal redress. In fact it appears to be fairly commonplace for people to be sacked or abused if they challenge their employer about some aspect of the employment conditions, although in most cases they are simply told to 'take it or leave it'.

Tolerating exploitation

The research suggests that there are a variety of ways in which employers can and do exploit their employees. In most of the cases we have identified the exploitation is based on the employees' vulnerability. It affects people who arrive with few contacts except their employer, with limited English, little local support and limited understanding of the wider social and legal context. Such workers can be manipulated or coerced into accepting exploitation as the norm. And unfortunately for many vulnerable people the wages they are paid and the conditions they are made to endure are to some extent considered acceptable simply because they are better than the conditions they have to endure in their home country. We heard from a number of people we interviewed that they were all too aware that they were being systematically exploited, but they felt they had little choice but to comply until such time as the individual felt able to move on, or unable to accept the conditions any longer. This also highlights that people working under conditions of forced labour should not be seen simply as victims but rather, as Skřivánková notes, 'active players in the labour market' (Skřivánková, 2010: p. 30) who make choices even if the range of options are narrow and far from ideal.

Coercion and exploitation only serve to increase vulnerability. Individuals subjected to forced labour remain relatively isolated from wider society; they are paid low wages below the legal minimum and therefore remain at a level of poverty that limits people's options; and they may be subject to forms of abuse if they complain. To give up their work might also mean being forced to move home, or even away from the area, and their legal status might also mean that they would only be able to take other work in the black economy and thus be susceptible to abuse and exploitation by another employer. Individuals can become caught in a cycle of exploitation that only serves to reinforce a sense of isolation and vulnerability.

We found some evidence that, where present, community-based networks, which are able to provide support, advice and information to fellow nationals, were important resources for people who were being exploited. Such networks could be vital in providing information about ways for migrants to exit their situation, to challenge employers, to raise awareness of legal standards and to signpost opportunities for assistance.

Supporting victims

If people do act to escape their situation they are often left with limited options. The system does not provide much in the way of support for people subjected to forced labour. People of some nationalities are reluctant to report their exploitation to the police due to negative experiences of policing in their home country. Criminal investigations or formal complaints to the industrial tribunal system are slow and unpredictable in their outcomes, and the individual may receive little in the way of help or support while

the process is under way. Informal approaches through the trade unions have had some success, but too often the employer may ignore their approaches with an air of impunity. Otherwise migrants can choose to go home, although without the money they had left home to earn; or to work in an undocumented status, and remain vulnerable to discovery, denunciation and deportation.

The research identified issues associated with forced labour in numerous employment sectors across Northern Ireland affecting a wide range of people. However, beyond a small number of individuals who are professionally engaged with the victims of such forms of exploitation and coercion, there appears to be a limited understanding of the issue of forced labour and limited awareness of the nature of the problem in Northern Ireland. The Northern Ireland Committee of the Irish Congress of Trade Unions has a migrant support worker who has been assisting people who have been exploited through forced labour, UNISON has also been doing work with recent migrants, and a variety of community-based groups also provide advice and support to migrants who have been exploited. But none is specifically focused on forced labour. The Police Service of Northern Ireland has been involved in investigating some activities involving labour exploitation through their Organised Crime Branch, but this work is primarily focused on criminal gangs and human trafficking rather than forced labour. Other organisations such as the Human Rights Commission and the Equality Commission have also worked on related issues such as human trafficking, immigration controls and the work of recruitment agencies. But again the specific issue of forced labour has received little attention to date.

Holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour has been a specific criminal offence since April 2010. It will obviously take time until cases are investigated and taken to court and the problem begins to be addressed through the criminal justice system.²⁵ In the meantime emphasis should be placed on raising awareness of the issue, identifying further examples of coercive and exploitative employment practices and providing support, advice and assistance to people who have been, and continue to be, subjected to forms of forced labour.

Conclusion

Undertaking research into forced labour has proved challenging and it has been difficult to gather a substantial body of evidence of the scale of the problem. Many people we spoke to were aware that there was an issue of severe exploitation of some migrants, but identifying people who were willing to talk about their experiences has been extremely difficult. The research has been able to highlight a relatively small number of case studies, but we have also identified problems of forced labour and the exploitation of migrants in a number of employment sectors, in a variety of geographical locations and among a range of minority ethnic communities. The research has also identified that the exploitation of migrants is done both by Northern Irish employers as well as by members of the victims' own community. The exploitation of migrant workers through forced labour may appear to be a relatively minor issue at present, but that makes it all the more important to address the issue with some urgency, rather than to wait until it becomes a more extensive and widespread problem.

Recommendations

For the UK Government

- The remit of the Gangmasters Licensing Authority should be extended to include all forms of labour providers, not just those involved in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.

For the Northern Ireland Executive

- The research on forced labour in Northern Ireland should be considered in conjunction with the recommendations contained in the 2010 report by the Anti-Trafficking Monitoring Group in order to ensure there is a co-ordinated and effective response to both trafficking and forced labour (see Appendix I).

For the Office of the First Minister and Deputy First Minister (OFMDFM)

- This research has offered anecdotal evidence of labour exploitation and forced labour within a number of minority ethnic communities, although it proved difficult to gather direct evidence. OFMDFM should raise the issue with the various representative groups from the minority ethnic sector through the Race Equality Forum in order to begin to identify a strategy to address matters of exploitation and forced labour.
- The research has also highlighted the role that community groups can play in providing support, advice and information and thereby reduce the scale of exploitation of new migrants. OFMDFM should review its funding strategy to ensure that issues of forced labour are included within their priorities.

For the Department for Employment and Learning (DEL)

- DEL should set up a working group, or perhaps request the current Enforcement of Rights working group, to follow up the issues associated with forced labour raised in this report. DEL should identify the key partners from the statutory, community and voluntary sectors to participate in the working group and develop a strategy to begin to respond to the issue of forced labour.
- DEL should liaise with the Office of the First Minister and Deputy First Minister about organising and supporting a campaign to raise awareness of forced labour. This should draw on a broad range of key stakeholders in a similar fashion to the Unite Against Hate campaign and the Blue Blindfold anti-trafficking campaign.
- DEL should also bring together the relevant bodies with responsibility for regulating and inspecting workplaces, including the trade unions, to draw up a plan of action to investigate forced labour practices across all employment sectors in Northern Ireland.
- DEL should fund an organisation from the community and voluntary sector to act as the primary point of contact for anyone reporting cases of forced labour. The funded organisation should also serve as the primary contact between individuals who have experienced forced labour and the governmental and statutory sector.
- DEL should review the issue of access to industrial tribunals for people who have been victims of forced labour in order to try to identify a way of ensuring that they have an effective means of redress.
- Migrant workers who become undocumented as a result of being subjected to forced labour practices should be given support to re-secure their legitimate working status. The model might be similar to the four-month temporary residence permission or Bridging Visa scheme introduced in the Republic of Ireland in 2009.²⁶

For Belfast City Council

- The Migrant Workers Forum convened by the Belfast City Council Good Relations Unit should monitor issues related to the exploitation of migrant workers through forced labour in the Belfast area and should consider how the existing support, information and advice being provided to all migrant workers might be refocused to include issues associated with forced labour.

For the trade unions

- The Northern Ireland Committee of the Irish Congress of Trade Unions (NIC-ICTU) has been prominent in providing support and assistance to victims of forced labour. This programme of work needs to continue and needs the active involvement of other sections of the trade union movement.
- The NIC-ICTU should convene a working group within the trade union movement in Northern Ireland to raise awareness of forced labour issues and develop a programme of action to respond to the problem.

For the business community

- It is important that forced labour issues are highlighted among employers and within the business community. In recent years Business in the Community has been prominent in encouraging good practice among employers of new migrants and the organisation should be encouraged to raise awareness of the issue of forced labour in partnership with the government and trade unions.

Recommendations on issues highlighted in this report

Forced labour in the mushroom industry

- The full project report on forced labour in the mushroom industry suggests a number of ways in which labour practices could be improved (see Appendix II). DEL should take a lead in responding to the findings in this research and in initiating changes to improve working conditions.

Forced labour in the fishing industry

- The 2008 International Transport Workers' Federation report made a number of recommendations in response to forced labour in the fishing industry (see Appendix III). DEL should review these recommendations and ensure they are acted upon.

Filipino community

- We identified a number of issues associated with vulnerability and exploitation among members of the Filipino community in Northern Ireland, some of which relate to problems in Northern Ireland and some of which originate in the Philippines. One area in which support for Filipinos in Northern Ireland could be strengthened is in the provision of formal local consular support.
- We also noted that the NIC-ICTU had been actively engaged in supporting exploited Filipino workers and that Filipinos appear to be keen to participate in trade union activities. We would encourage the NIC-ICTU to develop and extend their outreach work with the Filipino community.

Roma community

- The Romanian Roma community remains the most marginalised section of the migrant population of Northern Ireland. There are a number of initiatives emerging that aim to provide information, advice and support for the Roma community. OFMDFM should convene a working group from among those groups already working on Roma issues and should ensure that issues associated with labour exploitation are included within its remit.

Notes

- 1 A Belfast-based project which focuses on working with the long-term unemployed and economically inactive. In recent years GEMS NI has provided extensive support for new migrants.
- 2 A Belfast-based support project for Irish Travellers.
- 3 Morecambe Bay was not the first tragedy involving migrant workers in the UK. In Dover in the year 2000, 58 migrants were asphyxiated in the back of a lorry while being trafficked into the UK from Belgium for labour purposes. See the BBC News story '58 dead in port lorry'. Published 19 June 2000. Available at <http://news.bbc.co.uk/1/hi/uk/796791.stm> [accessed 5 May 2011].
- 4 Updates to this legislation included the Conduct of Employment Agencies and Employment Businesses Regulations (NI) 2005, and the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (NI) 2008.
- 5 See <http://www.legislation.gov.uk/nisi/2005/3424/contents>
- 6 ICR also found cases of migrants being charged inappropriately for services. The report also identified an issue relating to the transferability of skills/qualifications and work experience (Toucas and Martynowicz, 2008: p. 49).
- 7 The Chinese community is one of the largest minority ethnic groups in Northern Ireland, with an estimated 8,000 people living mostly in Belfast, Craigavon, Lisburn, Newtownabbey, North Down and Ballymena.
- 8 All individuals in case studies have been given pseudonyms.
- 9 Lee's death was subsequently investigated and the findings published by the Prisoner Ombudsman for Northern Ireland (2010).
- 10 See discussion at <http://allnurses.com/philippine-nursing-forum/international-student-advisors-328025.html>
- 11 See <http://www.kalayaan.org.uk/>

See also <http://www.telegraph.co.uk/news/uknews/immigration/7970416/Foreign-diplomats-abusing-immunity-to-keep-domestic-slaves-in-Britain.html>
- 12 From the Agricultural and Horticultural Survey, June 2009, courtesy of the Farm Surveys Branch, Department of Agriculture and Rural Development.
- 13 Accession Worker Card.
- 14 Registration card.

- 15 See <http://www.dardni.gov.uk/dard-eff-investment-plan.pdf>; <http://www.dardni.gov.uk/dard-eff-investment-plan.pdf>; <http://www.belfasttelegraph.co.uk/news/politics/fishing-industry-needs-government-help-says-sdlp-15020187.html>; http://www.niassembly.gov.uk/record/committees2009/OFMDFM/100414_EuropeanIssues.htm; <http://www.marinemanagement.org.uk/fisheries/statistics/annual2009.htm>
- 16 It is worth noting that the Philippines Government encourages overseas employment and has adopted a relatively active policy to protect its workforce abroad, which is estimated at some 6 million people working in 140 countries. The Philippines Government also enacted the Migrant Workers and Overseas Filipino Act of 1995 to protect the interests and promote the welfare of Filipinos abroad.
- 17 It is worth noting that this incident received considerable coverage in the Filipino media; see, for example, <http://globalnation.inquirer.net/news/breakingnews/view/20080504-134499/11-seamen-who-fled-from-abuse-in-Ireland-repatriated>
- See also <http://www.allvoices.com/s/event1992603/aHR0cDovL3d3dy5nbWFuZXdzLnR2L3N0b3J5LzEzODgyOS9JcmIzaC10cmV2ZWZsLWFidXNILW9mLUZpbGlwaW5vLWZpc2hlcm1lbg>
- 18 See <http://www.abs-cbnnews.com/pinoy-migration/03/10/09/pinoy-fishermen-northern-ireland-appeal-work-permit>
- 19 See <http://www.abs-cbnnews.com/pinoy-migration/03/10/09/pinoy-fishermen-northern-ireland-appeal-work-permit>
- 20 See <http://www.itfglobal.org/news-online/index.cfm/newsdetail/4260/region/1/section/0/order/1>
- 21 See <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/was-mystery-man-killed-by-fumes-living-in-a-shed-15014166.html>
- 22 The International Steering Committee (ISC) constitutes the highest decision-making and co-ordinating body in the pan-European initiative 'The Decade of Roma Inclusion', which aims to channel the efforts of governments, as well as inter-governmental organisations, to eradicate racial discrimination and bring about tangible improvement in the plight of the Roma (UN, 2007).
- 23 See http://news.bbc.co.uk/1/hi/northern_ireland/8100501.stm
- See also http://news.bbc.co.uk/1/hi/northern_ireland/8114234.stm
- 24 The ILO's Private Employment Agencies Convention 1997 (No. 181) establishes the basic principle that private employment agencies shall not charge directly or indirectly, in whole or in any part, any fees or pass on any costs to the workers (ILO, 2009: para 107).
- 25 See the various briefs and guidance on the new law produced by the Ministry of Justice, the CPS and the GLA: <http://www.justice.gov.uk/guidance/docs/slavery-and-Servitude.pdf>; <http://www.justice.gov.uk/publications/docs/circular-07-2010-coroners-justice-act-section-71.pdf>; http://www.cps.gov.uk/legal/s_to_u/slavery_servitude_and_forced_or_compulsory_labour/; http://www.gla.gov.uk/embedded_object.asp?id=1013753
- 26 See <http://www.mrci.ie/Bridging-Visa-Campaign/>

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Appendix I: Recommendations on trafficking

Recommendations for the NIO and NI Executive as set out in the report by the Anti-Trafficking Monitoring Group (2010: pp. 104–105):

- 1 The establishment of an ALL Northern Ireland Human Trafficking Group across devolved and non-devolved, statutory and non-statutory agencies to develop an integrated approach to human trafficking in the province, especially in terms of victim support.
- 2 The appointment as First Responders of NGOs with expertise and experience in working with trafficked persons in Northern Ireland.
- 3 The establishment of a localised National Referral Mechanism in Northern Ireland and a local infrastructure of support in accordance with the obligations of the Convention.
- 4 The development of documentation available in different languages for statutory and non-statutory agencies to provide to presumed trafficked persons in Northern Ireland.
- 5 The Public Prosecution Service should provide guidance on human trafficking for all prosecutors in Northern Ireland in order to improve the level of convictions in Northern Ireland. It should also provide guidance on the non-criminalisation of trafficked persons who may have committed offences during their trafficking, especially related to cannabis cultivation offences, immigration and soliciting or procuring offences.
- 6 The establishment of an information sharing protocol across devolved and non-devolved government departments in order to collect and publish relevant data on the extent of human trafficking in Northern Ireland, the number of persons identified as presumed trafficked persons (initially and also as a result of both 'reasonable grounds' and conclusive decisions) and the number of traffickers arrested, charged and successfully prosecuted under trafficking and trafficking-related offences.
- 7 The appointment of a specific individual to have 'lead' responsibility on the issue of human trafficking in all relevant devolved and non-devolved government departments as well as other non-statutory agencies in Northern Ireland.
- 8 An evaluation of the impact of the Blue Blindfold campaign that would be made public in 2011 and that would involve more than a register of the number of hits or calls to particular web pages or services.
- 9 An evaluation in 2011 of the training packages available to frontline practitioners and officers developed by the Department of Health, Social Services and Public Safety and the Police Service in Northern Ireland and of the effectiveness of the arrangements for the support of child and adult trafficked victims.
- 10 To continue to ensure that guidance about the support to be provided to trafficked persons is developed by the Department of Health, Social Services and Public Safety, and is issued and disseminated adequately, including guidance focusing on trafficked children.

Appendix II: Recommendations for the mushroom industry

The situation in the mushroom industry in the Republic of Ireland was similar to that in Northern Ireland until relatively recently. Partial remedy was found in community groups, unions and employers working together to alleviate the problems and to standardise working practices across the industry at a reasonable level. A similar approach would pay dividends in Northern Ireland, harmonise standards across the island of Ireland and set a model for use elsewhere in the United Kingdom. Such a multi-agency approach is in the interests of: employers, because it safeguards the reputation of those who have good working practices; unions, who have an opportunity to organise in the industry; workers, who would benefit from improved conditions and opportunities; the industry in general, which would retain a reputation for ethical practice.

The following are suggested ways forward for the mushroom industry in Northern Ireland:

- 1 A co-ordinated multi-agency approach to setting standards and protecting workers, including workers themselves, employers, community-based support groups, trade unions, Equality Commission for Northern Ireland, Gangmasters Licensing Authority and the relevant government departments (Office of the First Minister and Deputy First Minister, Department for Employment and Learning and Department of Agriculture and Rural Development).
- 2 An agreed set of standards to be implemented throughout the mushroom industry in Northern Ireland in the form of a code of conduct, which is available to employers and employees in all relevant languages.
- 3 Organisation of the workers themselves to protect their own rights, negotiate with employers, discuss and disseminate employment rights and standards, and to seek redress.
- 4 Greater scrutiny of conditions of work on individual farms by suppliers.
- 5 Greater scrutiny of mushroom producers by retailers to ensure that ethical employment practices are being implemented, such as regular ethical audits and site visits.
- 6 Greater scrutiny and enforcement of standards of employment agencies in Northern Ireland to identify and address abuses.

Appendix III: Recommendations for the fishing industry

Recommendations in the International Transport Workers' Federation report on migrant workers in the British and Irish fishing industry:

- 1 Review the application and procedures for 'Work Permit and/or Transit Visas' for non-EEA migrant fishing crews.
- 2 Explore and report on the labour supply and training difficulties faced by the 'Demersal' fishing industry with regard to the apparent necessity to employ non-EEA migrant workers.
- 3 Where necessary and/or appropriate to employ non-EEA nationals as fishermen they should be protected against abuse and exploitation and given the full rights afforded to a migrant worker within the current 'Work Permit Regime'.
- 4 Identify and expose vessel owners and crewing agencies which are involved in the exploitation and humiliation of migrant workers and who fail to comply with Human Rights Treaties and Conventions adopted by the ILO/UN organisations.
- 5 Develop minimum standards of wages and conditions of employment based on the EU Free-Movement of Labour principles including the application of internationally recognised wages and conditions of employment for seafarers.
- 6 Develop structures and mechanisms which will secure the fullest support of the Maritime Authorities to be more responsible for fishing vessel inspection and to provide and enforce appropriate health and safety and fishing crew training.
- 7 Promote the ratification of 'ILO Work in Fishing Convention No. 188/2007' and implement the Convention into national law.

To this end the 'ITF Global Fishing Section' is offering to facilitate a meeting between all stakeholders with a view to delivering a safe, sustainable and responsible Demersal Fishing Industry in the UK and Ireland.

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