

Experiences of forced labour among Chinese migrant workers

Findings
Informing change

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This study investigates experiences of forced labour among low-skilled Chinese migrant workers in the UK. It highlights the extent of exploitation at work, examines what makes workers vulnerable to forced labour, and considers the complex relationships between migration, work and family.

Key points

- Exploitation was widespread, and all the migrant workers received very low levels of pay. Employers flouted immigration and employment regulations to make use of cheap, flexible labour.
- Most migrants were working with irregular immigration status, which caused them considerable anxiety. Their understanding of the immigration system was poor, and made worse by misinformation and low levels of English language ability.
- Despite this, workers' vulnerability and the degree to which they were able to exercise control over their lives and leave exploitative working conditions fluctuated over time.
- Families were sources both of support and of pressure to keep earning. Consideration of the role played by the family was an important aspect of understanding workers' experiences.
- Economic and social conditions in China and the UK formed an important backdrop to the complex decisions workers made about their lives. They balanced bleak prospects at home with perceived opportunities in the UK to improve their families' living conditions, at the same time meeting employers' demands for cheap, unskilled labour.
- The authors conclude that government, business regulators, trade unions, Chinese businesses and community organisations could take inter-related actions to improve conditions for Chinese migrant workers.

These include:

- ratifying international directives;
- enforcing business regulations;
- enhancing Chinese businesses' good employment practices;
- ensuring the accessibility of information on the UK immigration and asylum system; and
- improving local support for migrant workers.

The research

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Background

The economic boom and political conditions in China have led to considerable labour market churn and migration for work, internally and overseas. Increasing numbers of people from China are seeking to work in the UK. Most migrate with the aid of travel facilitators, incurring large debts. Many enter the UK irregularly or by claiming asylum, and lack understanding of the UK immigration system. They find work, largely in Chinese businesses, through word of mouth and end up working long hours in poor conditions for pay well below the minimum wage.

This study examined the experiences of 32 migrant Chinese workers, mostly working in Chinese catering and hospitality businesses. It also explored the role of family in their experiences, and what factors made them vulnerable to forced labour.

Forced labour

Forced labour is widely understood to be work that people have not offered to do voluntarily, and is extracted from them under threats or penalties. The existence of forced labour is defined by the presence of any two of the following indicators:

- threats or actual physical harm to the worker;
- restriction of movement and confinement;
- debt bondage;
- withholding of wages or excessive wage reductions;
- retention of passports and identity documents;
- threat of denunciation to the authorities.

Forced labour is the antithesis of decent work, which is characterised by employment that:

- is productive and secure;
- ensures respect for labour rights;
- provides adequate income;
- offers social protection;
- includes social dialogue, union freedom, collective bargaining and participation.

The gap between decent work and forced labour constitutes a 'continuum of exploitation'. For further detail, see: International Labour Organisation (2006) *Decent Work: Objectives and Strategies*; ILO (1930) *Convention Concerning Forced or Compulsory Labour* (available at: www.ilo.org/ilolex/cgi-lex/convde.pl?C029); and Skřivánková, K. (2010) *Between decent work and forced labour: examining the continuum of exploitation*, Joseph Rowntree Foundation.

Migration for work

Workers' main reason for travelling to the UK was to earn money to support their families. They made complex decisions, balancing their prospects at home with what they thought were opportunities in the UK.

In Fuqing a worker's salary was the second lowest in China. Only about ¥100 (£10) a month. But in the UK I could earn about ¥10,000 (£958) per month ... I only had one choice, which was to work abroad. (Man, 29, nine years in UK)

The presence of family and friends already in the UK, and the expectation of jobs being available, made it an attractive destination.

Migrants' travel and entry into the UK relied on the services of professional travel facilitators, sometimes known as 'snakeheads'. Travel agents also helped people to obtain visas. Travel facilitators' fees were between £9,500 and £28,700. Family and friends paid the fees when workers arrived in the UK, but workers then had to earn money to pay off these debts as soon as they could.

Status, lack of knowledge and misinformation

Entry to the UK included regular and irregular means, although the majority of workers interviewed for the study had irregular immigration status at that time. They achieved irregular status by overstaying entry visas or not completing their asylum applications. However, most of the workers had a very poor understanding of the immigration system and employment regulations. Several had been misled by their travel facilitators and were encouraged to claim asylum on arrival, in the belief that this was the authorised route to entry.

I was taken to a centre – I got caught because I did not get through customs. Snakeheads had told me to apply for asylum and we could make up a story ourselves. I didn't make up a good story and the immigration officer didn't believe it. So he wanted to send me back home or send me to another place. I was scared. (Woman, 36, four and a half years in UK)

The workers all talked of the strain caused by their irregular or undocumented status, which was a continual source of anxiety and pressure. The possibility of denunciation was ever present, although rarely experienced directly. This prevented workers from: complaining about working conditions lest they lose their job; opening bank accounts for safe storage of earnings; and achieving independence through authorised work and running their own businesses. It also contributed to a sense of rootlessness.

The workers had not been prepared in advance to live underground lives. They had anticipated being recognised for their work, contributing to the tax system and being able to move around and access facilities and services freely. They wanted to be visible and pay their taxes, and did not want to claim welfare benefits.

Workers' low levels of English language skills made negotiating the immigration system and the workplace difficult.

I can't do other types of work [here], only the cooking work because I don't know English and I don't have the legal status. (Man, 45, eight years in UK)

Working conditions and the trap of exploitative employment

Migrants found work easily, mostly in Chinese catering businesses, via word of mouth. Conditions were generally poor, with physically demanding work, long hours and payment well below the minimum wage. Typically, pay was £100–200 per week for a six-day week of 14-hour days. Workers received no holiday or sick pay. However, their irregular status meant that they had little choice but to put up with these conditions.

... as the general duties worker in the kitchen, the chef would bully me ... at the beginning I was very tired. I had to work 6.5 days. Only got half a day off. I can't remember how many hours I had to work. I had to work from 11.30am until 2pm. Then a break until 4pm. Then worked until around 11–12.30pm ... When they were not in a good mood they would say 'this one's not done well. That one is not either.' They would ask me to clean this and that. They intentionally made my life difficult. Also I couldn't speak Cantonese ... when I asked them to say again, they would start losing temper. (Woman, 26, five years in UK)

Until recently, as they gained experience, workers could change jobs easily for slightly increased pay or less physically demanding labour. However, enforcement of regulations governing migrants' employment has increased, and as a result work became more precarious. Workers lost their jobs as employers feared being fined for employing unauthorised labour, or were unable to leave exploitative work.

I became jobless recently. Because recently they arrested 'illegal' workers more frequently. People without work permit, the employers did not dare to employ. If they get caught the employers will also be in trouble. So the employer said, "because the police raids are frequent you can't continue working". (Man, 33, five years in UK)

Their irregular status meant that the workers had no access to employment tribunals and other means of challenging their working conditions.

Family pressures and support

The workers felt obligations to their families to pay back their debts and to enhance their families' status among their neighbours. The irregular status of the workers in the UK meant that they were unable to visit their families in China, but they did maintain contact with them.

After I paid the debts I was relaxed. I wanted my family to have a better life as my parents had suffered from hard life. They had suffered a lot mentally. I can only earn money here to compensate them. I still send money back. (Man, 40, 17 years in UK)

At the same time, families in China and the UK were supportive and gave the workers a sense of purpose.

When I was alone in the past, life was very boring and monotonous. After she had come, I got a wife and child and was happier. When I finished work I could go back home, spend time with my family ... On my day off we went out. (Man, 29, seven years in UK)

Concern for their children's wellbeing frequently underpinned workers' decisions to try to stay in the UK and not return to China.

They won't get to school if they go back to China because they were not born there. [Here] they still get education even if they don't have the legal status. (Woman, 32, seven years in UK)

Conclusion

The continuum of exploitation: from decent work to forced labour

Exploitation can be seen as a continuum, with decent work at one end and forced labour at the other. At different points in time, all the workers were vulnerable to a worsening situation, away from decent work and towards forced labour. The balance of vulnerability and protection factors determined their position on the continuum. The study found elements of forced labour and a range of factors that made workers vulnerable to further mistreatment. These factors were:

- obligations to and pressures from families;
- debt;
- low levels of education, skills and English language ability;
- an immigration system offering few work opportunities to low-skilled migrants;
- partial or misleading support and information about immigration, work and recognition in the UK;
- lack of information and support;
- provision and perpetuation of poor working conditions;
- raids on employers using 'illegal' low-skilled workers;
- the availability of low-paid work in Chinese businesses.

Forced labour exists within a wider social context wherein workers are influenced by economic and social circumstances, family and friends. However, employers are ultimately responsible for perpetuating the exploitation of migrant workers. Forced labour is not simply a concern about workplace and employment practices and economic policy: it is also a question of family practices and social policy.

Recommendations

A range of actions could improve conditions for Chinese migrant workers, including:

- Opting in to the EU (2009) *Directive Providing for Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-country Nationals*, and ratifying the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (United Nations High Commissioner for Refugees, 1990).
- Introducing incentives to enable confidential reporting of exploitative employment, and enforcing business regulations irrespective of workers' status.
- Identifying and enhancing good employment practices by Chinese businesses.
- Extending the remit of the Gangmasters Licensing Authority to include all forms of labour providers.

- Working with Chinese community associations to review and ensure the availability of accessible information about the UK immigration system, the meaning of asylum, employment rights and how to seek redress if these are breached. Information needs to be available at points of departure and entry, advice centres and locations frequented by Chinese workers (e.g. Chinatown areas), and through Chinese media.
- Trade unions and the voluntary sector working together to represent undocumented workers in Chinese catering businesses.
- Strengthening Chinese community associations and civil society organisations to better support migrant workers, including:
 - working with businesses to ensure that best employment practice is understood and used for all workers;
 - delivering advice and support services for migrant workers;
 - offering English language classes to migrant workers and their families;
 - developing services that link migrants with others from the community and with other communities, to enable more extensive social support.
- Working with Chinese authorities in migrants' districts of origin to identify and prosecute unscrupulous travel facilitators who promote wrong and misleading information about living and working in the UK.

About the project

This study was undertaken by the Research Institute for Health and Social Change at Manchester Metropolitan University in partnership with the Wai Yin Chinese Women Society, Manchester, and in collaboration with the Chinese Welfare Association in Belfast and the Chinese Migrant Network in London. The authors were Carolyn Kagan, Sandy Lo, Lisa Mok, Rebecca Lawthom, Sylvia Sham, Mark Greenwood and Sue Baines.

The research was carried out between September 2009 and February 2011. It drew on the experiences of 32 migrant Chinese workers, mostly in Chinese catering and hospitality businesses. It also considered the role played by family in workers' experiences, and what factors made workers vulnerable to forced labour, on a continuum of exploitation from decent work to forced labour.

For further information

The full report, **Experiences of forced labour among Chinese migrant workers** by Carolyn Kagan, Sandy Lo, Lisa Mok, Rebecca Lawthom, Sylvia Sham, Mark Greenwood and Sue Baines, is available as a free download at www.jrf.org.uk

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