

## FINDINGS

# EXPERIENCES OF FORCED LABOUR IN THE UK FOOD INDUSTRY

This research uncovered experiences of forced labour and exploitation in the food industry, drawing on in-depth interviews with 62 migrant workers (mainly Polish, Chinese, Latvian and Lithuanian) across five locations (London, Liverpool, South-West England, Lincolnshire and East-Central Scotland).

### Key points

- The most notable and unexpected forced labour practice was the 'underwork scam' – recruiting too many workers and then giving them just enough employment to meet their debt to the gangmaster.
- A significant proportion of interviewees paid fees to come to the UK and secure work, creating indebtedness and dependence.
- Workers were threatened and bullied. Racist or sexist language was sometimes used in the workplace, underpinning a climate of fear. Some employers used fear of dismissal to ensure that workers remained compliant and deferential.
- Productivity targets and workplace surveillance were excessive; workers felt they were treated like machines rather than people and given targets that were often impossible to meet.
- Informal employment brokers frequently provided workers with tied accommodation, which was often sub-standard; workers thus experienced exploitation at home as well as in the workplace. Losing their job might also mean losing their home.
- It is difficult to say whether the exploitation reported was severe enough to constitute forced labour, but the evidence indicated that employers were infringing many rights.
- Low-wage migrant workers appear especially vulnerable to forced labour, despite most of those interviewed having the right to live and work in the UK. The intensity of work in the food industry, driven by economic pressures throughout the supply chain, contributes to such exploitation.

### The research

By Sam Scott (University of Exeter), Gary Craig (Wilberforce Institute for the study of Slavery and Emancipation) and Alistair Geddes (University of Dundee)

# BACKGROUND

This study is part of JRF's forced labour programme. It aims to highlight the issue with new robust evidence on the extent of forced labour in the UK and interventions that might contribute to its eradication.

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Forced labour recently became a criminal offence via the 2009 Coroners and Justice Act (Section 71) in England, Wales and Northern Ireland, and the 2010 Criminal Justice and Licensing Act (Section 47) in Scotland.

The ILO (International Labour Organisation) defines forced labour as comprising of six core indicators: physical or sexual violence; restriction on movement; bonded labour; withholding of wages; retention of passports and identity documents; threat of denunciation to the authorities. However, for the purposes of this research – and reflecting the increasingly nuanced approach of others including the ILO – the researchers expanded this list to involve 19 forced labour indicators set out in the main report: <http://www.jrf.org.uk/publications/forced-labour-uk-food-industry>.

The indicators were used for two purposes. First, they provided a set of criteria for selecting and recruiting interviewees. Second, they allowed the team to look across the sample of 62 interviewees and establish the most/ least significant forms of forced labour.

## Conditions for forced labour

Four key factors created conditions for forced labour: migrant labour use; low-paid, demanding work; job flexibility; expendability.

The strong relationship between use of migrant labour and exploitation was particularly noteworthy. It derives from migrants' economic circumstances, limited English language ability, widespread use of tied housing, and reliance on gangmasters (often from their own community).

## Forced labour practices

The research identified 14 forced labour practices in the UK food industry, some examples of which are set out below (the full 14 are available in the main report); although individually insufficient to constitute forced labour, they rarely existed in isolation:

- *Upfront fees/debt bondage* – many migrants paid fees to labour market intermediaries to travel to the UK and secure work. This often indebted migrants and/or led them into exploitative work and housing.
- *Threats and bullying* – migrants often felt bullied and “treated like livestock” (Zhanna, 42, woman, Latvian). Being undervalued and treated as a commodity sometimes translated into racism and sexism. Polish workers in Scotland were called “F\*\*\*n Polish” (Henry, man, 30, Polish) by fellow UK workers; mainland Chinese in London were likened to “pigs” (Xiao Ping, woman, 34, Chinese) by their boss.
- *Disciplining through dismissal* – three very questionable forms of dismissal were: to avoid paying workers; if workers refused overtime; when workers became ill or pregnant. All created acute precariousness among migrants and acted as disciplining tools. One worker recalled the agency's reaction when she told them she was pregnant: “I ... spoke to him and he promised me that he will look for easy work for me. He gave me my last salary ... I asked them directly: ‘What shall I do now? Have you dismissed me? Do I need to look for another job?’... He replied: ‘No, no. Everything is fine. I am looking for another job for you’. They just could not tell me that they are dismissing me.” (Zinaida, woman, 24, Lithuanian)
- *Productivity targets and surveillance* – targets and monitoring gave interviewees little opportunity for social interaction at work. Pressure was intense: “It was completely crazy, rushing, shouting constantly ... they can stand behind your back with a stopwatch and see how many chickens you are packing per minute ... Here you are a robot, a machine.” (Izabela, woman, 44, Polish)
- *Overwork* – Chinese migrants worked particularly long hours in the Chinese catering sector. They appeared to have no life outside work; this also applied to farm workers in peak seasons.

- *Non-/under-payment of wages* – this was remarkably common, and migrants seemed unable to get back pay they were owed. A popular tactic was to deduct a few hours' pay each week: "The boss was very, very stingy. When I worked ten hours, he would note it down as six or seven hours. Always a few hours less ... Every week when the payday came, we had to argue with the boss ...". (Li Xia, man, 42, Chinese)
- *Underwork/indebtedness* – LMLs recruited even when work was scarce, because they charged workers fees for finding work, however limited, and/or for travel, accommodation and other bills. The more workers they had, the more charges they could levy; it could be in LMLs' interests to provide workers with just enough hours to pay these charges. This left migrants with no spare money to escape.
- *Deductions/charges* – gangmasters commonly charged for getting migrants work: "We paid X £250 each for providing work for us ... It was for the opportunity to work ... She did not request money straight away. We started to work, earned some money and then she demanded £250 from each person. If you do not pay, you would sit without work." (Nina, woman, 50, Lithuanian).
- *Documentation abuses* – some workers had their passports retained for 'safekeeping'; even more lacked in-work documentation such as contracts and payslips.
- *Tie-ins (work permits)* – while work permits do not in theory tie migrants to a single employer, they require an employer sponsor, making it difficult to change jobs. Employers' thus have a hold over workers which is open to abuse.
- *Tie-ins (accommodation)* – poor accommodation was often linked to exploitation. Interviewees talked of overcrowded (e.g. five people in one caravan), sub-standard, overpriced housing. "I was shocked ... the caravan is for 5 people ... One of the girls sleeps in the living room ...". (Victoria, woman, 21, Bulgarian)
- *Tie-ins (money)* – some employers kept workers' pay for 'safekeeping'; while arguably innocuous, this could tie workers to a firm.

## Impact on individuals

Forced labour and exploitation affected individuals in five main ways. Many migrants lived in both relative and absolute poverty. Their work experiences had shattered their perceptions of the UK. They had lost their spirit: they felt powerless, afraid of complaining and were acutely aware of how employers sanctioned those who did complain. Forced labour practices sometimes led directly to poor mental health: a number were depressed, miserable, withdrawn or apathetic. In a few cases, the intensity of work led to physical harm.

**Poverty:** "I was working but ending up without any money at all. Because by the time I've paid my petrol ... my bills ... my food all the money was gone!" (Weronikia, woman, 31, Polish)

**Broken dreams:** "My dreams did not come true ... I thought that I will earn a lot of money, but I did not." (Zhanna, woman, 42, Latvian)

**Powerlessness:** "We come here to ... make a living. It's about survival. Sometimes I come across difficulties and feel bullied and suppressed, but I put up with it, and it will pass. Feeling bullied or suppressed is normal and unavoidable ... There are no alternatives." (Ah Lin, man, 50, Chinese)

**Mental health:** "I was hating the alarm clock. When it was ringing ... and knew I had to go back there, I felt like the sky was falling on me, but I had ... no other choice. I needed money I needed work ... I didn't care anymore, I was at the point when you'd rather kill me than go back there ... I lost weight, I was ... sad all the time, tense and day-by-day you are being treated like the least nothing on earth." (Adriana, woman, 30, Romanian)

**Physical health:** "Everyone has got back pains. And you have to stand for eight hours next to a container with cold meat, so you can imagine how cold you are! Painkillers all the time because you would not be able to work ... cold takes a lot out of your body." (Izabela, woman, 44, Polish)

## Conclusions

The bottom of the UK labour market, despite protections, can be deeply unattractive and all-too-often exploitative. Work is tough, low-paid and insecure; many interviewees barely earned enough to survive. Fear and powerlessness were almost ubiquitous, with ample evidence of workers made to feel expendable and replaceable. Although none were actually coerced into work, this insecurity, allied with material deprivation, made it difficult to distinguish between free and unfree employment relationships.

Although workers have legal protection from exploitation, migrants appeared reluctant to seek justice through civil or criminal mechanisms. Resolving a grievance usually meant changing employer, accommodation and/or employment agency. This partly explains why so many interviewees put up with non-/under-payment of wages, excessive deductions and chronically long hours with insufficient breaks.

Migrant workers appear especially vulnerable to exploitation. Many have to accept marginal employment out of economic necessity. Their options are also limited by language ability. Newly arrived migrants often rely on gangmasters to find employment and accommodation, and here exploitation is common.

Exploitation differs in key ways by sector. In food production, conditions are shaped by the competitive pressures that large suppliers and their customers (retailers) place on employers. In minority ethnic catering, conditions are shaped by intense competition among outlets and cultural business practices. These conditions explain why low-paid, insecure, sometimes exploitative employment exists. Exploitation cannot be explained solely by isolated criminal employers or employment agencies.

Importantly, the study found that it is impossible to distinguish between exploitation and forced labour. Looking for forced labour involves seeking general exploitation, then making case-by-case judgements as to whether this is severe or frequent enough to constitute forced labour.

## Policy recommendations

- Continued government support for the Gangmasters Licensing Authority and possible strengthening of its powers.
- Large food retailers/suppliers continuing to address supply chain problems, including: avoiding staged interviews during audits; contracts to ensure that the minimum wage is always paid; ensuring that employment agencies are not exploiting workers; ensuring that all employers in a supply chain comply with the law on deductions for transport and accommodation.
- More focus on how migrant workers can more easily seek legal redress and compensation.
- Better access to English language provision, to help migrant workers to improve knowledge of their rights and be able to ask for help and advice.
- Resources for migrant organisations to provide support for vulnerable workers.
- Unions and labour inspectorates working with local authorities and sharing information to tackle poor-quality accommodation.
- Unions building on good practice to work with migrant organisations to support and organise workers.
- More action by HM Revenue and Customs to tackle minimum wage violations and exploitative employers not passing on PAYE and National Insurance.

## About the project

The research was based at the School for Policy Studies, University of Bristol, in partnership with the Wilberforce Institute (University of Hull) and the University of Dundee's Geography Department. Thirteen peer researchers (11 of whom actually carried out interviews) participated in the project. In total, 62 migrant workers were interviewed across five UK locations.

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## FOR FURTHER INFORMATION

The full report, **Experiences of forced labour in the UK food industry** by Sam Scott, Gary Craig and Alistair Geddes, is available as a free download at [www.jrf.org.uk](http://www.jrf.org.uk)

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Joseph Rowntree Foundation  
The Homestead  
40 Water End  
York YO30 6WP

Tel: 01904 615905  
email: [publications@jrf.org.uk](mailto:publications@jrf.org.uk)  
[www.jrf.org.uk](http://www.jrf.org.uk)  
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