Forced labour in Northern Ireland

Findings
Informing change

June 2011

This study explores the extent of forced labour among new migrants to Northern Ireland and outlines a number of recommendations for tackling the problem. It reviews the experiences of migrants working in a range of employment sectors who have experienced serious forms of exploitation, including some examples of forced labour.

Key points

- There were issues of severe exploitation and forced labour, including poor working conditions, low pay, restricted movements and verbal and physical abuse, among migrants working in the fishing, mushroom and catering industries and among Filipino and Romanian Roma migrants.
- However, exploitation through forced labour was not specifically linked to gender, age or nationality, but rather was associated with the vulnerability of the worker: a lack of English language skills, limited access to social networks, and a lack of local knowledge.
- The research found that people put up with working in very poor conditions and extreme levels of exploitation because it was better than the options available at home.
- An individual's immigration status may limit their options for escaping an exploitative working environment: some may be forced into working without valid visas, while others may simply swap one exploitative employer for another.
- Community-based support networks are important for exploited migrants and the availability of advice and information can help reduce the levels of exploitation.
- There is a need to raise awareness and understanding of the issue of forced labour among trade unions, employers' bodies and within key government departments in Northern Ireland, in order to develop a strategy to address the problem.

The research
By a team from the Institute for Conflict Research, South Tyrone Empowerment Programme, Multi-Cultural Resource Centre and Law Centre Northern Ireland.

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Background

The International Labour Organisation estimates that there are at least 12 million people subject to forced labour worldwide and has defined the problem as a form of extreme exploitation involving:

1. Threats or physical harm to the worker.
2. Restrictions on movement, or confinement to a workplace.
3. Debt bondage, where someone works to pay off a debt or loan incurred securing the employment.
4. Withholding wages or excessive wage reductions.
5. Retaining the worker's passport.
6. The threat of denunciation to the authorities.

Anti-Slavery International argued in its report *Trafficking for Forced Labour* (ASI, 2006) that if any one of these factors is present then the case should be investigated, while the presence of two or more indicators would be evidence of forced labour.

The British Government has recognised that forced labour is a problem within the United Kingdom. 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 in Northern Ireland, England and Wales on 6 April 2010. However, forced labour remains a poorly understood issue and has not been regarded as a significant problem in Northern Ireland.

This research, carried out between June 2009 and December 2010, is the first study to investigate the scale and extent of forced labour in Northern Ireland. It highlights a relatively small number of case studies, and identifies problems of forced labour and the exploitation of migrants in a variety of employment sectors, geographical locations and minority ethnic communities.

Three areas with most evidence of forced labour

The mushroom industry

Many of those employed in the mushroom industry were young Eastern European women, who had paid around €1,000 to an agency to be connected with an employer in Northern Ireland. They had little or no English and many were reliant on their employer to ensure their compliance with employment or immigration law. They worked an average of 50 hours per week, but would often be called in at short notice or expected to work longer shifts without warning:

> 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.

Workers were paid piece rate for picking mushrooms but would also be required to do unpaid tasks, which meant the average pay was below the minimum wage. They receive no sick pay or overtime rates.

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

Many said they would like to find other jobs, but their lack of English language skills prevented this, while living in isolated rural areas with no independent transport and poor public transport also limited their opportunities. Going home was not considered a realistic option as there was little work available, so the only alternative was to put up with the conditions as long as possible.

The fishing industry

The Northern Irish fishing industry is based around the ports of South Down, where some skippers have taken to recruiting mainly Filipino workers to crew their boats. Some workers were recruited in Manila where they were shown a picture of a large new fishing boat with proper sleeping accommodation. But they found themselves living in poor conditions, working long hours, being subjected to verbal and physical abuse and earning well below the minimum wage.

The trade unions, non-governmental organisations (NGOs) and members of the Catholic Church had helped some fishermen to get back their passports and some of the money they were owed, before aiding their return home. In addition, the British Government recently changed the visa regime in an attempt to close a legal loophole, but reports of abuse and exploitation continue to surface.

Roma community

Over the past few years a small Romanian Roma community has been established in Belfast. The Roma have limited rights to employment and have mainly found work selling newspapers on the street and working in car-washing businesses which have sprung up around the city.

> 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.

Many Roma arrived on the back of promises of work through social networks, although the work they ended up doing did not meet their needs or their expectations:

> You start eight till seven, always there, sometimes maybe seven days per week or maybe I was working one month with no time off.

> We get about eighty 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.

Some Roma also experienced very real threats, one man describing how his employer had physically assaulted and threatened to kill him when he said he was leaving his job.

The exploitation of Roma was perhaps the most visible form of forced labour encountered, but the social and economic marginalisation of the community and their limited trust in authority has made it difficult to begin to address their exploitation.

Exploitation and vulnerability

Migrants were exploited by Northern Irish employers as well as by members of their own community. In most cases the exploitation was based on the employees' vulnerability, with those with few local contacts, limited English and limited understanding of society and their legal rights most at risk.

Some interviewees were aware that they were being systematically exploited, but felt they had little choice but to continue working until they felt able to move on or were no longer able to accept the conditions.

For some, their legal status meant they could only take other work in the unofficial ('black') economy and so were susceptible to abuse and exploitation by another employer. Individuals could readily become caught in a cycle of exploitation that reinforced their isolation and vulnerability.

Unfortunately for many vulnerable migrants, low wages and poor conditions were considered acceptable simply because they were better than those in their home country.

Options for exploited migrant workers

If exploited people do act to escape their situation, they are often left with limited options due to a lack of support for people who have been subjected to forced labour.

Some nationalities remain 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 underway.

Informal approaches through the trade unions have had some success, but too often the employer will ignore such approaches. Alternatively, migrants can choose to go home, although without the money they came for; or they can choose to work without valid visas (undocumented status), and so remain vulnerable to discovery, denunciation and deportation.

Supporting victims and addressing forced labour

There was some evidence that community-based networks or organisations, providing support, advice and information to fellow nationals, were important resources for exploited people. Such networks could be vital in providing information about ways to escape their situation or to challenge employers, raising awareness of legal standards, and signposting opportunities for assistance. There were also signs that, as people from 'A8' countries (the eight Eastern European countries that joined the EU in 2004) had become more organised and better informed of their rights, there was a reduction in cases of extreme exploitation.

Some trade unions have projects offering advice and support for migrants, and a variety of community-based groups also help those who have been exploited. But none of these are specifically focused on forced labour. The Police Service of Northern Ireland (PSNI) have investigated 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 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.

Conclusion

Research into forced labour is challenging and it has been difficult to gather substantial evidence on the scale of the problem. Many interviewees were aware of some migrants' severe exploitation, but identifying people willing to talk about their experiences proved to be extremely difficult.

The study also highlighted that forced labour is just one end of a broader continuum of exploitative employment practices. The boundaries between what may be considered forced labour and what is simply exploitation or poor employment practices are sometimes blurred.

The exploitation of migrant workers for forced labour may appear to be a relatively minor issue at present, but it is vital that the issue is addressed, rather than waiting until it becomes a more extensive and widespread problem in Northern Ireland. It will take time before the new law has an impact and the problem of forced labour begins to be addressed through the criminal justice system. In the meantime, emphasis should be on raising awareness of the issue; identifying further examples of coercive and exploitative employment practices; and providing support, advice and assistance to people who are or have been subjected to forms of forced labour.

Recommendations

The research suggests actions that could improve identification of cases of forced labour and responses to the problem, including:

- Extending the remit of the Gangmasters' Licensing Authority to include all forms of labour providers.
- Increasing the capacity of the relevant inspectorates to regulate and inspect workplaces.
- Raising awareness of forced labour 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; and promoting a publicity campaign involving relevant stakeholders.
- Sustaining the work of organisations in the community, voluntary and trade union sectors to providing support and assistance to victims of forced labour.
- The Office of the First Minister and Deputy First Minister convening a working group of organisations already focusing on Roma issues and ensuring issues associated with labour exploitation are included within its remit.
- The Department of Employment and Learning leading on improvements in labour practices in the mushroom and fishing industries, as shown in detailed recommendations in this study's full report.

About the project

This research was carried out by the Institute for Conflict Research in partnership with the South Tyrone Empowerment Programme, the Law Centre (Northern Ireland), An Munia Tober/Multi-Cultural Resource Centre and Gems NI.

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The study involved interviews with a variety of people working for community organisations, trade unions, NGOs, and statutory agencies across Northern Ireland. The research team also carried out interviews with a number of people who had experienced forms of exploitation and forced labour.

For further information

The full report, **Forced labour in Northern Ireland: Exploiting vulnerability** by Les Allamby, John Bell, Jennifer Hamilton, Ulf Hansson, Neil Jarman, Michael Potter and Sorina Toma is available as a free download at www.jrf.org.uk

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